



UPDATE
Statement of Legislative Intent Response
Seattle Municipal Community Court Renewal and Expansion
November 2015

The following is an updated report in response to the Statement for Legislative Intent for Seattle Municipal's Community Court program in the 2014 Budget. Information and data will be presented regarding the current operations of Community Court, while also providing an opportunity for the City Council to learn more about what this specialty court offers to defendants and the community.

Program Philosophy

Seattle Municipal Court, the City Attorney's Office, and Associated Counsel for the Accused created the Seattle Community Court (SCC) in 2005 to help transform the way people think about chronic criminal behavior—not just as cases to be processed, but as problems to be resolved and relationships to be developed and maintained. Non-violent misdemeanor offenders who enter the Community Court program can help themselves through accessing social service providers while completing supervised community service projects to improve neighborhoods rather than spending time in jail. Defendant connections with social service providers are designed to help address the root causes of underlying repeated criminal behavior. Community service projects repair the harm done to the community through visible work and the forming of community partnerships.

Program Structure

The Seattle City Attorney's Office screens defendants for eligibility to Community Court when the case is filed. To be eligible, a defendant must have committed an eligible crime (such as theft or criminal trespass), must not present a current public safety risk, and must not have more than three prior Community Court adjudications.

Once a defendant agrees to accept the City's offer, a variety of court orders must be successfully completed. Typically, a defendant must connect with social service agencies and complete two days of community service. In some cases, defendants are required to complete a self-awareness class, where students discuss the consequences of choices they make on themselves and the community. Defendants are monitored by Probation Counselors as they work toward complying with the Court orders. Once a Community Court participant has successfully completed their obligations to the Court, their case is dismissed.

The attached Seattle Community Court Logic Model (Attachment A) shows how the above activities result in the desired program outcomes. Using the logic model, the Court can track

outputs and outcomes to see if the program is having the desired impact on defendants and the community.

Community Court 2.0

In 2013, the SCC Executive Committee comprised of representatives from the Court, City Attorney's Office, and Associated Counsel for the Accused, completed a year-long study and recommended a re-tooling of the Community Court program to address areas that needed improvement. The main changes were:

- Extending court jurisdiction (the amount of time the Court has to oversee orders) on some cases up to six months (from two weeks) to allow time for more individual attention and case management from the Court's Probation Unit;
- Tailoring sanctions, such as community service and/or treatment to address individual needs, as well as any non-compliance with court orders; and
- Expanding the eligibility criteria for the program to include more case types, such as greater theft amounts, and relax the strict exclusion of defendants with assault history.

The SCC Executive Committee's core structural components for the 2.0 model are:

- **Immediacy:** Support intended to curtail or eliminate criminal behavior is more effective the closer the adjudication is to the arrest. SCC is designed to have defendants enter within a few days of their arraignment and work through their sanctions quickly.
- **Court engagement:** Most court defendants have previously fallen through the cracks or gone through the criminal court process "unseen." SCC operates differently. The defendant is expected to be "seen" and "heard" so support can be tailored to meet the defendant's particular needs. The interaction between the SCC judge and the defendant is fundamental to a defendant's success.
- **Accountability:** The Court discourages excuses and rationalizations for non-compliance but will take into consideration reasonable attempts to comply.
- **Problem-Solving Focus:** Direct problem-solving is accomplished through a comprehensive assessment and guided Probation process which allows Probation to assist the defendant in meeting his or her social service goals.
- **Coalition building:** Partnerships are created through visible, community-based service projects and with members of the Community Advisory Board.
- **Collaboration:** Effective collaboration must exist between the City, Defense, Probation, and the Court for SCC to meet its stated goals. The creation of a structure to resolve conflicts will support all parties.

As part of the program rework, the Court added a new staff member to the Community Court Probation team included in the 2014 budget. A full-time Work Crew Supervisor was hired in May 2014 to transport defendants to community service and to oversee the work being performed. This new position has provided the two Community Court probation counselors with more time to conduct intensive assessments and management of defendants with the extension of jurisdiction from two weeks to up to six months. In addition, the position also allows the Court to conduct community service on Saturdays, which was not previously offered.

The Work Crew Supervisor position has supported the development of a partnership with Seattle Public Utilities (SPU) for a graffiti abatement program and for trash can maintenance. The graffiti abatement program involves SPU sending a list to the Community Court Work Crew Supervisor that indicates areas within the City limits that have either requested or been cited for failure to address graffiti on their property. The Community Court Crew then receives paint and supplies from SPU and supervises the defendants as they paint over the targeted graffiti areas. In the fall of 2014, SCC entered into a partnership with SPU to provide supplemental maintenance for the City’s more than one thousand street-side litter and recycling canisters. SPU currently contracts for this service through private vendors, but Community Court helps provide additional support in high pedestrian areas to help keep litter off of sidewalks. To date, Community Court defendants have serviced over five hundred cans. The goal is for these examples of restorative justice to continue and expand over time.

