



**Statement of Legislative Intent Response, Section 3.2
Seattle Community Court Renewal and Expansion
November 2015**

3.2: The impact of Community Court on the use of judicial resources and jail

Executive Summary

Background

This report is in response to the Seattle City Council *Statement for Legislative Intent 131-1-A-1, Municipal Court: Renewal and Expansion of Community Court*, included in the 2014 Budget. An initial data report was provided in July of 2014 and included 6 months of data from January to June 2014, with both Outputs and Intermediate Outcomes from the Community Court Logic Model. Long Term Outcomes, which require a longer period of time to obtain, were not provided at that time.

Study Results

This study estimates that in 2014, the Community Court program achieved \$377,536 in jail savings. Staff salary costs to operate the program totaled \$330,612, which includes the addition of the Work Crew Supervisor, added in the 2014 budget. This equates to a **total 2014 net jail savings of approximately \$46,924**. In terms of judicial resources, the Community Court participants utilized a moderately greater amount of court time due to a higher number of hearings than the comparison group.

Other Program Benefits and Costs

Please note that this is not a true or complete cost / benefit analysis of the entire Community Court program. Many other *benefits* (value to the community), *costs* (indirect staff costs) and *savings* (potential public defense cost savings) were not analyzed. Since Community Court is considered an alternative to traditional court and provides defendants with a chance to have their charge(s) dismissed if their conditions are met, the effect is to keep defendants out of jail and participating in service to their community.

Methodology Used

To come up with this estimate, Seattle Municipal Court's Research, Planning, and Evaluation Group (RPEG) staff determined the amount of King County Correctional Facility (KCCF) bookings and jail days incurred by 150 Community Court defendants who opted into the program in 2014 and compared this figure to the amount of KCCF bookings and jail days incurred by a group of 150 defendants who had the same charges types and similar SMC criminal histories as the Community Court defendants, but who did not opt-in to Community Court on their 2014 case.

Final Report

Introduction

In an effort to measure the performance of Seattle Municipal's Community Court program, one of the Long Term Outcomes requested in the City Council's Statement of Legislative Intent included "the impact of Community Court on the use of judicial resources and jail". Since Community Court is considered an alternative to traditional court and provides defendants with a chance to have their charge(s) dismissed if their conditions, typically community service and contacts with human service providers, are met, the objective is to keep defendants out of jail and participating in service to their community. In the following pages, you will find an explanation of the methodology utilized and the results of this study.

Methodology

The methodology used for calculating the impact of Community Court on the use of judicial resources and jail was first used in 2012 to study Community Court jail savings for cases from 2011. The Research, Planning, and Evaluation Group (RPEG) continued to utilize the methodology outlined below:

Community Court Jail Savings Methodology

Step One: Randomly select 150 defendants with a 2014 Community Court case. Identify the charge type on each case and determine the number of previous SMC charges incurred by each defendant.

Step Two: Create a "Paired Control Group" of 150 defendants who had a SMC case in 2014 with the same charge type and the same amount of previous criminal history (*or as close as possible*) to each of the randomly selected 2014 Community Court defendants. Race, gender, and age were also matched as closely as possible between the two groups.

Step Three: For each defendant in both the Community Court Group and the Paired Control Group, determine: 1) the number of times the defendant was booked into KCCF on their 2014 case and 2) the total number of jail days the defendant spent in KCCF on this case. (This does not include jails other than King County facilities.)

Step Four: For both the Community Court Group and the Paired Control Group, find the total number of KCCF bookings and jail days all defendants accumulated on their 2014 cases.

Step Five: Calculate the *total accumulated jail costs* for each group, by applying the 2014 KCCF booking fee and daily maintenance fee to the total number of bookings and number of jail days accumulated for each group. Then divide each group's *total accumulated jail costs* by the number of defendants in each group to find the *average per defendant jail cost* for a Community Court defendant versus a comparable non-Community Court defendant.

Step Six: Calculate the difference in *average per defendant jail costs* between the two groups. Then multiply this difference by the number of defendants opting into Community Court in 2014 to determine total estimated jail savings. Finally, calculate total net Community Court estimated jail savings by subtracting out the direct program staff expenses from the estimated savings figure.

