

Metrics Analytics & Consulting MA&C

"TRANSFORMATIVE:"

THE PROSPECTIVE REPORT FOR THE NEIGHBORHOOD COURT PROGRAM AT THE
YOLO COUNTY DISTRICT ATTORNEY'S OFFICE

A JUSTICE ASSISTANCE GRANT FUNDED PROGRAM THROUGH THE CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS

Jonathan W. Caudill, Ph.D.

March 26, 2019

*MA&C is a veteran-owned consulting firm focusing on the
measurement and assessment of crime and recidivism.*

MA&C

Introduction

This report provides insight into the prospect of continuing the Yolo County District Attorney's Neighborhood Court / Homeless Neighborhood Court (NHC / HNHC) Program based on the progress over the past five years. Representatives associated with the NHC / HNHC provided their perspectives on the Program and these perspectives were aggregated and summarized in themes presented later in this report. In addition to themes focusing on the NHC / HNHC Program's responsiveness to the community and state-level changes, the complex nature of the NHC participants, and the quality conferences and outcomes; respondents provided suggestions for improvement should the NHC / HNHC Program be continued beyond the current funding.

Background

The Yolo County District Attorney's Office created the Neighborhood Court to better serve the desires of the community in an innovative fashion. The Neighborhood Court (NHC) was established under a restorative justice philosophy, where the goal of the criminal justice system was to restore community members - including the offending party - affected by specific criminal situations. Instead of prosecuting those defendants accused of committing certain lower-level crimes (e.g., being drunk in public or public urination), the Yolo County District Attorney's Office (YCDA) provided defendants with an opportunity to participate in a community conference and engage in restorative / healing practices and, if successful, avoid a conviction. The YCDA's purpose here was use the restorative justice philosophy to correct the trajectory of first-time, low-level offenders through the NHC and habitual, albeit, low-level offenders through the Homeless Neighborhood Court (HNHC).

To expand the NHC / HNHC Program and, thus, expand the restorative justice approach, the YCDA explored external funding and secured Justice Assistance Grant funding in 2014. The Justice Assistance Funding was designated for a three-year period (2015-2018) and required as a condition of funding that the Program be evaluated. Due to several positive indicators, the California Board of State and Community Corrections extended the external funding for the NHC / HNHC Program for an additional year. As part of this evaluation, YCDA was interested in the Program's prospective as a sustainable program. In essence, the federal

funding provided YCDA the opportunity to pilot a restorative justice program and the evaluation should shed light on the program's effectiveness and potential to continue.

Purpose

While the Final Evaluation Report provides an overall assessment of the effectiveness of the NHC / HNHC Program, this report's purpose is to understand to a better degree the potential to continue the NHC Program. Understanding the perspectives of those that operate the Program provides a granular representation of the Program's value and, at the same time, provides a clearer understanding of what would improve the Program in the future. Ultimately, the goal here is to provide clarity on the sustainability of the NHC / HNHC Program. Officials and representatives of the YCDA's Office were interviewed about who the NHC serves, how the NHC operates within its milieu, what the NHC does well, and what the NHC could do better.

Methods

Officials and those representing the NHC Program in some fashion were interviewed to better understand the sustainability of the NHC. During a two-day period, the evaluator met with groups of officials associated with the NHC Program. Included in these interviews were samples of administrators for YCDA, YCDA assistant district attorneys, NHC staff, YCDA victim advocate, a representative from the Yolo County Public Defender's Office, and NHC Conference Facilitators. Interviews were semi-structured in nature and interviewees were encouraged to share any information that was not discussed which they believed to be relevant to the evaluation. Each interview lasted approximately one hour for small groups / individuals and approximately two hours for the large group of NHC Conference Facilitators.

Data developed during these discussions were then translated into themes and the results provide these themes, supporting examples, and indicators of magnitude.

Identified Themes

Theme 1: NHC / HNHC is responsive to the new landscape, aligning with the expectations of the community.

Representatives of the YCDA reported that the NHC / HNHC Program creates more options to deal with non-violent and non-serious criminal cases. Perceived increases in local low-level offending, the shifting sands of state legislation around criminal justice reform, and decriminalization has left local authorities without a real threat of punishment (incarceration) and, thus, there is a need to enhance the reward of participating in treatment. The NHC / HNHC is an alternative to a mainly deterrence / retribution / processing orientation and provides the criminal justice system with incentive-based options.