Requested SCC Data

In an effort to measure the performance of the Community Court program, the following data elements were requested in the Statement for Legislative Intent. The data provided below includes January 2014 to September 2015 broken out by quarter.

1—Outputs

1.1: The number of Community Court offers made to defendants by the City Attorney, by kind of offense:

Q1 2014: 229 Q1 2015: 189
 Q2 2014: 318 Q2 2015: 212
 Q3 2014: 178 Q3 2015: 224
 Q4 2014: 204

Type of Offense	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015
Theft	146	235	140	171	155	167	145
Criminal trespass - 1st degree (building)	29	33	19	11	11	14	23
Prostitution	4	10	7	1	6	5	11
Criminal trespass - 2nd degree (premises)	7	7	1	4	6	3	9
False reporting	13	9	2	6	2	5	6
Carry concealed/unconcealed weapon on person	8	7	3	2	4	2	5
Obstructing a public officer	1	7	0	0	2	1	4
Sell/purchase/possess dangerous knife/deadly weapon	0	1	1	0	0	1	3
Trespass in parks (exclusion notice 12.12.278)	1	0	0	0	0	0	3
Criminal attempt	2	1	1	3	2	1	2
Enter, remain in park	4	0	1	0	0	2	2
Minor in possession of alcohol (under age 21)	4	0	0	1	1	1	2
Pedestrian interference	0	1	1	0	0	2	2

Receiving stolen property	4	3	0	2	0	1	2
Failure to respond	0	0	0	1	0	1	1
Possession of prohibited substances	0	0	0	0	0	0	1
Prostitution - loitering	3	0	2	0	0	0	1
Unlawful use of weapons	0	0	0	0	0	4	1
Vehicle prowling	0	0	0	0	0	0	1
Assault	1	0	0	0	0	0	0
Burglary or auto theft tools	1	0	0	1	0	0	0
Entering park/public area posted no admittance	0	1	0	0	0	2	0
False statement	0	1	0	0	0	0	0
Property destruction	1	1	0	1	0	0	0
Use of weapon	0	1	0	0	0	0	0
Total	229	318	178	204	189	212	224

The inconsistency of the data on the number of offers made throughout 2014 is due to the City Attorney's Office being unable to provide data after quarter 2 of 2014. The Community Court's Management Systems Analyst (MSA) provided the data for the following quarters. The MSA numbers are lower because they do not include all eligible cases and only track cases where defendants have been arraigned and are scheduled for a Community Court hearing.

1.2: The number of Community Court agreements signed by defendants, by kind of offense:

Q1 2014: 70 Q1 2015: 92
Q2 2014: 70 Q2 2015: 86
Q3 2014: 83 Q3 2015: 92
Q4 2014: 79

Type of Offense	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015
Theft	54	65	67	69	79	72	61
Criminal trespass - 1st degree (building)	7	6	10	4	5	9	12
Prostitution	1	0	5	0	2	3	9
Obstructing a public officer	2	2	2	1	0	1	3
False reporting	5	0	3	4	1	0	3
Criminal trespass - 2nd degree (premises)	3	1	0	1	3	1	3
Sell/purchase/possess dangerous knife/deadly weapon	1	1	1	0	0	0	2
Criminal attempt	0	1	0	1	1	1	2
Carry concealed/unconcealed weapon on person	5	1	0	0	1	1	2
Minor in possession of alcohol (under age 21)	2	1	1	0	1	0	1
Failure to sign/appear/respond to civil infraction	0	0	0	0	0	0	1
Enter, remain in park	1	0	0	0	0	0	1
Receiving stolen property	0	1	0	1	0	0	0
Prostitution - loitering	0	1	2	0	0	0	0
Property destruction	1	0	0	0	0	0	0

Pedestrian interference	0	0	1	1	0	2	0
Liability for conduct of another - complicity	0	0	0	1	0	0	0
Entering public area posted no admittance	0	0	0	0	1	0	0
Total	82	80	92	83	94	90	100

The total number of defendants who opted into Community Court (signed an agreement) is lower than the number of offenses due to some defendants having multiple charges and/or multiple cases. There was an increase of 11% in the number of Community Court opt-ins from quarter 3 of 2014 to quarter 3 of 2015. Theft has remained the most frequent offense for those opting into Community Court, with at least 60% of all opt-ins charged with theft.