Methodology Limitations: While RPEG analysts believe using a "paired control group" approach is the best available method to estimate the amount of jail savings the Community Court program achieves, it does have significant limitations that should be noted. Because defendants are not randomly assigned to Community Court but rather they must be offered and subsequently choose to participate in the program, it is possible there are *importantly different* reasons why the 150 defendants in the Control

Group did not participate in Community Court. To the extent these reasons persist (which are not known), comparing the groups can be problematic. In the absence of a Community Court program utilizing random assignment of defendants, the only approach to mitigate the above limitation is to consider all the reasons why defendants in the Control Group did not participate in Community Court. These include:

- He/she believed they would receive more lenient sentence outside of Community Court
- He/she was ineligible for Community Court (*presumably either for past violent criminal history or they have already been unsuccessful in Community Court more than three times before*)
- He/she could not physically or simply did not want to complete the community service obligation
- He/she was never given an offer by City Attorney's Office
- He/she had multi-jurisdictional holds preventing Community Court participation

It is also worth noting that RPEG staff used a detailed approach to ensure defendants in the Community Court and Control Group were as similar as possible. These steps included:

- Matching defendants on 2014 charge type, previous criminal history, and demographics including age, gender, and race (or as close as possible)
- Removing all cases in the Control Group where the case was resolved as "no case filed" or where it was dismissed immediately at the arraignment hearing
- Removing all defendants in the Control Group who had subsequent Mental Health Court hearing(s)

The other limitation to calculating Community Court net jail savings in this analysis is that staff did not analyze jail utilization data on all 302 defendants in Community Court and match each of these defendants to a paired non-Community Court defendant. Because matching defendants and determining KCCF jail time are a manual, resource-intensive process, only a sample of defendants could be analyzed. However, from a statistical perspective 150 out of 302 (50%) of the entire Community Court defendant population is a very large sample and allows one to make stronger inferences about all 2014 Community Court defendants.

Results

Utilizing the methodology described above, *Table 1* provides demographic, criminal history, and 2014 charge data on the Community Court and Paired Control groups. *Table 2* contains hearing and warrant data based on the two groups' matching cases, as well as jail utilization information. *Table 3* calculates the 2014 estimated net jail savings.

Table 1

	Community Court Group	Paired Control Group
Demographics		
Number of defendants	150	150
Female	43 (29%)	37 (25%)
Male	107 (71%)	113 (75%)
Average age	39.5	38.4
Race breakdown: ¹		
Asian	14 (9%)	9 (6%)
Black	39 (26%)	44 (29%)
Native American	4 (3%)	2 (1%)
Unidentified	1 (1%)	1 (1%)
White	92 (61%)	94 (63%)
Interpreter required	10 (7%)	7 (5%)
Criminal History		
Total number of previous SMC charges acquired ²	929	935
Average number of previous SMC charges per defendant	6.19	6.23
Charge Type		
Theft	126	126
Criminal Trespass 1	12	12
Criminal Trespass 2	4	4
Other ³	8	8

¹ Lacking an ethnicity field in the Court’s MCIS database, Hispanics could be included in any of the above race categories.

² Because analysts utilized a “paired control group” methodology, the two groups should have an identical number of total previous SMC filings. The slight difference that exists in Table 1 between the two groups, (929 previous charges versus 935) stems from a small number of defendants with extensive criminal histories being paired to defendants who also had extensive but not exactly equal criminal history. (E.g. One Community Court defendant had 78 previous filings and was matched to a defendant with 73 previous filings). For each paired match in the samples, no Community Court defendant with less than 20 previous filings was matched to a control group defendant with a different number of previous filings. In addition, when there was a slight difference in previous filings, that difference in filings was never greater than 8% between the Community Court and Paired Defendant groups.

³ Other charge types include False Reporting, Carry Concealed/Unconcealed Weapon, Obstructing a Public Officer, and Prostitution – Loitering.

