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Report to Management

District Attorney's Office – Community Court Project

May 31, 2007

Introduction

The Auditor's Office initiated an audit of the District Attorney's Community Court Project and Neighborhood District Attorney unit to assess the efficiency and effectiveness of those programs, as well as review their impact on the County's public safety system. Our preliminary review indicated that both programs provide important low-cost services, leverage other community resources, and contribute to the District Attorney's community prosecution and restorative justice efforts. We determined that the cost of further audit work exceeded expected benefits, and as a result, we ended our audit of both programs after the preliminary stage.

This report to management provides background information, describes the activities carried out during our preliminary review of the Community Court Project, notes general observations, summarizes program strengths, and recommends areas where further consideration by the District Attorney's Office may be valuable. A report to management on our preliminary review of the Neighborhood DA unit is being issued simultaneously.

Background

The Community Court Project (CC) was established by the District Attorney's Office (DA) in 1998. One of the first of such court innovation projects in the United States, the DA implemented CC to create a more effective approach to resolving community problems and to improve the efficiency of the court system. CC addresses misdemeanor quality-of-life crimes through collaboration with other public safety agencies, human service programs, the courts and public defenders, and business and community organizations. The cases presented in CC include misdemeanor prostitution-related crimes, drug and alcohol offenses, commercial theft, graffiti, vandalism, and other lower-level crimes that impact neighborhood livability and sense of safety.

The DA's Office determines the cases eligible for CC using a grid that includes sentencing levels and a list of crimes eligible for resolution in CC. Entry into CC requires a guilty plea and an admission to the facts of the charges as alleged. Most defendants who enter CC choose a community service sentence and may also be required to attend

behavior modification classes. Many defendants choose an alternative sentence and are ordered to participate in drug, alcohol, and/or mental health evaluations and treatment programs. Counselors assist with referrals to human service agencies, and information about job and housing opportunities is posted in the courtroom. Through donations and independent fund raising, CC has also been able to provide toiletries, food vouchers, and clothing items to defendants in need.

Defendants must return to court and verify that they have completed community service, attended any required classes, and/or fulfilled agreed upon alcohol and drug treatment, mental health monitoring, or other mandated services. Depending on the circumstances, sentences must be completed within a few weeks, and failure to complete CC sentencing can result in a fine when the offense is a violation or jail time when the offense is a crime.

The first CC was established in 1998 at the King Elementary School to serve North and Northeast (N/NE) Portland. The second CC opened in 2000 at the Brentwood Darlington Center in Southeast (SE) Portland. The Westside CC started at the Justice Center in 2001. By the time Gresham CC opened in 2003, budget cuts had prompted the relocation of the two neighborhood CCs to the Justice Center.

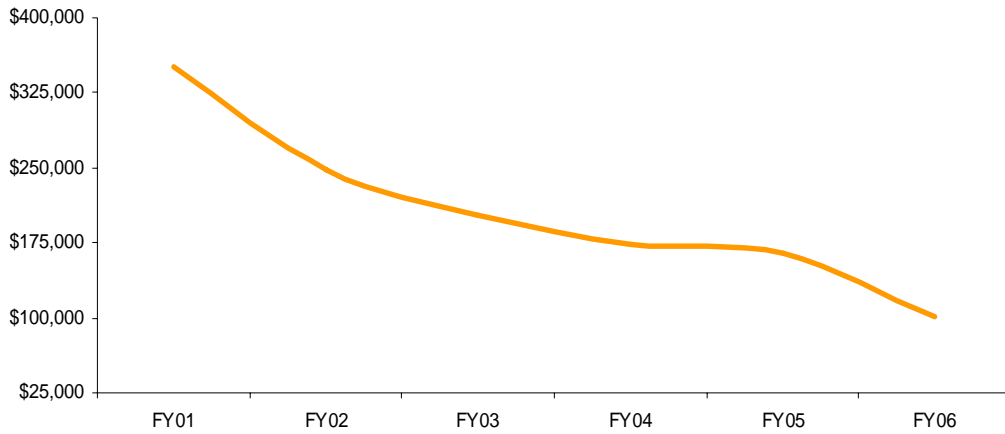
Initially, CC operated as a diversion court, and all arraignments occurred at regular trial court. But, in August 2000, the police began to cite all non-violent misdemeanor defendants into CC for arraignment. In its earliest model, community advisory boards assisted with the design and implementation of CC, and they helped determine which crimes were eligible for CC.