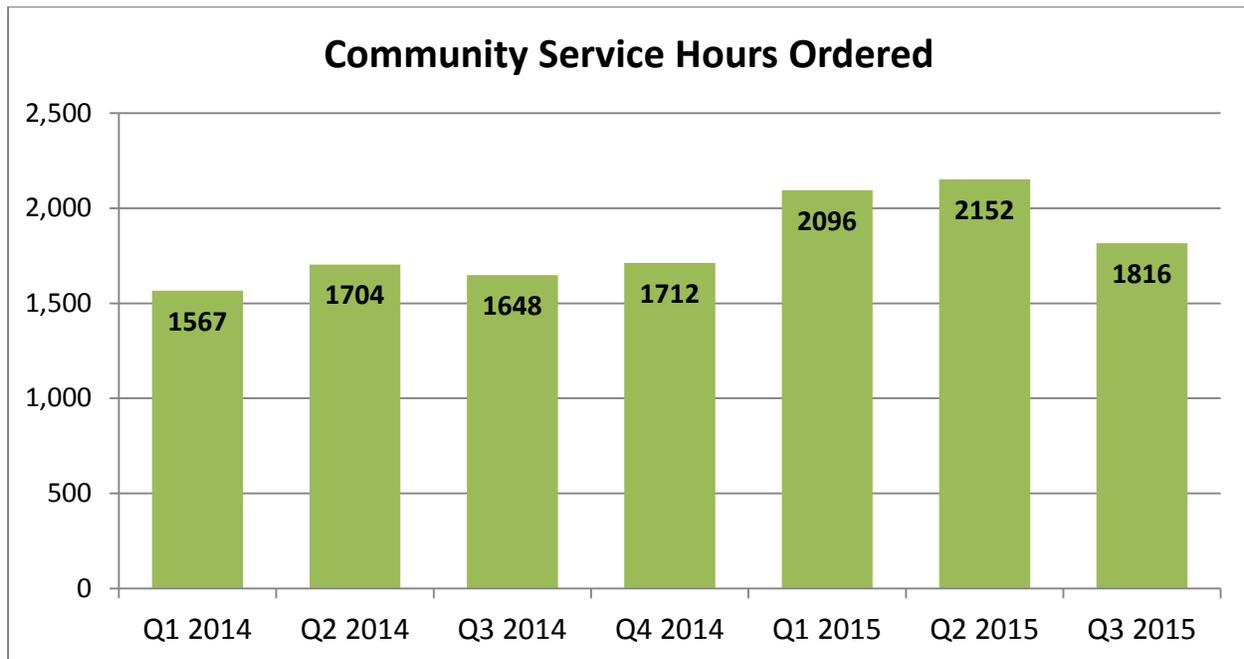
1.3: The number of social service contacts mandated for defendants:

Social Service Contacts Ordered	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015
Self-awareness Class	75	74	73	68	89	93	77
Library	38	38	32	33	39	58	72
Appropriate Housing	53	39	47	45	64	73	62
Employment	46	38	37	43	59	59	60
DSHS	46	43	41	42	57	60	44
Chemical Dependency Program	34	24	34	19	28	19	27
Life Skills Class	0	0	0	13	15	16	26
Mental Health	28	20	29	5	21	14	24
GED/Literacy	14	8	12	8	12	32	18
Domestic Violence Victim	2	1	8	6	8	14	9
Prostitution Prevention & Intervention	0	0	0	0	1	1	7
Health Care Insurance	0	11	18	17	17	12	4
STD Awareness (Prostitution)	1	0	4	0	1	1	4
Veteran's Services	1	4	2	1	3	0	3
ID Replacement	1	1	2	0	4	3	2
Native American Services	1	1	2	0	0	3	2
HIV/AIDS Test & STD Class	0	0	4	0	0	2	1
Alcohol/Drug Information School	0	0	0	0	1	0	1
Other Linkages	2	1	0	0	1	0	0
Total	342	303	345	300	420	460	443

Note: Quarter 1 and quarter 2 social service data may have minor changes due to full year 2014 data run with changes to the database.

The number of social service contacts ordered by the Court tends to fluctuate every other quarter, although it rose by 28% in the past year from quarter 3 of 2014 to quarter 3 of 2015. The top social service contacts ordered by Community Court were the Self-awareness Class, which is conducted by AmeriCorps volunteers, connecting with the Seattle Public Library, and connecting with housing.