Table 2

	Community Court Group	Paired Control Group
Hearings and Warrants		
Total held hearings on case	753	646
Average held hearings per case	5.02	4.31
Total warranted hearings on case	150	120
Average warranted hearings per case	1.00	0.80
Average held & warranted hearings per case	6.02	5.11
Number of warrants issued on case	179	165
Number of warrants served on case	172	154
Number of warrants resulting in new KCCF booking	136	123
Percent of warrants served resulting in new booking	79.07%	79.87%
Jail Utilization		
Total number of days spent in KCCF on case	1,074	2,465
Average number of KCCF jail days per defendant	7.16	16.43
Median # of KCCF jail days per defendant	2.0	4.0
Total KCCF bookings on case	166	172
Average number of KCCF bookings on case per defendant	1.11	1.15

When estimating the use of judicial resources, comparing the number of hearings and warrants between the two groups is critical. The greater the number of held hearings on a case, the more judges' time and court resources are utilized. With more warrants issued, additional hearings will be scheduled when warrants are served, and the longer it takes before the case is closed. In this study, the Community Court Group had more held hearings than the Paired Control Group, with an average number of held hearings per case of 5.02 versus 4.31 hearings for the Control Group (see *Table 2*). Community Court defendants also had a higher number of warranted hearings, with an average number of warrants per case of 1.0 versus the Control Group's 0.8. It is important to note that the additional impact on judicial resources does not translate into direct costs at this time.

The biggest difference between the two groups in the jail utilization data above is the number of days spent in jail on their respective cases. Community Court defendants spent a total of 1,074 days in KCCF while the Paired Control Group had over twice as many jail days with 2,465 days in KCCF. The number of total King County jail bookings were similar, as well as the percent of warrants resulting in a new booking. By utilizing the average per defendant booking and jail utilization data above, *Table 3* provides the estimated 2014 Community Court net jail savings calculation.

Table 3

	Community Court Group	Paired Control Group
<i>2014 one-time KCCF booking fee</i>	\$101.66	\$101.66
Average per defendant bookings on 2014 case	1.11	1.15
Average per defendant costs due to bookings on 2014 case	\$112.50	\$116.57
<i>2014 daily maintenance cost of 1 night at KCCF</i>	\$134.37	\$134.37
Average days spend in KCCF on 2014 case	7.16	16.43
Average per defendant cost due to days in jail on 2014 case	\$962.09	\$2,208.15
Average per defendant total jail costs on 2014 case	\$1,074.59	\$2,324.72
Average per defendant difference in total jail costs	(\$1,250.12)	
Apply the per defendant jail cost difference to the entire 2014 program population:		
Number of 2014 Community Court Opt-ins	302	
Average per defendant jail savings from Community Court	\$1,250.12	
Total estimated 2014 savings produced by Community Court	\$377,536.24	
2014 Community Court program expenses (staff salaries)	\$330,612.40	
2014 estimated Community Court net jail savings	\$46,923.84	

The average amount of total jail costs incurred by a Community Court defendant in 2014 was \$1,075 versus an average of \$2,325 incurred by Control Group defendants with the same charges and criminal histories. Thus, it appears Community Court saves an estimated \$1,250 per defendant in KCCF jail expenses. Applying the \$1,250 figure to the total number of defendants who opted-into Community Court in 2014 (302 defendants) suggests that the program saved \$377,536 in total 2014 jail expenses. After factoring in 2014 program expenses attributable to direct program staff, **the Community Court program saved the City \$46,924** compared to the Paired Control Group.

Please note that this is not a true or complete cost / benefit analysis of the entire Community Court program. Many other *benefits* (i.e. value to the community), *costs* (i.e. indirect staff costs) and *savings* (i.e. potential public defense cost savings) are not analyzed above. This is strictly a comparison of estimated jail savings to current direct program staff salary costs.

Conclusion

Based on the average jail savings identified in this study, Community Court appears to create significant savings to the City in jail cost avoidance. In addition, the positions that the City Council funded specifically for Community Court are more than covered by those savings. Although the cost of judicial resources looks to be moderately higher for Community Court defendants due to the greater number of held and warranted hearings, it is important to note that spending more time in front of a judge will provide additional time to address defendants’ underlying needs and help get to the root cause of the offense. In addition, the structure of Community Court is such that defendants have hearings that a

defendant going through the normal track would not have – such as a review hearing to ascertain whether the participant has met the agreed upon conditions.