While these external influences of sentencing reform on Yolo County and the Yolo County criminal justice agencies have limited the typically options used to deal with lower-level criminal behavior, the YCDA took this as an opportunity to improve the community quality of life. Recognizing that the current milieu has fewer formal consequences compared to a few years earlier, the YCDA saw the opportunity to expand the incentives and focus attention on restoration. Underlying this approach is a transformative belief that many of the individuals responsible for these low-level crimes also have unmet basic needs, such as being under-employed, drug addiction disorders, homelessness, and/or emotional / behavioral / mental limitations.

By focusing more on ways to fix the underlying, root causes of the criminal behavior, the NHC / HNHC was designed to reduce the criminal propensity of community members, while also providing the community - through community representatives participating in conferences - with an opportunity to express the harms they experienced.

Responsiveness to the community was discussed by representatives from multiply Yolo County criminal justice agencies. Respondents reported that the YCDA was invested in restorative justice and had a desire to ensure that the communities of Yolo County played a part in the restorative justice process.

Theme 2: Although the NHC restricts participation to those defendants with less serious criminal histories, the NHC / HNHC serves many participants with complex social, emotional, and/or mental situations.

As part of the segue from the role of the NHC / HNHC Program in the community, representatives from the YCDA discussed the nature of the clients this Program serves. The NHC Program started with a fairly narrow focus on first-time, quality of life crimes (e.g., public urination) and expanded program eligibility to include more serious low-level crimes. This deliberate expansion of eligibility criteria resulted dealing with offenders that have more significant criminogenic needs, such as addiction issues.

In addition to the novice offenders that the NHC Program is designed to give a second chance to avoid a criminal conviction, participants in the HNHC were exclusively homeless. Being transient and involved in low-level criminal behavior, according to the NHC representatives, are indicators of underlying social complications. Representatives of YCDA reported struggles with the complexities of many of the HNHC participants. For example, representatives of YCDA expressed frustration with the lack of engagement among some HNHC participants in services provided by the organization. The frustration arose from a perspective of the Program setting up services through partnering organizations for the HNHC participant only to result in the HNHC participant not following through and being so elusive that case workers / social workers had difficulty locating those defendants that agreed to participate in the HNHC.

The social complexities of some of the participants in the NHC / HNHC Program was consequential on the Program staff respondents. Respondents suggested that there may be more appropriate programs / services for those defendants that have greater criminogenic needs than what is available through the NHC / HNHC Program. However, the NHC / HNHC Program Staff remained motivated to find solutions to the concerns expressed around maintaining engaged participants.

The social complexities of participants in the NHC / HNHC Program requires YCDA staff to collaborate with external agencies in ways that are atypical under the retribution / deterrence model of operation. While an adversarial processing model - the one typically thought of as crime-control and conviction focused - limits the external agencies with which a district attorney's office would need to maintain relationships to mainly other

criminal justice organizations (i.e., local law enforcement, the public defender's office, and the courts), the NHC / HNHC Program maintains a web of external contacts beyond the criminal justice system. Because NHC / HNHC participants have more complex social environments, they require more social services (e.g., mental health diagnosis and treatment). Because these external organizations fall outside the criminal justice system, cultivating and maintaining those relationship require deliberate attention to navigate organizational culture. Even with this added complexity, NHC / HNHC staff reported many positive experiences and productive outcomes in working across organizational borders.

The overall complexity that comes with focusing on individuals involved in low-level criminal behavior, coupled with social complications, means that understanding the Program's value is beyond what can be captured in a cost-benefit analysis or strictly quantitative analyses. Measuring only the number of clients served by the NHC / HNHC overlooks the effort put forth by NHC / HNHC staff. As example, the effort to enhance the quality of life of an unemployed single mother that suffers negative emotionality and was arrested for being drunk in public is much more complicated than a that of a single, well-performing college student that was arrested for being drunk in public. Addressing the underlying and individual issues associated with the criminal behavior through a community-focused approach designed to deal with harms and restorative is just a more involved process.

Theme 3: The NHC Program produces quality outcomes through philosophies designed to problem solve and restore the community and its members.

The NHC / HNHC Program is transformative for all involved. Representatives from all angles of the NHC / HNHC discussed the value of the Program for victims, community members, participants (offender), and YCDA staff members. As indicated by member of the criminal justice system, the NHC / HNHC is more focused on problem solving than engaging in the adversarial process of litigation. Having a restorative justice framework requires that the offending party take ownership of their harms to the community and, thus, the NHC / HNHC does not have to litigate legal culpability. Not having to participate in the adversarial court process means that prosecutors do not have to position their case to increase the probability of a plea. Instead of developing a case for negotiations to determine the punishment, the NHC / HNHC provides

defendants with incentives to participate in services and a restorative justice process. Stated differently, the formal processing of cases in the courts focuses on consequences where the NHC / HNHC Program focuses on collaborative problem solving. This is even more relevant for those defendants suffering social, emotional, and/or mental health limitations.

Beyond the value the NHC / HNHC Program brings to the courtroom workgroup, YCDA representatives reported that the NHC conferences provide an opportunity for community members to address crime first-hand by helping those individuals that are responsible for criminal behavior. The NHC conference provides community members the opportunity to identify harms created by the criminal behavior, the factors that contributed to the criminal behavior, and an action plan that the offending party can take to avoid conviction. More importantly, according to NHC / HNHC personnel, the conference is an opportunity for the offending party to take advantage of services to transform their lives. NHC / HNHC administrators believed NHC participants report being surprised by the conference process in that they anticipated a situation more focused on shaming them for their behavior, but found an environment focused on healing and restoration.

Theme 4: The NHC Program could benefit from increased and stable funding, and the NHC Program would be more successful with enhanced human resources.

While the vast majority of perspectives collected for this report were positive, there were instances where representatives provide suggestions to improve the NHC / HNHC Program if it continues. Operationally, representatives from YCDA were concerned about continuing the HNHC aspect of the Program due to the resources needed to maintain successful outcomes. By reducing the resource demands of the HNHC, respondents suggested that the NHC aspect of the Program would benefit. Whether the HNHC component is abandoned or not, it was suggested that expectations of progress and definitions of success should be tempered based on the substantial needs of these more complex cases. At the same time, there was consensus that the NHC could benefit from further expanding the eligibility criteria if the final evaluation reveals achievement of the program goals.

Other suggestions for improvement and sustainability revolved around the stability and appropriate level of human resource

support. Several respondents suggested that the funded NHC / HNHC Program suffered from staff turnover and this had a negative impact on operations. Of particular concern was the perceived need for more social services coordination through social workers. Associated with the need for services provided by social workers, it was reported that the limited funding - these positions were limited-term (the lifespan of the grant funding) positions - model for the NHC staff positions led some personnel to consider and take positions in other organizations for the stability those positions provided them. While grant funding is term-limited by nature, this appeared to contribute to the staff turnover experienced in the NHC / HNHC Program. It was suggested that stable funding would lead to longer-term employees.

Volunteer conference facilitators had several suggestions for improvement focused on their workloads. First, they suggested that providing facilitators with information on their cases well ahead of the conferences would give them the opportunity to process the situation. Second, there was a belief that providing facilitators with more information on their options during the conferences would benefit the conference process. Finally, conference facilitators suggested facilitators complete only one conference per day as this would provide them an opportunity to process the conference and not feel rushed to complete the conferences and follow up forms.

Discussion and Conclusions

With a desire to better understand the sustainability of the NHC / HNHC Program, the YCDA requested that the evaluator conduct a prospective report. The purpose of this report was to capture the perspectives of those working in and around the NHC / HNHC. Results of this process resulted in several themes that explain the NHC / HNHC Program. Respondents reported that the NHC / HNHC was responsive to the community and state changes in sentencing structures, participants in the NHC / HNHC Program present complex cases, the NHC / HNHC processes and conferences produce quality outcomes, and suggestions for improvement.

Traversing these topic areas was a theme of positivity about and belief in the NHC / HNHC Program. While there were suggestions for improvement, these were presented in a way that suggested the respondents believed investing more in the NHC / HNHC was better than not continuing it.

Based on the results presented here, it appears that there is a substantial desire to continue the NHC Program. Respondents believed that adding more stable funding would benefit the Program by retaining staff and, thus, maintaining service continuity for participants. Being responsive to the needs of the volunteer conference facilitators may enhance their participation and, thus, result in positive outcomes. Ultimately, respondents were motivated about the potential of expanding the NHC Program.