CC Partnership Organizations

- *DA's Office:* Between FY01 and FY06, the number of full-time equivalent employees (FTE) assigned to CC from the DA's Office went from 4.3 to 2.72. In FY06, the DA's CC staff included two part-time coordinators who are Deputy District Attorneys, a legal assistant, and part-time legal interns. In addition, a Deputy District Attorney participates in Gresham CC.
- *Circuit Court:* A judge and three court clerks staff CC daily at the Justice Center; a judge and two court clerks staff CC one morning a week at the Gresham court facility.
- *Department of County Human Services (DCHS):* Two mental health consultants provide assessments and referrals to human service programs for defendants in both CC locations.
- *Department of Community Justice (DCJ):* One corrections technician coordinates community service referrals for N/NE, SE, and Gresham CC.
- *Sheriff's Office:* A deputy is on duty during CC proceedings at both locations.
- *Portland Business Alliance (PBA):* Two staff members coordinate community services for Westside CC.
- *Public Defenders:* Four organizations contract with Circuit Court to provide legal services to CC defendants who cannot afford their own attorneys.

DA's Spending: Within the DA's Office, CC is organizationally placed in the Family Justice/Misdemeanor Division. CC coordination and prosecution services represent a small portion of the DA's budget. The organizations working in partnership with the DA also commit resources to CC. As shown in the following chart, the DA's CC spending went from \$350,000 in FY01 (adjusted for inflation) to \$101,000 in FY06. This was primarily a result of reductions in federal grant funding.

Exhibit 1: DA's Community Court Project Spending (Adjusted for Inflation)



Source: Auditor's Office Analysis

Observations and Interviews

We interviewed CC project partners, and we observed CC proceedings on four different occasions at the Justice Center and once at the Gresham court facility. The proceedings observed were well-organized, fast-paced, and appeared to be efficient. The tenor of interactions with defendants and among CC partners was respectful and forthright.

The CC partners carried out their respective tasks in a coordinated fashion and within close proximity to one another in the courtroom. Defendants interacted with the judge, and then talked to community service coordinators, met with mental health consultants, and/or spoke with public defenders or other attorneys. In many instances, defendants appeared to need other services, such as housing or food, and the judge and other CC partners worked to immediately address those concerns.

A number of staff from the CC partner organizations expressed convictions about the strength of the model used in the CC Project. Further, their actions observed during CC proceedings conveyed the message of holding defendants accountable for crimes committed while providing defendants with opportunities to repay the community,

participate in treatment, change behaviors, and/or receive needed assistance.

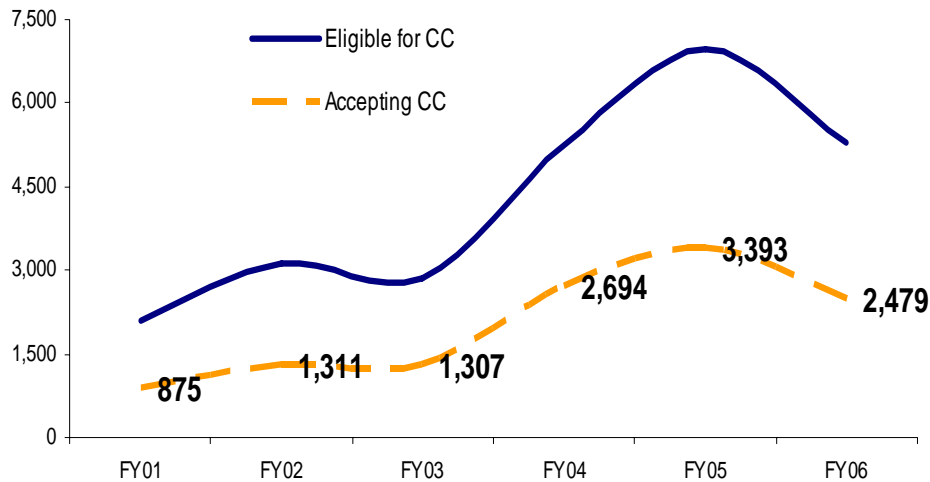
According to several CC Project partners we spoke with, moving CC from the N/NE and SE locations to the Justice Center was a loss for those communities. They noted that members of the public had been an integral part of CCs located in neighborhoods. Citizens attended court, sat in designated seating, knew and made eye contact with defendants, and helped defendants to understand the impact their crimes had on their neighbors and the larger community.