1.4: The number of community service hours mandated for defendants:



The number of community service hours ordered varied little in 2014 but took a jump in hours during the first two quarters of 2015. From quarter 3 of 2014 to quarter 3 of 2015, the number of hours ordered rose by a moderate 10% (1648 hours to 1816). The decrease in hours for the last quarter could be due to an increase in prostitution cases being filed, since no community service hours are ordered on these cases.

2—Intermediate Outcomes

2.1: The average time between a Community Court offer and a court-ordered agreement:

Q1 2014: 17 days	Q1 2015: 16 days
Q2 2014: 26 days	Q2 2015: 11 days
Q3 2014: 19 days	Q3 2015: 24 days
Q4 2014: 26 days	

The majority of Community Court defendants sign an agreement on the same day the offer is made. The fluctuation in average times between offer and agreement is most likely due to the fact that many defendants return to Community Court after a warrant issued is “served” and they end up back in court. While the Court tries to move defendants as quickly as possible through the process to provide immediacy, the amount of time it takes to serve warrants varies widely and is often out of the control of law enforcement. With an increase in the amount of time it is taking to get a hearing in Community Court recently, defendants are more likely to have warrants issued for failing to appear for hearings. Another factor includes restitution

(both from Seattle Municipal and other courts), which must be satisfied before defendants can opt-in to Community Court.

2.2: The number of defendants receiving mandated services, and the nature and amounts of services received:

Completed Mandated Services	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015
Chemical Dependency Treatment	7	5	25	11	4	15	22
Mental Health Treatment	3	5	12	13	6	16	17
Chemical Dependency Evaluation	0	3	7	5	2	6	9
HIV Test	1	0	2	1	1	0	6
Mental Health Evaluation	0	1	5	7	2	8	6
Total	11	14	51	37	15	45	60

Note: Quarter 1 and quarter 2 mandated services data may have minor changes due to full year 2014 data run with changes to the database.

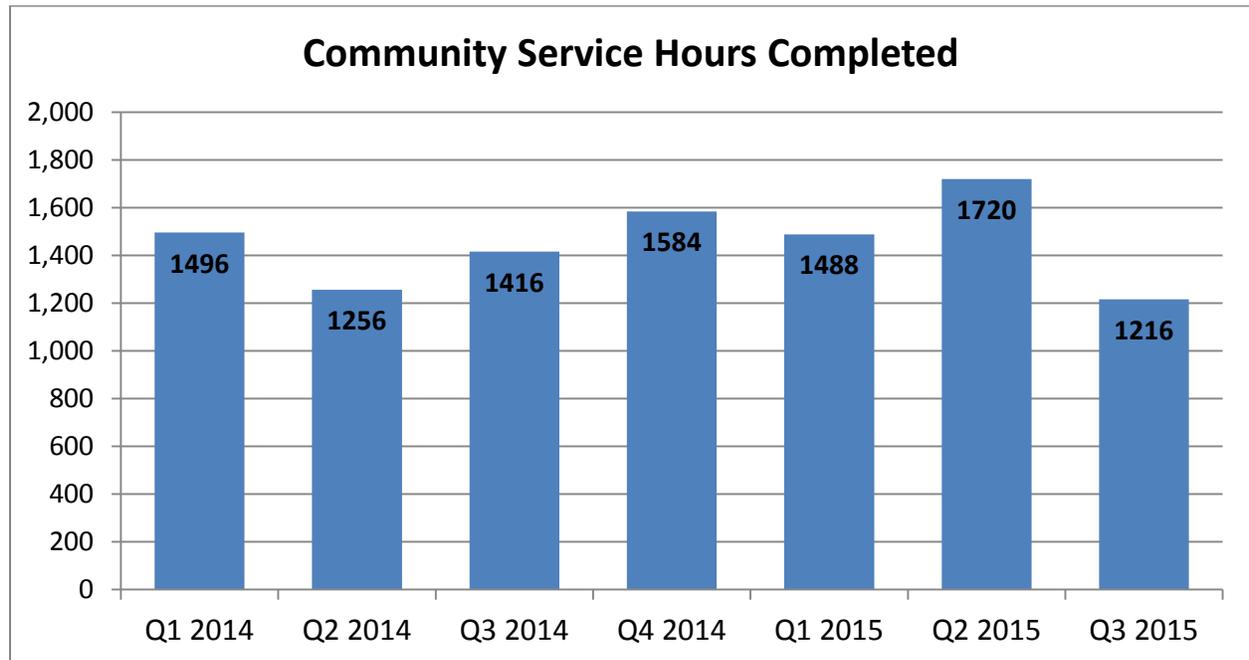
The table above includes the number of defendants who completed additional services ordered by the Court, and does not include community service hours or social service contacts. With the increase in jurisdiction and active supervision for Community Court participants, there has been a large increase in services being both ordered and completed. Although the totals tend to fluctuate from quarter to quarter, the number of mandated services ordered increased by 41% from quarter 3 in 2014 to quarter 3 in 2015 (69 to 97). The number of mandated services completed has risen during the same time period by 18% (51 to 60). Due to the ability of probation counselors to monitor those opting in and with the increase in jurisdiction time, more defendants have been ordered and more have completed evaluation and treatment for mental health and chemical dependency.