The DA’s Office regularly convenes CC lunch-time technical operations meetings at both the Justice Center and the Gresham court facility. During our preliminary review, we observed two meetings at the Justice Center and one in Gresham. During the technical operations meetings, CC Project partners discussed concerns, reviewed available outcome data, and worked on resolving identified processing and logistical issues.

Preliminary Analysis of Outcome Data

CC Defendant Participation: Defendant data made available by the DA’s Office indicates that the number of defendants eligible for CC has more than doubled since FY01. In FY06, 47% of eligible defendants accepted CC and agreed to plead guilty and participate in CC sentencing. This is up from 42% in FY01, but down from 51% in FY04. The following chart compares the number of defendants eligible for CC with the number who accepted CC.

Exhibit 2: # of Defendants Eligible for CC and # Accepting CC

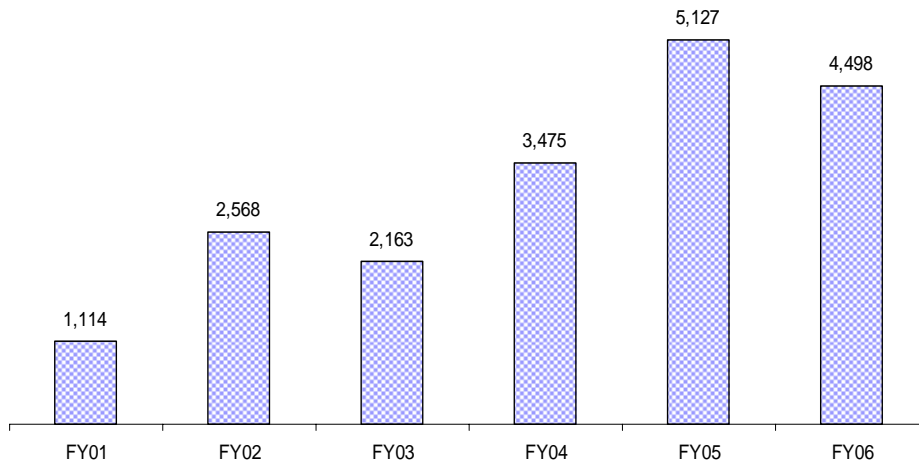


Source: Auditor’s Office analysis of data provided by the District Attorney’s Office

CC Cases Resolved: According to data provided by the DA’s Office, the number of cases resolved in CC has grown 29% since FY04, the first full year of operation for all four CC service areas. Some CC partners suggested that the increase might be attributed to the expansion of cases eligible for CC, the increased rate of processing cases, or that fewer cases were being held over for future resolution.

The following chart shows the number of cases resolved in CC between FY01 and FY06. These data are collected in CRIMES, the DA’s case tracking system. Offenses which are violations by law – for example, minor in possession of alcohol and possession of less than one ounce of marijuana – are not included. Since violation citations are forwarded directly to the court and not screened by the DA’s Office, they are not captured in the CRIMES system.

Exhibit 3: Cases Resolved in Community Court



Source: Auditor’s Office analysis of data provided by the District Attorney’s Office

Community Services Sentences:

Department of Community Justice (DCJ) coordinates community service for defendants sentenced out of N/NE, SE, and Gresham CC. DCJ refers defendants to participating outside agencies, such as Loaves & Fishes, Salvation Army, the Rebuilding Center, Human Solutions, and many others. Defendants must return to court with documentation showing completion of community service. The DCJ coordinator tracks defendants sentenced to community service through DCJ, the completion rate of community service sentences, and the total number of hours of community service worked.

The following table indicates the results of the CC community service program coordinated by DCJ for May through September 2006. In July 2006, DCJ’s community service coordinator also began projecting the number of jail days saved each month. For July through September 2006, DCJ projected a savings of 1,175 jail days and estimated the cost of that savings at \$169,200 for those three months.

Exhibit 4: Community Service Coordinated by DCJ (N/NE, SE, & Gresham CC Sentences)

| Month | Referrals | % Completed | # Hours |
|----------------|-----------|-------------|---------|
| May 2006 | 192 | 74% | 2161 |
| June 2006 | 221 | 72% | 2133 |
| July 2006 | 183 | 75% | 2333 |
| August 2006 | 220 | 74% | 2513 |
| September 2006 | 196 | 77% | 1972 |

Source: Auditor's Office analysis based on reports from DCJ

(Please note: Data discussed above were drawn from reports provided by DCJ. Data collection methods and methodology for calculating jail day savings were not reviewed, and data were not tested for accuracy or reliability.)

Portland Business Alliance (PBA) coordinates community service work crews, in partnership with Central City Concerns, for defendants sentenced out of Westside CC. PBA also offers a theft accountability class that CC defendants guilty of theft are usually sentenced to along with community service. PBA tracks a number of community service outcomes including: the number of defendants ordered to community service through PBA, the number in compliance or working towards completion, the number that did not successfully comply with their community service sentence and were facing additional court sanctions, and the number of hours of community service completed. The following table indicates the results of PBA's community service program through CC for March through September 2006.

Exhibit 5: Community Service Coordinated by PBA (Westside CC Sentences)

| Month | # Ordered to Community Service | # In Compliance | # Working Towards Completion | # Not Successful | # Hours |
|----------------|--------------------------------|-----------------|------------------------------|------------------|---------|
| March 2006 | 125 | 42 | 71 | 12 | 412 |
| April 2006 | 124 | 44 | 62 | 18 | 496 |
| May 2006 | 161 | 54 | 83 | 24 | 600 |
| June 2006 | 142 | 39 | 95 | 8 | 496 |
| July 2006 | 152 | 36 | 104 | 12 | 544 |
| August 2006 | 149 | 47 | 88 | 14 | 456 |
| September 2006 | 177 | 55 | 110 | 12 | 608 |

Source: Auditor's Office analysis based on reports from the Portland Business Alliance

(Please note: Data in the table above were drawn from reports provided by PBA. Data collection methods were not reviewed, and data were not tested for accuracy or reliability.)

Human Services Mandates: The Department of County Human Services (DCHS) coordinates the human service component of CC sentencing. Two DCHS mental health consultants share this responsibility. Depending on the volume of cases, one or

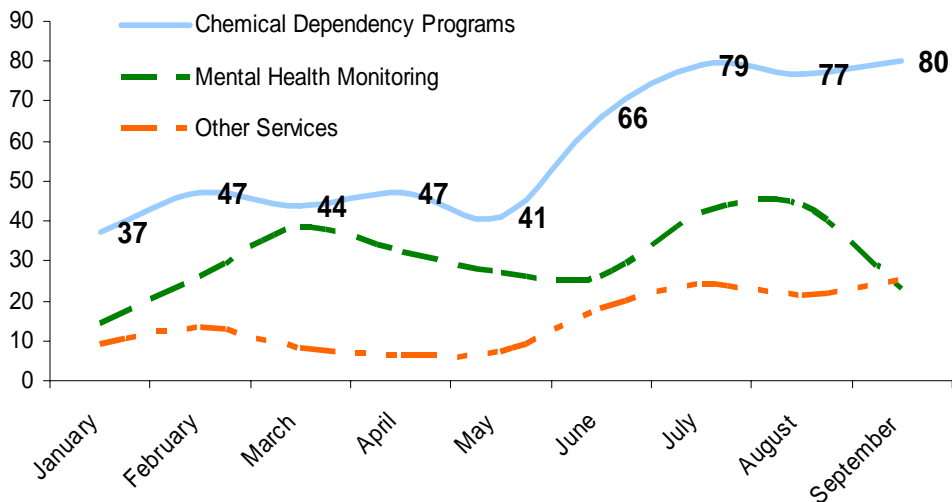
sometimes both consultants attend CC proceedings to meet with defendants who are referred for services. They are also available to consult with defendants outside of CC to offer assistance or to connect defendants with mental health professionals, chemical dependency services, or a variety of other services and programs.

The mental health consultants track data regarding referrals, interviews, and clients mandated to mental health services, chemical dependency treatment, and other human service programs, such as the Londer Learning Center, El Programa Hispano, domestic violence support groups, or GED programs. In addition, they track defendant participation in a variety of behavior modification classes.

The mental health consultants' monthly statistics for the first nine months of 2006 show that there were 921 new cases over that time period in which defendants were mandated to mental health monitoring, chemical dependency programs, or other services (i.e. training programs, support groups, etc.). The number of defendants mandated to chemical dependency programs per month doubled in that time period and represented 56% of all new cases mandated to services. Westside CC defendants made up 42% of all new cases mandated to treatment or other services.

The three categories of mandated human services are compared in the chart that follows. In July 2006, the mental health consultants also began projecting the number of jail days saved each month. For July through September 2006, DCHS projected a savings of 646 jail days and estimated the cost of that savings at \$93,024 for those three months.

Exhibit 6: New Cases Mandated to Treatment & Other Services (the first nine months of 2006)



Source: Auditor's Office analysis of Department of County Human Services reports

(Please note: Data in the chart above were drawn from reports provided by DCHS. Data collection methods and methodology for calculating jail day savings were not reviewed, and data were not tested for accuracy or reliability.)