2.3: The number of community service sites, the number of community service hours completed by defendants, and the value and visibility to the community of this service:

17 community service sites were utilized, including:

- Beacon Avenue Food Bank
- Danny Woo Gardens
- City of Seattle P-Patch Program (multiple sites)
- Emergency Feeding Program
- Lake City Lion’s Club
- Marra Farm’s Lettuce Link
- Mary’s Place Day Center
- Meadowbrook Community Care
- Metropolitan Improvement District
- Neighborhood House
- Operation Sack Lunch

Real Change News
Seattle Indian Center
Seattle’s Union Gospel Mission
Seattle Public Utilities’ Graffiti Rangers (new in Quarter 2, 2014)
Seattle Public Utilities’ trashcan maintenance (new in Quarter 4, 2014)
YWCA



This past quarter, there was a drop off in community service hours both ordered by the Court and completed by participants. Although some of this could be explained by the increase in cases where community service was not ordered (ie. prostitution cases), there were also no AmeriCorps volunteers in late summer to help facilitate community service.

By having a variety of agencies where defendants are able to complete community service hours, more areas of the community are provided with volunteer help and more members of the public will see defendants working in their communities to pay back for their criminal behavior. It is difficult to quantify the value and visibility to the community without a public survey or focus groups to gain this information, which would require the approval of the City as well as the resources to fund them – please see section 3.3 below for more information on community surveys.

3—Long Term Outcomes

“The Council recognizes that the definition and measurement of these three impacts will require analysis and discussion.”—from SLI

3.1: The impact of Community Court on defendant recidivism

Measuring recidivism is not straightforward and requires a length of time post-supervision to evaluate whether defendants have committed new crimes. Seattle Municipal Court is able to access our own charge data and a request to the State is required for criminal record data for all courts in Washington State. Even so, this will not include charges committed outside of the State, or offenses that were not detected by authorities.

The data the Court typically uses for recidivism analyses is the number of charges filed at the Court, regardless of outcomes. For most internal recidivism studies, the Court uses a two-year time frame from when the program was successfully completed (or not). At this point in time, the Court is planning to do a preliminary recidivism report for SCC using a one-year time frame – the analysis should be completed in the second quarter of 2016.

While the Court does conduct its own recidivism analyses, it has also used outside evaluators in the past, such as for the recent evaluation of Mental Health Court. The Community Court Executive Committee looks forward to working with the Council to develop and fund a more comprehensive, community-focused evaluation of the program.

3.2: 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 they meet their conditions, the effect is to keep defendants out of jail and participating in service to their community. The Court's analysts have recently completed a study to address this outcome (**see attached Section 3.2 document**).

3.3: The impact of Community Court on perceived safety in the community

Ideally, to evaluate a community's perception of safety would require a public survey and/or community focus groups. Conducting a public survey is a significant undertaking that is beyond the capacity of the Court's analytical team. In the past, the City has conducted large public surveys on public safety. The Court recommends that the Council and the City take a collaborative approach to any future surveys and include the Court, the City Attorney's Office, and public defense agencies to design a survey that takes a system-wide approach to public perception of the criminal justice system.

Conclusion

Since the Community Court's redesign at the end of 2013, the data presented shows positive, albeit mixed, results.

The number of defendants opting into Community Court has increased by 31% since quarter 1 of 2014 and those ordered and completing social service contacts and other mandated services has jumped. The number of defendants receiving mandated treatment and services is expected

to result in increases in sobriety, mental health stability, and overall health. The recent study on jail utilization shows that defendants in Community Court are spending less time in jail and costing the City less than similar defendants on the traditional track.

At the same time, the total number of community service hours ordered and completed has recently dipped. Also, judicial resources are being used at a greater rate on Community Court defendants than those on the traditional track, although this is partially due to the inherent design of a specialty court (more hearings needed to address underlying issues and compliance).

The program results related to recidivism and public perception of safety are unknown at this time due to the short amount of time SCC 2.0 has existed, the complexities of data collection, and the costs involved. Although SCC appears to be on a positive track overall, the Court is looking forward to working with the Council to monitor the progress of the program and identify resources with which to measure broader program outcomes.

Seattle Community Court Logic Model