Summary of Preliminary Review of the DA's Community Court Project

Program Strengths: The Bureau of Justice Assistance has noted that partnership and problem solving are at the core of the community justice approach to public safety. The DA established CC with this model in mind and initiated CC to resolve community problems more effectively and to create efficiencies in the court system. Based on interviews, observations, and analysis conducted during our preliminary review, we found the following:

- The DA provides low cost CC coordination and prosecution services.
- The DA's CC Project uses a highly collaborative model that leverages resources from other public sector organizations, as well as private sector entities.
- The DA's Office and its CC partner organizations have dedicated and engaged staff who move cases quickly through the court.
- The DA's community justice goals are enhanced through the CC Project.

Areas for Further Consideration and Study: There is currently no formal structure for ongoing review and assessment of overall efforts or a mechanism for tracking and reporting overall outcomes. The Bureau of Justice Assistance has developed an evaluation plan for community court projects. Based on the guidance suggested in that plan, we recommend that the DA's Office and other CC partners develop a comprehensive performance measurement system to track and report overall outcomes. We suggest these initial steps:

- Coordinate data collection efforts. Measuring overall outcomes when multiple partners are involved is likely more difficult than when a single entity is responsible for a program. However, establishing data collection processes that are purposely aligned and coordinated is a critical first step.
- Set benchmarks and regularly assess the efficiency of operations. If possible, this should include comparison to the model used in regular trial court.
- Undertake to assess community impact. CC was established to mitigate the impact of misdemeanor quality-of-life crimes in neighborhoods and the community at large. Closing neighborhood CCs reduced direct contact with community members, but there may be other readily available indicators that would allow community impact to be measured.
- Determine the cost/benefit of the CC model as it relates to the County's public safety system. Again, if possible, this should include comparison to the model used in regular trial court. Depending on the results of a cost/benefit analysis, consider the possible expansion or reduction of CC.

Conclusion

We were impressed by the dedication of staff involved in CC and with the organization of CC proceedings. Because the audit ended earlier than planned, we did not fully review the disparate data systems, analyze trends, or determine long-term outcomes. However, based on interviews, observations, and preliminary analyses, we found that CC appears to operate efficiently and effectively. The level of cooperation between the DA's Office and the other CC collaborators is a good example of strong partnership in action. Further, demonstrating the overall results of this unique partnership will allow decision-makers and the public to evaluate CC.

Scope and Methodology

The purpose of the audit was to determine whether the DA's Community Court Project operates efficiently and effectively, and to assess the impact of this program on the County's public safety network.

Audit steps:

- Reviewed literature and research monographs from the Center for Court Innovation, the Bureau of Justice Assistance, the Justice System Journal, and the Institute on Crime, Justice, and Corrections
- Reviewed budget documents applicable to the Community Court Project
- Analyzed the DA's expenditure and personnel data captured in SAP
- Observed Community Court at the Justice Center and Gresham Community court facility
- Interviewed CC management and staff, as well the DA's Finance Manager
- Interviewed staff from these CC partner organizations: DCHS, DCJ, Multnomah County Circuit Court, Metropolitan Public Defenders, and the Portland Business Alliance
- Attended Community Court technical operations meetings at the Justice Center and Gresham court facility
- Collected data from various partner agencies participating in Community Court

This audit project was included in the FY07 audit schedule and was conducted in accordance with generally accepted government auditing standards.



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May 29, 2007

RESPONSE TO AUDIT OF COMMUNITY COURT

To: LaVonne Griffin-Valade, County Auditor
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From: Michael D. Schrunk, District Attorney

I wish to express my appreciation to you and your staff for the professional manner in which you have performed the task of auditing the Community Court program. It is important that the Board of County Commissioners and the public get accurate and relevant information regarding the services provided by their County government programs.

The audit of this program was aimed at determining whether the Community Court project operates efficiently and effectively and to assess the impact of the program on the County's public safety system. I am pleased to see that you have determined that the program operates effectively and efficiently. Your suggestions for development of a comprehensive performance measurement system to track and report overall outcomes are well taken. It is always good to take a fresh look at an ongoing program to determine whether existing data collection methods and performance measures are still adequate and appropriate. We will work with the Community Court Technical Operations committee, which is made up of all involved community partners, to accomplish this.

Thank you for your kind words about this program and the care you took to complete this study. We look forward to working with our community partners to address your suggestions.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney