A Guide to Court and Community Collaboration

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Preface

This *Guide to Court and Community Collaboration* seeks to inform judges, court administrators, justice system officials, and community leaders about the lessons that have been learned by localities that have established court and community collaborations. The lessons are drawn primarily from eight such collaborations that were studied in some detail, but the experiences of another dozen or so also are reflected in the guide's contents.

The guide is timely. Interest in the potential contribution that court and community collaboration can make to the administration of justice continues to expand. The promise of collaboration extends beyond the demonstrated effectiveness of innovative court programs undertaken jointly by communities and courts. Potentially, court and community collaboration offers a new orientation guiding the administration of justice, speaking to the manner in which the judicial branch of government should be run in the 1990s and beyond.

Court and community collaboration also contributes to the creation of a justice system genuinely rooted in communities. Community policing, community prosecution, and community corrections are becoming commonplace. While concentrating on the specific concerns of trial courts, the guide also examines questions associated with opportunities for and boundaries to a court's participation in broader community justice initiatives.

The contents of the guide are designed to relate to a wide range of courts and communities and to apply to the full range of topics that a collaboration can address. Collaborations between courts and communities have assumed many and varied forms. One strong source of variation is inherent in the communities themselves. Each community is a composite of how urban its location is, how well-to-do its residents are, what its ethnic and racial composition is, what its economic base is, and what region of the country it is in.

Trial courts, too, take on numerous forms, depending on the state court system in which they are embedded and the local legal culture. No generic court exists anymore than a generic American community. And certainly no generic or typical court and community collaboration can be distinguished from among the many models.

Collaborations between courts and communities typically are used to address specific parts of a trial court's subject matter jurisdiction: domestic violence, drug use, drunk driving, handgun violence, juvenile delinquency, and public nuisance crime. The structure and operations of courts are strongly influenced by the kinds of cases they process. Increasingly, courts are seeking to establish a community focus in their entire operations, adopting collaboration as a systemic orientation.

Therefore, we designed this *Guide to Court and Community Collaboration* to be helpful to as many localities and states as possible. We chose to highlight issues and problems, and solutions to problems, at a general level. Care was taken, however, to provide specific resources and information that from experience we know to be especially pertinent to specific kinds of collaborations between courts and communities.

The first chapter of the guide offers a rationale for such collaborative efforts. What do courts have to gain? What do communities have to gain? What is the role of a collaborative venture in managing the business of a trial court and in striving toward community

improvement and revitalization? The chapter also considers some of the broad issues associated with initiating collaborative ventures with the community. What is the community of a trial court? Is it defined by geography or by social and cultural identity? To make the answers to these questions concrete, we offer brief descriptions of eight court and community collaborations.

The second chapter poses a series of frequently encountered questions to be considered when developing, implementing, and maintaining a court and community collaboration. What catalyst will set things in motion? Who needs to be involved in the process? Should the court establish liaisons with the prosecutor and police? How can financing be secured? What mechanisms ensure a representative and comprehensive dialogue between the court and the community?

The third chapter looks specifically at some of the key arenas in which community and court collaborations operate. This chapter reviews what various collaborative efforts involving different types of cases likely will entail and examines common elements across these collaborations. We look at juvenile cases; family and domestic relations cases; quality-of-life misdemeanors; and other specialized areas, including felony firearm offenses. We give separate consideration to the role of education in fostering the objectives of a court and community collaboration.

The final chapter recaps the promise of court and community collaboration and relates that promise to the larger project of improving the administration of justice. Appendix A includes program descriptions of the eight sites that participated in the NCSC's field research. Appendix B contains a variety of resources to assist those interested in exploring further the topic of court and community collaboration, including a list of organizations and federal agencies related to community justice and a bibliography of recommended readings.

Acknowledgments

We gratefully acknowledge the assistance and guidance provided by participants in the eight court and community collaborations we studied, the members of our advisory committee, and staff of the Bureau of Justice Assistance.

The hospitality and helpfulness extended to us by court staff and community participants during site visits assumed heroic proportions. Subsequent requests for clarification, documentation, and review of the site reports printed in this guide were met comprehensively and promptly. We would like to express particular gratitude to the following individuals, who made the site visits possible and ensured that they were memorable: Chief Justice Robert Yazzie and Philmer Bluehouse, Navajo Peacemaking Court, Window Rock, Arizona; Judge Veronica Simmons McBeth and Marcia Skolnick, First Impressions Project, Los Angeles, California; Judge Thomas T. Merrigan and Lucinda S. Brown, Franklin County Futures Lab, Greenfield, Massachusetts; Judge Willie G. Lipscomb, Jr., and Terence Evelyn, Handgun Intervention Program, Detroit, Michigan; Robert L. Bingham and Kalvin Engelberg, Oakland County Youth Assistance Program, Pontiac, Michigan; Marciano Aguiles, Hudson County Juvenile Conference Committees, Jersey City, New Jersey; and Betty Wade Coyle and Kevin J. Moran, Citizens Advisory Council of the Norfolk Juvenile and Domestic Relations Court, Norfolk, Virginia.

Our advisory committee dispensed encouragement, enthusiasm, and sage advice throughout with equal aplomb. We took a journey together that began with a vague and varied set of ideas and moved forward to an "epiphany" that (at least for those involved) defined the nature and potential of what courts and communities can accomplish together.

Marilyn Nejelski and Bud Hollis of the Bureau of Justice Assistance ensured that we kept our eyes on deadlines and products while also providing encouragement and advice along the way. At the National Center for State Courts, Dawn Spinozza made the editorial and publication process as painless as can be hoped.

Chapter 1

Why Establish Court and Community Collaborations?

There is considerable frustration in the state courts and in the communities they are designed to serve. The public frequently concludes that courts do not respond to community problems. The judges feel they cannot adequately resolve the problems they face. Moreover, in many sectors, there is profound alienation between courts and the people they serve; an alienation that stems from dissatisfaction with both court processes and court outcomes.

Recognizing this, some courts have developed collaborative programs with the people they serve. These collaborations have emerged in diverse jurisdictions and take a variety of forms, all of which go beyond public education. In their own ways, each of these programs aims to improve the delivery and administration of justice, and to increase public trust.

— Advisory Committee, Community-Focused Courts Development Initiative

Introduction

The purpose of this guide is to pass on some of the lessons, old and new, about what court and community collaborations can achieve and how they can be established and nurtured. This chapter offers a primer about the background and evolving shape of such collaborations. What are the characteristics of court and community collaborations? What are their antecedents? Where can they be found? Considerations relating to some important issues also are examined. What is the community of a trial court? How can judges and courts reconcile judicial independence and judicial ethics with a meaningful collaboration in which courts and communities are partners?

What Is a Court and Community Collaboration?

Collaboration covers a wide range of relationships, ranging from mutual tolerance (notably in international affairs) to comprehensive partnerships. Our interest is in promoting durable structures through which courts and communities can engage in a dialogue and work cooperatively.

Court and community collaboration takes on many meanings. The focus, underlying philosophy, and modus operandi will certainly vary from place to place. The "court" in question can be an individual judge, an entire trial court, or even a state system of trial courts.

The "community" in the collaboration can be specific local organizations or the public at large within a defined geographical area.

There is, however, a fundamental distinction between what might be termed the *programmatic* and the *systemic* meanings of court and community collaboration. On the programmatic level, collaboration is a blueprint for establishing court programs or special courts or for dedicating a judge and courtroom to a particular set of cases. Trial courts gain the resources needed to adjudicate new types of disputes in criminal and civil law, enhanced public understanding and support, and the energy and enthusiasm of volunteers. Communities gain a unique vehicle for addressing local problems, combining the teeth of court sanctions with the power of community networks and knowledge. Thus far, such collaborations have been forged primarily between communities and courts of limited jurisdiction: those that process misdemeanor criminal cases and juvenile delinquency cases.

On the systemic level, court and community collaboration offers an orientation on the administration of justice, speaking to the manner in which the judicial branch of government should be run in the 1990s. Chief Justice Shirley Abrahamson of Wisconsin perhaps best expresses this systemic meaning in her remarks opening a National Town Hall Meeting on court and community collaboration:

> Court and community collaboration is a sustained, two-way commitment to ensuring that the justice system is open and effective for all. It is not a one-shot event aimed at solving one isolated problem or satisfying one special interest group.[1]

This guide seeks to inform about both the fostering of a systemic commitment to court and community collaboration and the implementation of specific programs that manifest that commitment. Thus far, collaboration can be found primarily at the programmatic level. There are signs of change, however. Massachusetts is pioneering a systemic approach to court and community collaboration, and California is taking significant strides in that direction. Through guidelines and directives, these and other states are establishing a framework within which collaboration is permissible and valued for judges and court staff.[2] One consequence of systemic change is the extension of collaborative programs to courts of general jurisdiction and, indeed, to appellate courts.

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[1] National Center for State Courts and the American Judicature Society, *Improving Court and Community Collaboration: A National Town Hall Meeting* (Williamsburg, Va.: National Center for State Courts, 1995). Chief Justice Shirley Abrahamson prefaced her definition with these observations: "Throughout the country, courts are coming together with the communities to improve how courts respond to the needs and interests of the public. Volunteer service programs, court advisory councils, and public opinion surveys are but a few examples of the diverse approaches being used to connect courts more effectively to the communities they serve. We call these efforts 'court and community collaboration' because they stem from and require public involvement in decision making about how the courts should function."

[2] For example, the Massachusetts Supreme Judicial Court released guidelines for Reinventing Justice Projects across the state that outline the roles and responsibilities of the state judicial leadership as well as the courts sponsoring individual collaborative projects.

The Community-Focused Court Development Initiative began its work at the programmatic level, studying individual court and community collaborations established to address more adequately a specific community problem—for instance, public nuisance crimes that diminish the quality of life in cities, juvenile delinquency, domestic violence, and handgun violence. A working definition of a community-focused court evolved from research into seven programs (augmented by a concurrent evaluation of the Midtown Community Court in New York City).[3] Collaboration, not specialization, defines whether a court is indeed community-focused. A drug court, for example, can be a community-focused court, but only if collaboration is fundamental to its operations.

A community-focused court works in partnership with the community it serves to identify problems and to develop and implement strategies to address those problems.

- *Collaboration* is achieved by working with community organizations and the public to identify critical community problems and implement problem-solving strategies. The community contributes in a variety of ways—for example, by providing paid and volunteer staff, assessment and sentencing options, and advice and support to the court. In some programs, community members participate in the actual dispute resolution process by recommending sentences in juvenile and criminal cases.
- Court and community collaborations *problem-solve* at both the community and the individual case level. They address communitywide problems in the aggregate, participating, for example, in programs designed to reduce the frequency of domestic violence, drug use, or juvenile delinquency. The problem-solving orientation also is expressed in the court's resolution of individual cases by, for example, seeking sentencing alternatives that will result in positive outcomes for both the individual and the community.
- Collaboration means that the court is engaged with a cross section of the community in an *ongoing, two-way dialogue* that is expansive in scope. The court listens carefully to what the community wants. One benefit of this dialogue is the opportunity for courts to educate the public about what courts do and why they do it and, ultimately, to build a constituency for the courts.

While the ultimate promise of court and community collaboration is at the systemic level, the experience in which we can ground this guide is primarily programmatic. The factors promoting collaboration, however, are primarily systemic, found in the trajectory of court reform in this country and the increased responsibilities that courts are being asked to assume in responding to social problems.

[3] M. Sviridoff, D. Rottman, B. Ostrom, and R. Curtis, *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court* (New York: Fund for the City of New York, 1997).

Why Did Court and Community Collaborations Flourish in the 1990s?

The current popularity of court and community collaboration is rooted in practical benefits that both courts and communities enjoy as a result. Collaboration redresses some negative, unintended consequences of court reform; enhances public trust and confidence in the judicial branch of government; and helps courts cope with the complexities inherent in cases involving family disputes, substance abuse, and other contemporary problems.

Court Reform and its Discontents

The tide of court reform has had a lasting influence on courts' connections to the communities they serve. From the start of this century to its middle, Roscoe Pound, dean of the Harvard Law School, set the agenda for court reform. Pound was keenly aware of the ties that once bound courts and communities in an era when limitations on transportation prevented litigants from traveling without great inconvenience. In an urbanizing nation, however, the type of community that emerged was one in "which our legal institutions had no experience."[4]

These growing cities required new types of courts, notably ones specializing in business law, juvenile offenses, and small claims. The resulting legal specialization and professionalization were the twin engines of change. New types of disputes and the increasing involvement by lawyers as judges and as advocates led to the creation of many different types of courts, often with overlapping geographical and subject matter jurisdictions. The number and variety of courts proliferated accordingly; in 1931, 556 courts were serving the citizens of Chicago.

Court reformers grew increasingly concerned about the degree to which courts were entangled with local politics and political corruption. Jurisdictional overlaps were plentiful and litigants began "shopping" for a sympathetic judge and court. Court reformers concerned about the negative consequences of the proliferation began to preach the virtues of consolidating trial courts. The evils associated with the expansion were of greater concern to reformers than the prospect of estrangement between courts and communities. During the 1940s, 1950s, and 1960s, state legislatures adopted the court reform agenda, a move that in urban areas created a single "downtown" courthouse and in rural areas a multi-county court district. The consolidation of courts in large measure helped resolve political entanglement and corruption as well as streamline jurisdictional overlaps.

The reforms were sweeping in their effect. Today, a single court with a main courthouse and ten satellite locations serves the city of Chicago. The pattern of consolidation of trial courts into a single location was repeated many times, in urban and rural areas alike. The rationale was efficiency and coordination, but one result was that courts became less attached and less visible to identifiable communities. In a sense, courts are now rediscovering the benefits that trial courts once enjoyed from working collaboratively and closely with local communities before the reform agenda prompted consolidation.

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[4] Quoted in Frank Tannenbaum, *Crime and the Community* (Boston: Ginn and Co., 1938), 30.

The Judicial Response: Rethinking the Administration of Justice

The stirrings of a counterreaction to court centralization and court reform were evident by the late 1960s and 1970s. The national commissions on crime promoted a quest for the justice system's community roots, espousing citizen participation.[5] Harbingers of a renewed community focus also can be found within the traditional court structure from the 1960s onwards. Court-watching programs, judicial disciplinary commissions, and permanent court advisory committees flourished. The primary goal of most of these early efforts was limited to serving as "conduits of information" between the courts and the community.

More recently still, courts began to respond to the realities of change in the public itself. Commercial firms stressed customer service, raising expectations of how the public would be treated. The public became better educated and more accustomed and comfortable conducting complex transactions independently. In response, courts decentralized facilities, some by adopting the ATM machine as their model, using computer terminals to allow the public to file court documents or pay fines and fees, and others by being more welcoming to litigants who wanted to represent themselves.

Declining Public Trust and Confidence

Heightened interest in court and community collaboration also strongly reflects concern within the court community about the need to respond to the apparent low levels of public trust and confidence in the judiciary. Surveys of public satisfaction sponsored by state and local judiciaries date from 1978. The results from the start were discouraging: "The general public and community leaders are dissatisfied with the performance of courts and rank courts lower than many other major American institutions."[6] Only 23 percent of the national sample of members of the public reported being extremely or very confident in their state and local courts.[7] Other surveys indicated that public knowledge about and familiarity with the courts were low as well.

A series of recent surveys at the state level report continuing problems. Only between 22 and 48 percent of the public has high confidence in the judicial system or thinks the judicial system is doing an excellent or good job. Several common themes that contribute to low levels of public trust emerged from the state surveys, including perceptions of case processing delay and backlog, racial and ethnic bias, income bias, and poor customer service.

According to a survey conducted by the American Judicature Society in 1994, members of the court community also are aware that the public is not giving them a resounding "thumbs

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[5] See President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington: U.S. Government Printing Office, February 1967) and National Advisory Commission on Criminal Justice Standards and Goals, *A National Strategy to Reduce Crime* (Washington: U.S. Government Printing Office, 1973).

[6] Yankelovich, Skelly and White, Inc., *The Public Image of Courts: Highlights of a National Survey of the General Public, Judges, Lawyers and Community Leaders* (Williamsburg, Va.: National Center for State Courts, 1978), ii.

[7] Ibid., 25.

up." While almost 80 percent of all respondents reported observing a lack of public trust and confidence in their respective jurisdictions, this concern was perceived to varying yet high degrees in urban (85 percent), suburban (75 percent), and rural (66 percent) areas. Respondents also ranked lack of public trust and confidence as one of the five most pressing problems facing their courts.

Court and community collaboration serves as a positive vehicle for reconnecting trial courts to local communities and for involving the public in the work of the courts, thus educating the public and developing a constituency for the courts. These collaborative relationships are thus influential in improving the public's trust and confidence in courts.

Courts as Community Problem Solvers

In the 1980s, concern about access to justice and public dissatisfaction merged with a worrying trend in the kinds of cases that were reaching the courts. Trial courts were inheriting new and challenging responsibilities for solving apparently intractable social problems at the local level. This responsibility emerged in part by default. Problems such as substance abuse and domestic violence overwhelmed the capacities and capabilities of both government and private institutions. Courts, however, cannot limit the flow of these problems into the courtroom as criminal and civil cases nor as individual defendants and litigants, who often bring with them complex and troubled lives. The resulting caseload pressures were most acute in courts of limited jurisdiction established to hear misdemeanor criminal and local ordinance violation cases. Such cases are routine in terms of the legal and evidentiary issues before the court. However, effectively intervening in a manner that restricts future recidivism is very difficult, especially in a court that has a high volume of cases and has traditionally been thought to require minimal judicial attention. Courts established to specialize in family and juvenile law also scrambled to respond to rising case volume and case complexity. Courts were left to deal as best they could with the social and personal problems of defendants and family members that stood in the way of effective adjudication of their cases.

Many courts, however, have been more than passive recipients of society's problems. In recent years, trial courts have become proactive in responding to the social problems that underlie an increasing share of their dockets. Typically, the precipitating force was an individual judge who had grown deeply dissatisfied with the available diagnostic and treatment services or with the degree of coordination among service providers. Coordinating task forces and committees were established for the locality served by the court. New programs were initiated and modified with experience. While decisions on individual cases remained the sole province of the judge (or a judge and jury), decisions on the nature and governance of coordinating bodies and programs were made collaboratively.

More comprehensive responses to changing societal circumstances include the creation of specialized courts: drug courts, domestic violence courts, commercial courts, and community courts. The logic for the creation of specialized courts is twofold. First, some categories of cases become marginalized within central courthouses in the competition for judicial and staff attention. Criminal cases take precedence over civil cases; felony cases take precedence over misdemeanors; tort and contract cases take precedence over domestic relations

cases. Second, some categories of cases require judges with a particular temperament and with specific expertise. In drug cases, for example, it is asserted that defendants benefit from a direct relationship with the judge both during and after adjudication, a reversal of the usual expectations. Drug courts, therefore, seek judges who are willing to take on a novel judicial role (although one familiar in the juvenile and family court contexts) and to make use of an array of social and treatment services.

What Distinguishes True Court and Community Collaboration?

Research on the eight programs suggests the following general conclusions about court and community collaborations:

- Court and community collaborations are durable; some have thrived for nearly a half century.
- Judicial support is critical to both short-term and long-term success of collaborations and the institutionalization of a community focus into the overall business of the court.
- The nature of the community, particularly the organized and mobilized segments of the community, establishes the tenor of the collaboration. The depth of community engagement varies substantially across programs and jurisdictions.
- Collaborations most consistently arise in courts with jurisdiction over juvenile and family cases. However, examples can be found in most areas of criminal justice, including substance abuse, felony firearm-related offenses, drunk driving, and quality-of-life misdemeanors.
- Civil justice disputes are rarely considered within a court and community collaborative framework at present, although innovations in landlord/tenant cases and community mediation suggest that a significant potential for incorporating a community focus in these courts exists.
- Most court and community collaborative mechanisms and activities occur through programs established within existing courthouses and court processes. What defines the unique nature of these courts is a commitment to treat the public as partners to improve the administration of justice and to facilitate community problem solving.
- Court and community collaborations can successfully incorporate the requirements of judicial independence in their formal structure and day-to-day operating procedures. Judicial leadership in collaborations and in the community generally can be consistent with the principles of judicial independence.

What Are Court and Community Collaborations Like?

Eight examples indicate both the range and commonalities of court and community collaborations today.

Peacemaking Division of the Navajo Nation of Arizona and New Mexico. Peacemaking is embedded in a cultural context of cooperation and clan and kinship relationships that promote a sense of responsibility toward preserving the harmony of Navajo

society. Communities choose peacemakers for their wisdom and leadership skills, their ability to communicate, and their standing among their families and clan members. The peacemaking division was added to the adversarial, western-style courts of the Navajo Nation 14 years ago. Peacemaking concentrates not on determining adversarial outcomes (e.g., winning or losing, guilt or innocence), but instead on finding resolution through community-affirming, problem-solving, and consensus-building discussions under the guidance of the peacemaker. Peacemaking ceremonies follow an established pattern: (1) introductions, (2) prayer, (3) questioning of all involved and interested parties, (4) review of established points, (5) assistance with group communication, (6) development of a problem-solving statement, (7) summary, and (8) commitment to solidarity and prayer. There are a number of interesting characteristics of peacemaking, including that sessions follow the traditions of Navajo religious ceremonies and cultural traditions of preserving social harmony and rely on extended kinship and clan ties to resolve disputes; the use of court subpoenas ensures that the key members of extended families participate in the dispute resolution; and peacemaking is available on direct request of the parties to any dispute or on referral by the adversarial court.

First Impressions Project, Los Angeles, California. The Los Angeles Municipal Court established the First Impressions Project to reach out to fourth and fifth graders in the schools of LA's most underprivileged communities. Volunteer attorneys visit classrooms to explain the legal system. The students then visit the courthouse with the attorneys, guided by docents drawn from the school's neighborhood. At the courthouse, the students observe court proceedings, meet judges, and role play as judges, attorneys, and jurors in mock trials. First Impressions is a collaborative effort between the judges and staff of the court, local bar associations, citizen volunteers, a school transportation company, curriculum developers, and Ticketmaster, which provides prizes to essay contest winners.

Franklin County Futures Lab, Greenfield, Massachusetts. The Franklin County Futures Lab Task Force was established in 1994 as a follow-up to the state's *Reinventing Justice 2022* report. The 38 members of the task force represented a cross section of Franklin County's communities, services, courts, and citizens. A series of town meetings throughout the county provided the public with an opportunity to voice concerns about the justice system and to make recommendations on how it might be improved. The meetings culminated in a one-day conference to begin the process of setting long-term goals and planning innovative projects for the judiciary of Franklin County. Resulting proposals include the creation of an implementation council to continue the work of the task force, as well as a community education and outreach board as a mechanism for ongoing dialogue with the community. The strengths and unique characteristics of the program include its effort to look at the court system holistically rather than at its component parts; the expansiveness of stakeholder representation, from both the court and the community; its use of community involvement as a tool to overcome barriers and resistance within the court system; and supportive leadership from the bench.

Detroit Handgun Intervention Program, Michigan. The Handgun Intervention Program was established in 1993 by a judge in the 36th District Court in Detroit, Michigan, working with a group of volunteers, including court employees (probation officers, clerks, and translators), law enforcement officers, clergy, and other community leaders. Attendance is a requirement

for bail release for adults charged with felony firearm offenses, and juvenile defendants attend on referral. Other participants attend voluntarily, typically on referral from teachers, clergy, social workers, parents, and past participants.

The program is held weekly on Saturday mornings in a courtroom. Over a four-hour period, probation officers, police officers, and a judge present a focused, fine-tuned message aimed at raising the awareness of young people about the dangers and consequences of gun violence. Program presenters explain the connection between firearm violence and the problems that defendants face in their own lives and discuss the consequences of firearm violence for their families and communities. During each session, presenters employ morgue photographs of fatal gun shot wounds, linked to the stories underlying each death. They emphasize deaths of innocent bystanders and of individuals who were themselves carrying a firearm when murdered. Presenters use their personal experiences, comparisons to other countries, and lessons from world history to reinforce the basic message of the program: the need to make positive life choices and to take responsibility for one's own life and for the life of one's community. The message is balanced with practical advice, as well as educational and employment resources that are available through the program. Participants are encouraged to return voluntarily to future sessions and to bring others with them.

Oakland County Youth Assistance Program, Michigan. Oakland County Youth Assistance (YA) was formed in 1953 by a group of citizens from one area of the county and one of the probate court judges. To provide an alternative to the traditional system of referring troubled youths to the centralized county probate court, they developed a program to assist these youths within their own communities. The mission statement of Youth Assistance is "to strengthen youth and families and to reduce the incidence of delinquency, abuse, and neglect through volunteer involvement." Youth Assistance is administered by the Oakland County Probate Court through offices in 26 communities throughout the county. Funding and other resources are provided through a tri-sponsorship arrangement between the probate court, the local school districts, and municipal and town governments. The probate court provides professional staff (a caseworker) who is assigned to each office to provide counseling services to youths and their families and to assist with community organization and volunteer management activities. Some of the most striking characteristics of Oakland County's program are its level of community ownership and local autonomy; the community-driven programming that responds to the individual community's needs; and the longevity and adaptability of the program over its long history.

Juvenile Conference Committees, Hudson County, New Jersey. The Hudson County Family Court established "Juvenile Conference Committees" (JCCs) through which one-third of its minor, first-offense cases are disposed. Six to nine community volunteers staff each of the committees and hear cases that do not warrant a court hearing, but are worthy of an expression of social and judicial disapproval. The court's intake workers divert the cases to the committees. During hearings held in facilities dispersed throughout the county, local JCCs meet with juveniles, their family members, and interested parties to determine the circumstances surrounding the complaint. Committee members subsequently recommend a disposition to a family court judge for approval. By court rule (compliance with which is monitored), members match the racial and ethnic composition of the locality. With a wide

variety of backgrounds and experiences, members include college students, business owners, and clergy. The county stresses representation by all linguistic groups in a county with a very high proportion of foreign-born residents. The dynamic aspects of this long-established program include over 40 years of experience in building a strong state infrastructure involving volunteers; structured professional education and skills training for volunteers, contributing to judicial confidence in JCC decisions; and successful retention of volunteers over long periods of time.

The Midtown Community Court, New York. The Midtown Community Court tackles a wide array of social problems manifest as low-level, quality-of-life offenses in neighborhoods in the Times Square area. By focusing on these low-level offenses, the court is able to give these crimes a level of attention they would not have received at the centralized, downtown criminal court. The court thus responds to community concerns that these crimes deserve a higher priority as they deprecate the quality of life in the community. The court began as a public/private partnership and incorporates the resources and staff of city, state, not-for-profit, and voluntary organizations to design and provide sanctions and services for offenders, such as community service projects, drug treatment, health screening, and educational opportunities.

Norfolk Juvenile and Domestic Relations Court, Citizen Advisory Council, Virginia. In 1984, a court order mandated the creation of a Citizen Advisory Council (CAC) to advise and otherwise assist the court. The duties of the CAC include (1) consulting and conferring with the court and the director of the court service unit about the development and extension of court service programs, (2) recommending amendments to the law and communicating thoughts and advice about pending legislation affecting children and domestic relations law to members of the General Assembly after consultation with the court, and (3) conducting annual visits to local facilities receiving children under court orders and issuing a report to the court on the conditions and surroundings of these facilities. The unique characteristics of this collaboration include the substantial contributions of volunteer time and energy to substantive studies on which the court in turn relies for research to enhance its various functions; strong institutional support; and a membership drawn entirely from the community.

More detailed information on each of these court and community collaborative programs is provided in Appendix A.

What Is the Community of a Trial Court?

The community of a trial court is generally thought of as a defined geographical area, demarcated by governmental or administrative boundaries. However, when applied to a court, the word *community* also carries expectations of an area to which residents have some sense of belonging and with which they identify. A community court suggests still more. The expectation is close to that of the social science tradition in which geography is less significant. Community there suggests the prevalence of social bonds that are underwritten by emotion and that have depth, continuity, and completeness—the antithesis of a contractual relationship.[8]

[8] Robert Nisbet, *The Sociological Tradition* (New York, Basic Books, 1966).

What defines a social community? "Community is defined by two characteristics: first, a web of affect-laden relationships among a group of individuals, relationships that often crisscross and reinforce one another (rather than merely one-on-one or chainlike individual relationships), and second, a measure of commitment to a set of shared values, norms, and meanings, and a shared history and identity—in short, to a particular culture."[9] In this understanding, communities both persuade and coerce, "threatening their members with the stick of sanctions if they stray, offering them the carrot of certainty and stability if they don't."[10] In many respects, this is the "community" around which planners seek to build a court and community collaboration.[11]

To community organizers or, indeed, to community residents, local areas are problematic when considered as social communities. A local community includes residents who are members of many "communities" in the social science sense—ethnic, racial, social class, age—and these individuals have very different levels of attachment to and involvement with the various communities to which they belong. The realities of neighborhoods and clusters of neighborhoods often do not correspond with the assumptions about the community. Residents do not hold their goals and concerns in common, and they may have very different agendas for community improvement and development. The views of those that operate businesses or work in an area are also relevant to defining what a community wants.

This dichotomy of social versus geographical communities presents a distinct challenge to those planning or operating a community-focused court. Members of geographic communities and subgroups within communities enjoy different amounts of power, have different levels of resources that they can use to reach their objectives, and face different levels of constraints in seeking their objectives. Differing levels of participation in community institutions and gatherings often reinforce these differences. "In Franklin County—and probably in most areas where similar initiatives are growing—there is no single, static answer to the question, 'Who is the community?'"[12] This statement from Franklin County is evidenced by the other seven trial court programs reviewed earlier in this chapter that have adopted various mechanisms for securing and retaining a broad base of community involvement. Such efforts, however, need to be grounded in the realities of community politics and divisions within the community.

What Is the Court Role in Community Justice?

All of this court and community collaborative activity is taking place during a period in which particular reliance is being placed on the community as the mainspring of effective criminal justice. Community corrections is a concept of some longevity; community policing

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[9] Amitai Etzioni, *The New Golden Rule: Community and Morality in a Democratic Society* (New York: Basic Books, 1996), 127.
[10] David E. Pearson, "Community and Sociology," *Society* 32, no. 5 (July/August 1995): 47.
[11] John W. Gardner, *On Leadership* (New York: The Free Press, 1990), Chapter 11.
[12] From conversation with Lucinda Brown, project coordinator for the Franklin County Reinventing Justice Project.

has entered its second decade; and community prosecution is continuing to spread in its application. The contemporary concern is how local jurisdictions can merge these initiatives into a coherent community justice program. For trial courts and the judicial branch generally, this objective presents an opportunity and a challenge. The opportunity is to benefit from the momentum and the resources that other parts of the justice system have achieved in the community arena. The main challenge is to create processes and protocols through which courts can participate in coordinated community justice programs *and* can preserve the reality and appearance of being an independent branch of government. Existing court and community collaborations point the way to divisions of labor and forms of participation that allow judges and courts to be leaders in the criminal justice community and in the general community.

What Is the Future of Court and Community Collaboration?

Forces at the local, state, and national level give prominence to the idea of court and community collaboration. Some of those forces are truly national. Judges and court staff around the country are concerned that the public views the courts as distant, difficult to access, and unresponsive to the concerns that animate everyday life. The managers of state court systems seek to find a balance between the virtues of specialization and of consolidation in programs that implement collaboration. Locally, communities are organizing to tackle their economic and social problems but are failing to consider their courts as a part of the solution.

A number of trial courts and communities have experimented with collaborative programs as a comprehensive response to these forces. Some of those experiments have become part and parcel of how court and communities go about their business. A few have a half century or more of history behind them. Others are still emerging and still evolving. Perhaps the most important current trend is the statewide adoption of principles based on court and community collaboration. This guide seeks to encourage and facilitate other jurisdictions that wish to adapt the concept of collaboration to their distinct needs and circumstances.

Chapter 2

Planning, Implementing, and Maintaining a Court and Community Collaboration

Introduction

This chapter of the guide poses a series of questions that, though not exhaustive, should be considered when embarking on a court and community collaboration. The chapter also offers examples of how these questions were answered in the context of different programs visited for the field research. The questions are written from the perspective of the court. This approach acknowledges that although the community certainly can initiate collaborations, the court's active involvement is fundamental to sustained commitment to the concept.

As discussed in Chapter 1, court and community collaboration may be addressed on two levels, programmatic and systemic. The material in this chapter draws primarily from programmatic experiences and uses that context to explore issues related to the implementation of collaborative programs. Our ultimate hope, however, is that these programs can be vehicles for courts to begin to institutionalize a systemic approach to collaboration.

What is the catalyst to collaboration?

An obvious preliminary question before initiating a collaboration is: *Why* should the court and community collaborate? The answer to this question will affect the nature of the collaborative relationship.[13] The long-term benefits highlighted in Chapter 1 provide evidence of the potential positive effects of court and community collaborations. Anticipation of such long-term benefits, however, may not be sufficient catalyst to get nascent collaborative relationships off the ground.

When courts and communities embark on collaboration, most often they are responding to an immediate issue of substantial interest to the community. For example, they may be trying to cope with a difficult societal problem such as domestic violence. While a perceived community "crisis" is not inherent in all collaborations, in these situations, the court and community may come to the collaboration with a more firmly established commitment to resolve the problem. Collaborations that grow out of a single problem, however, have the danger of not developing sufficient flexibility to deal with other issues that may arise. Furthermore, these collaborations may have less likelihood to lead to a broader, systemic commitment to collaboration.

[13] For a further discussion of the impact of the answer to this question on the nature of collaboration, see the paper by Gwendolyn Griffith, "Community-Focused Courts as Collaborative Venturers" (1997).

In the absence of a specific problem, collaborations also may originate from active court outreach. The typical spur to these collaborations is a judge's perception that the traditional court response to defendants charged or convicted of certain offenses is inadequate and a willingness to gather community input on ways to enhance the administration of justice. Problem identification as well as problem solving is part of the collaborative process. Collaborations that identify their own common purpose and incorporate a mechanism for ongoing problem identification may be at some disadvantage in initially trying to generate momentum. However, they have greater long-term flexibility to adjust their priorities as community needs change. These types of collaborative programs also may provide more fertile ground on which to develop a systemic approach to collaboration. (For further discussion of potential catalysts to collaboration, see below and Chapter 3.)

Once collaboration is proposed, further development falls into three general stages: planning, implementation, and maintenance.

Planning

What are we trying to accomplish?

Planners must think critically about the fundamental goals they want to accomplish through the collaboration. Some of these goals may flow directly from an identified catalyst. We would suggest, however, that planners think in terms of several layers of outcomes. Some of the outcomes that collaborations strive to accomplish are (1) contributing to an enhanced quality of life for the community and facilitating the reintegration of offenders into the community, (2) enhancing the administration of justice by taking advantage of a broader base of ideas and information, (3) improving the court's relationship with the community, and (4) increasing public understanding of and familiarity with the courts. At the heart of these outcomes, however, remains the net product of creating a different kind of court that is more responsive to the community it serves. As discussed in Chapter 1, thus far, collaboration primarily can be found at the programmatic level, but many of the programs are beginning to embrace more systemic goals. For instance, in Franklin County the programs that have resulted from the collaboration are less important to the planners than the collaborative dialogue that has been initiated:

> The court and community partnership in Franklin County has produced some well-defined projects and programs that individuals can point to as accomplishments. These programs are by-products, however, of a deeper success, which has been the construction of new two-way avenues for dialogue, for consultation, and for support that are encouraging a change in the local culture about the value of the court system in the lives of Franklin County citizens.[14]

[14] From conversation with Lucinda S. Brown, project coordinator for the Franklin County Reinventing Justice Project.

The landscape of the developing program models continues to grow in diversity, with the variety of program purposes matching the equally variable nature of communities. Court and community collaborative programs thus cover diverse ground. They can be narrowly focused efforts that respond to a specific problem of concern to the court and the community or more expansive, systemic efforts seeking to improve the administration of justice and improve public trust and confidence in the courts. Some serve a geographically defined locality within cities or counties; others are city- or countywide. As discussed more specifically in Chapter 3, collaborations can address a court's criminal, juvenile, or civil dockets.

The innovative programs visited for the field research illustrate the potential variability of program goals and focuses. By examining and comparing the various programs, one can get a sense of the breadth of what court and community collaborations are trying to accomplish—for instance, reviving ancient traditions embedded in the peacemaking division of the Navajo Nation's judicial branch in Arizona and New Mexico; tackling the critical problem of gun violence in urban areas at the Handgun Intervention Program in Detroit, Michigan; disposing of minor juvenile cases through the use of volunteers in New Jersey's Juvenile Conference Committees; and addressing a wide array of social problems manifest as low-level, quality-of-life offenses at the Midtown Community Court in New York. Each example, however, embraces common principles of collaboration, problem solving, and ongoing, two-way dialogue articulated in Chapter 1.

We recommend that ample attention be given to the *mechanism* chosen for determining the focus and goals of a court and community collaboration. A natural issue or focus area may reveal itself in many jurisdictions, but various methods exist to gather critical community input into problem identification or issue prioritization. For example, the Franklin County Futures Lab used town hall meetings as a forum for collecting community opinions about priority areas for reform in the justice system. Other courts have used public opinion surveys or focus groups to gather insights into community sentiments about the courts. The most direct means of understanding the issues of importance to the community is simply for the court to become more accessible to the community. The court should find mechanisms to participate in community dialogue, such as attendance at community meetings and development of public education efforts that encourage *two-way* dialogue between court staff and the public (e.g., meet your judge programs and speakers bureaus).

Do we have judicial sponsorship?

Active judicial sponsorship in which the judges are seen to support the objectives of the collaborative effort and lend their authority and prestige to its success is basic to court and community collaboration at a programmatic level. Even if the judge is not an active participant, judicial recognition of the community contribution is of particular importance. Several of the programs in the field research highlight how strong judicial support correlates with project success, for instance, the programs in Los Angeles, California, Oakland County, Michigan, and Franklin County, Massachusetts. The judges in these instances were instrumental both in providing the impetus and momentum during program infancy and in continuing to be strong catalysts and supporters as the programs matured. Judicial involvement becomes an even

more critical component when a systemic commitment to court and community collaborative orientation is sought.

In some instances, the state judiciary also can be influential in helping initiate and implement a court and community collaboration. The Supreme Judicial Court (SJC) of Massachusetts was very supportive of the Franklin County Reinventing Justice Project from its inception. The state recently released guidelines for the emerging collaborative reinventing justice projects in the state, and these guidelines institutionalize the roles and responsibilities of the SJC in these projects.

While judicial support may be among the elements most often associated with successful collaboration, achieving judicial buy-in also can be one of the greatest challenges facing fledgling collaborations. Judicial hesitance about establishing collaborations with the community remains pervasive, despite many changes in attitudes among judicial leaders within the last five years. In most programs, safeguards allow judges to participate in the collaboration without hinting at any possible compromise of the judicial branch's independence and impartiality. A division of labor is established in which the volunteer-based committee or board can take on responsibilities that might raise conflicts of interest or separation-of-power issues for the bench. For instance, the Citizen Advisory Council (CAC) in Norfolk, Virginia, is not constrained by the strict Virginia rules precluding judicial involvement in politics. The CAC members are thus in a position to engage in lobbying and advocacy activities with the Virginia General Assembly and city management regarding issues that affect the court as well as juvenile and domestic relations law.

To help communities overcome the challenge of fostering judicial buy-in, judges in other jurisdictions may be positive advocates for collaboration among their peers.

Who should be involved?

Collaborations should seek to involve a broad spectrum of community stakeholders in the collaboration, including representatives from diverse racial and ethnic backgrounds, ages, and professions. Equally important is reaching out to other justice system players, including law enforcement, probation, prosecutors, public defenders, private attorneys, and court staff themselves (depending on the nature of the collaboration).

When identifying community stakeholders (such as when recruiting members for an advisory committee), the court may be inclined to gravitate towards recognized civic organizations (e.g., local chapters of the League of Women Voters, the NAACP, the Urban League, Chambers of Commerce, Rotary Clubs). While these stakeholder groups are key participants, care should be taken to identify community members who may not be involved in these more structured community networks. Other potential sources to diversify stakeholder recruitment include churches and schools. Jurors, victims, and other court users also can be considered.

Another important element to recognize in identifying stakeholders is the linguistic and cultural diversity that volunteers performing tasks or serving on advisory bodies can bring to a program. Volunteer recruiters for the Juvenile Conference Committees in Hudson County, New Jersey, specifically seek out a cadre of volunteers that mirror the linguistically diverse

population of the county, which has a very high proportion of foreign-born residents. This policy, which is underwritten by the rules of the Supreme Court of New Jersey, is of both practical and substantive significance. Volunteers hopefully are able to communicate with families involved in the program both in their native language and with a more culturally relevant perspective. As a practical matter, in the absence of the volunteers, the juvenile before the committee might be the translator permitting parents and committee members to communicate. The Los Angeles First Impressions Project also placed particular attention on recruiting individuals from the program's target neighborhoods to serve as project volunteers. Attorneys representing various ethnic-specific bar affiliates also were sought to participate.

By recruiting from a variety of pools of potential participants, programs infuse the process with a variety of perspectives. Accommodating this diversity of perspectives likewise is intrinsic to court and community collaboration. Since initiating the Reinventing Justice process in Franklin County, Massachusetts, the program has worked to achieve broad inclusion and to incorporate the diverse perspectives of community members. These participants include those with only a limited knowledge of the courts (e.g., education representatives, human service providers), outside users of the system (e.g., lawyers, law enforcement), and court staff themselves. The varied backgrounds of the participants promote the opportunity for individuals to learn from one another and to examine the court system from different points of view.

Court and community collaborations should be designed to be sufficiently flexible to fit the contours of the various sub-communities and groups in the court's jurisdiction. The design is typically expansive rather than narrow. This applies to peacemaking in the homogenous Navajo Nation, where elements of Christianity are incorporated into the peacemaking process and parallels between Navajo religion and Christian practice are explained.

How should the court establish a liaison with other justice system representatives?

A court and community collaboration can be one component in a larger effort to foster "community justice," a concept that encourages involvement of all justice system components, including the prosecutor, police, public defender, and corrections. Corresponding efforts to develop community policing, community prosecution, and community corrections began manifesting in various jurisdictions across the country before the idea of court and community collaboration really had begun to take formal shape. The goals of many of these parallel efforts have much in common, despite slight differences in their structure and operations.

Planners should be highly cognizant of other community efforts in the justice system as well as the benefits of establishing relationships among the various justice system components at an early stage in the process. Courts also should recognize the probable benefits of collaboration with these other justice entities. Courts, and most especially judges, tend to be isolated from public opinion (slightly less so if they are elected). A chief judge may lack the public status of a police chief or district attorney because he or she does not appear in the news as much. By linking with these other justice system entities, the courts may be able to absorb some of their broader community recognition. Of course, this recognition also could be a liability.

The idea of linking these individual justice system efforts into a combined concept of "community justice" is only in its infancy. Police and prosecution involvement in the programs visited for the field research was not consistent or operationalized. In at least one instance, the prosecutor was not supportive of the court's efforts. Much of the collaborative potential involving all of these components has yet to be realized.

Does any tradition of citizen involvement/volunteerism exist on which the program can be built?

An assessment of other community programs or traditions may provide insight into ways in which a collaboration may develop. For instance, a court and community collaboration can derive considerable strength from the linkages and knowledge embedded in local organizations (secular and religious) and from resources existing within the community. Peacemaking in the Navajo Nation, for instance, draws upon the authority located in kinship ties and clan relatives to resolve disputes within a structure that is based on the Navajo religion.

Traditions may suggest collaborative mechanisms with which the community will already be familiar. Town hall meetings are a mechanism traditionally used to gather public opinion in New England communities. Therefore, they presented a comfortable forum to gather community input about the court system in Franklin County, Massachusetts.

Community proclivity towards public service may enhance the likelihood that certain types of collaborations will flourish in different communities. For instance, the city of Norfolk, Virginia, has a strong tradition of community boards into which the Citizen Advisory Council to the Juvenile and Domestic Relations District Court was a natural fit.

In the absence of an identifiable community tradition, courts may be able to establish structures that promote the creation of such an environment. The First Impressions Project in Los Angeles, California, is rooted in a broader public outreach campaign by the court to connect to disadvantaged communities in Los Angeles where strong collaborative sentiments do not exist. The project itself serves as a bridge to more expansive court and community involvement through building a foundation of collaboration and trust within these communities.

Who may resist the effort?

Of nearly equal importance to identifying stakeholders during the planning stage is determining who may be resistant, or at least hesitant, about moving towards the collaborative concept. Some careful attention should be given to any possible opposition, and strategies should be developed to attempt to avoid these conflicts. Incorporating not only supporters but also voices of dissent in collaborative dialogues should reap a beneficial outcome, particularly in anticipating and addressing dissenting voices from the planning stage. Despite the best planning efforts, it may be difficult to anticipate who will be resistant. In the programs studied, resistance was not evident to the extent that it inhibited program development. However, many other, now extinct programs may have been attempted in other jurisdictions and failed because resistance was neither anticipated nor overcome.

Examples of possible resistant groups include court staff, who may be unsure about how community collaborative activities will affect their jobs (Will it mean more work for me? Will volunteers replace me?). Attorneys also may suspect that community involvement will have a negative effect on their practice. Involving these special stakeholder groups more extensively and keeping them informed about program progress may relieve some anxiety in these examples.

Geographically defined communities—indeed, all forms of community—are hierarchized in various ways, with unequal divisions of power and influence. Some groups are better connected than others, with organized efforts to preserve and improve local living conditions. In Franklin County, Massachusetts, the leaders of the Futures Lab asked the question at meetings: Who isn't here who should be? As the circle gradually widened, the question was asked again at successive meetings.

Implementation

What short-term goal can be reached quickly?

Implementing a court and community collaboration poses several key challenges. The first to be encountered may be how to develop program momentum. As discussed at the beginning of this chapter, if the court and community collaboration arises around an issue currently of intense interest to the community, momentum may occur naturally. A danger of which to be aware, however, is that once people become involved, they will expect to start seeing outcomes and improvements (perhaps sooner than may be reasonable).

One option to address high expectations is to incorporate into early objectives an activity that has a high probability of success. A successful first endeavor will accomplish several things: (1) participants will trust the process more because they have witnessed results, (2) participants will gain energy from completing a task successfully, which contributes to the future momentum, and (3) the success helps bring participants together (particularly when coming from different perspectives) and becomes part of their collective history on which they can reflect when tackling more difficult problems in the future. When creating the Citizen Advisory Council in Norfolk, Virginia, the first project chosen for the council was to investigate the development of a court-appointed special advocate (CASA) program for child abuse cases in the court. The project had two primary advantages—a high likelihood of success and a focus on an issue already of considerable importance to the council members and the community. The project did result in the creation of a CASA program at the Norfolk court, and participants still recall fondly this first project they undertook together.

Fledgling collaborations also must avoid the pitfall of trying to do too much too soon. Early enthusiasm may prompt participants to try to tackle too many problems or activities at once. Taking small, incremental steps will decrease the likelihood that the program focus will become too diffuse. The Friends of the Norfolk Juvenile and Domestic Relations Court were eager to take on management of all the innovative court volunteer programs presented to them, but soon realized that this style spread their resources (volunteers, time, and money) too thin. The incremental approach may require some difficult prioritization decisions that may not correspond with all of the participants' interests. Franklin County, Massachusetts, faced this

difficult situation. Following an extensive period of developing many proposals for reforming the court system, only a limited number were able to be selected for initial implementation, which frustrated participants whose programs were not selected. The promise, however, remains that all of the programs will be implemented in turn.

What steps can we take to invest the community in the process?

Courts that truly embrace a systemic community focus are committed to building true collaborative relationships with the community. Involvement of the community in the process and in the work of the court must be a reality, not just a spoken yet unrealized goal. In the peacemaking division of the Navajo judicial system, the family and extended kin are integral components of the peacemaking session. Their involvement represents the investment of the entire community in resolving the dispute and restoring the defendant to the community.

Developing legitimate collaborations, however, requires taking steps to allow members of the community to feel invested, not just as if they are acting as sideline observers. "The reality of the collaborative effort . . . is that the courts need to create ways for the community to develop a sense of involvement."[15] Creating a feeling of investment also will maximize the likelihood that the community will sustain its involvement over the long term. Oakland County, Michigan, promotes a considerable degree of community investment in its Youth Assistance program. Local community boards are given a high level of autonomy so that activities and programming are well designed to match the needs of the diverse local areas in which the boards operate. The local autonomy also translates to a sense of local commitment and ownership that would not be achieved if the local programming was directed entirely from the county level. Franklin County recognized a similar reality when reflecting on their activities: "In order to sustain the community's interest and commitment, the collaborative work needs to reflect the community's priorities and concerns. Those projects that do not capture the public's interest will languish."[16]

Community involvement also is contingent on engaging in two-way dialogue with the community in forums in which community members feel comfortable and are encouraged to express their opinions. The dialogue may be most appropriate to begin at the problem identification stage to ensure that the issues on which the collaboration focuses are of importance to the community. Various mechanisms exist to promote dialogue, such as advisory committees (e.g., the Citizen Advisory Council in Norfolk, Virginia) or through community meetings (e.g., town hall meetings conducted in Franklin County, Massachusetts, and attendance at neighborhood meetings in Los Angeles, California).

Advisory committees are the most common means to foster continual and comprehensive dialogue among participants and allow all representative voices to be heard. They create a forum where court staff and community members can interact to identify

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[15] Franklin County Futures Lab Project, *Reinventing Justice: A Project Planner* (Greenfield, Mass.: Franklin County Futures Lab Project, 1997), 25.

[16] From conversation with Lucinda S. Brown, project coordinator for the Franklin County Reinventing Justice Project.

problems and strategize about collaborative solutions. The trial judge and attorney who began the Reinventing Justice Project in Franklin County, Massachusetts, first convened a small planning committee from the court and community to help formulate the mission statement for the project and to help identify stakeholders for a larger task force. A 38-member task force was then established, with representatives from a cross section of Franklin County's service organizations, courts, and community groups. The task force met regularly and functionally served as an approval board, with sub-committees that focused on specific issues and activities.

When engaging in dialogues, however, the court should be prepared to be open-minded and responsive to public attitudes. The community also must be cognizant of the realities of the judicial system, particularly the imperative of preserving judicial independence. The court needs to provide feedback to the community about realistic expectations for change. The feedback should encourage the community to recognize the scope of what the courts can do about a particular problem and raise awareness that the courts cannot be expected to solve all of the problems of society.

Community investment also can be enhanced and the longevity of collaborations better ensured through developing relationships with community partners and maximizing resources, particularly in the context of increasingly limited resources. The Youth Assistance program in Southfield, a municipality within Oakland County, Michigan, developed partnerships with local corporations to provide service programs for local youth. The Youth Assistance programs of other municipalities in the county partnered with local branches of service clubs to enhance their programming (e.g., the Rotary Club and the Optimist Club). The Los Angeles First Impressions Project was able to rely on several institutional community partners, including a private transportation company, a private/public partnership that underwrites school trips, a private foundation, the sheriff's department, and Ticketmaster. Using these established community networks and leaders facilitates community investment in the collaboration.

What mechanism will be used to recruit, screen (if necessary), and train volunteers?

Court and community collaborations in their various forms, rely heavily on volunteers. Involving volunteers can be rewarding for courts on many levels. Establishing an extensive volunteer program, however, requires careful advance planning and consideration of how the volunteers will be integrated into the work of the courts in a positive and genuine way. The following discussion highlights important issues that were revealed as part of the field research. The discussion, however, does not exhaust all of the critical issues salient to volunteer management in the courts. Key resources are included in Appendix B, which can be consulted to provide this more detailed perspective.

Attracting and retaining volunteers requires providing opportunities for self-realization and personal growth, primary motivators of volunteerism today. With an increasing number of worthy programs recruiting from a diminishing pool of volunteers, tying the volunteer's work to personal needs and goals is critical. The Oakland County Youth Assistance volunteers explained that their commitment to the program resulted from a feeling that they were making

a real contribution to their community and the ability to witness first-hand the impact on the lives of the young people the program serves.

Because volunteers often tend to be skilled, as well as strongly committed to community welfare, they are eager to make a substantive contribution to the work of the court. They are not cheap labor or rubber stamps for decisions made by others. Volunteer participants and court staff connected with the Norfolk Juvenile and Domestic Relations District Court Citizen Advisory Council remarked that much of the council's success rests in having substantive projects to which the council can devote its energies and receiving positive feedback from the court.

Emphasis should be placed on recruiting volunteers who have the desired commitment and skills *and* are broadly representative of their communities. In Franklin County, Massachusetts, a broad spectrum of stakeholders were invited to participate in a task force and in subsequently formed working groups. Some participants were specifically solicited, while others were recruited during community town hall meetings open to the general public. Oakland County, Michigan, uses a wide range of techniques to recruit a varied pool of volunteers, including ads in newspapers, on local television shows, and on highway billboards, as well as through functions such as annual "bring a friend" recruitment receptions. For the Juvenile Conference Committees in Hudson County, New Jersey, area students from the local college serve as a prime source of volunteers, particularly from population groups whose more traditional, older generations might be reluctant to participate in a process that supersedes parental authority over children. For the Los Angeles First Impressions Project, a judge went to neighborhood block association meetings and meetings of other community organizations to explain the project and recruit volunteers from the target neighborhoods. This process resulted in the recruitment of volunteers who then became spokespersons for the courts in these minority communities that are often hostile towards the justice system.

Depending on the nature of the collaborative program, care also should be taken in screening volunteers. Volunteer programs in Oakland County, Michigan, and Hudson County, New Jersey, have had to develop extensive screening programs because their volunteers work one on one with young people. Screening may include a criminal background check, several personal reference checks, and personal interviews.

Training components also may be important, including both orientation training and "in-service" training that allow volunteers to acquire new and relevant skills. The extent of training programs may vary considerably according to what the court and community collaboration is trying to accomplish. All participants should receive, at a minimum, an orientation to the court system and its various related components. Citizen Advisory Council members in Norfolk, Virginia, received a lengthy orientation to familiarize them with the court and the associated service-providing agencies. More extensive training may be required for more intensive volunteer collaborations that involve participants, for instance, in performing court functions (e.g., Juvenile Conference Committee volunteers in New Jersey decide the adjudication for certain juvenile offenders) or in mentoring relationships (e.g., Oakland County's PLUS volunteers). The juvenile-oriented programs in Hudson and Oakland Counties both exemplify well-developed, multi-level training curricula that orient volunteers to the program and provide continuing education opportunities relevant to their volunteer work.

In addition to the valuable assistance volunteers can provide, volunteers can serve as an informed and positive constituency for the courts. The Los Angeles First Impressions Project provides an opportunity to involve people from disadvantaged communities as volunteer docents at the court. It also helps further educate them about the courts and hopefully instills positive attitudes about the court system that are brought back to local communities. Volunteer participants in the program in Franklin County, Massachusetts, became an advantageous voice for the court in helping secure funding for a new courthouse in the county.

A final essential element in maintaining a strong volunteer base is volunteer recognition. Judges may underestimate the positive effect that their recognition of volunteer contributions will have. Oakland County holds a yearly volunteer recognition month and major event, attended by all of the probate judges and the court administrator, to thank volunteers for their service. More importantly, the probate judges and court administrator travel the county on weekends and evenings to attend local board of director meetings, youth recognition events, and other events, continuously reinforcing the court's appreciation of the public's participation in and commitment to Youth Assistance.

How will the program be financed?

Another likely challenge to be faced when trying to implement a court and community collaborative program is overcoming the perception that courts have available significant resources to undertake such an effort. Many people may be quick to jump to the conclusion that substantial additional funding beyond the court's budget will be required, and available, from such sources as national private foundations and federal grants. While these opportunities do exist, they are, as yet, severely limited. Among the examples that could be cited to the contrary is the massive effort to undertake, plan, and implement the Midtown Community Court, which benefited greatly from these types of resources. It is unlikely, however, that other programs will be able to count on the continued outlay of capital demonstrated there.

These statements are not meant to sound discouraging, especially because the "Cadillac" version of the Midtown Community Court in New York, which began as a public-private experiment, does not necessarily translate to the types of programs developing in other areas of the United States. Most efforts are more modest and do not require this magnitude of investment. Small seed moneys, or "coffee and doughnut" money as one program referred to them, may better represent the resources needed for many efforts to get started. Smaller grants from local community foundations are a possible avenue to assist with these limited expenses. A local business or university may donate other resources, such as office space and administrative support. For instance, office space was donated to the Franklin County Futures Lab in Massachusetts by the local community college.

Although a program may be able to "get off the ground" with these types of resources, program sites that exhibit considerable longevity have come to rely on direct, and often significant, court budgetary support of the collaborative programming. Mobilizing court resources to support the collaboration remains the most systematic way to ensure that collaboration does not become an "in-box" exercise for the court, but becomes part of the

court's operational identity. The incorporation of funding for collaborative activities is a significant sign that a court is moving towards a systemic orientation to court and community collaboration.

Franklin County, Massachusetts, also receives some financial support for their activities from the system. In 1996, Massachusetts extended its financial and substantive support of Reinventing Justice Projects from Franklin County to three additional counties. These sites were selected through a competitive application process. Oakland County, Michigan, has designed a tri-sponsorship arrangement for its Youth Assistance program in each local community. The activities of the Youth Assistance program are supported not only by a significant appropriation of the probate court's budget, but also by funding from the school districts and town and municipal governments. The funding arrangement provided the stability and predictability of support for the program that sustained it for a half century. It was intended, however, to increase the sense of collaboration and partnership among all of the local government agencies involved in the program. It also has the outcome of ensuring that the program is not viewed as an "add-on" responsibility, but as an integral part of the work, and identity, of the probate court.

Maintenance

How will we institutionalize communication and dialogue?

Dialogue with the community should begin in the planning stage, but must be ongoing. An institutionalized mechanism should be created with the sole purpose of continuing a dialogue that gives the community an opportunity for direct input in problem identification and promotes collaborative problem solving. The most prevalent mechanism used is advisory committees (also discussed above). In Franklin County, Massachusetts, a community outreach and education board was created to institutionalize the ongoing process of input and feedback between the court and the community. Recently, a set of recommendations suggested that this board be replaced with a new entity, a community collaboration board, providing a new structure with essentially the same functions. The Midtown Community Court in New York has a community advisory board that meets regularly to identify, review, and evaluate community service projects, to keep the court abreast of quality-of-life conditions in the community, and to suggest new ways the court can address these conditions.

Communication and information flow also helps maintain a program by keeping all participants (including court staff and community representatives) engaged in the collaborative concept. Franklin County, Massachusetts, produces a newsletter about their project, as does the Midtown Community Court. Brochures and other literature are another way of conveying the common identity or "message" of the collaboration to participants as well as a broader audience. Each Oakland County Youth Assistance program creates its own brochures and informational flyers about its services. The probate court produces countywide brochures, a newsletter, and other informational materials (including a *Family Fun Book* highlighting recreational activities for families in the county).

How will we reevaluate who is and is not involved in the collaboration?

A pitfall of some collaborations is that they do not engage in a continual evaluation of their membership or engage in the process of outreach to new, potential members. Program activities may stagnate when the same people are involved without any infusion of new ideas and energies. As the collaboration matures, the program focus may shift and thus require outreach to others with different perspectives that can add insights to the dialogue and contribute to the problem-solving strategies. The process of reevaluation also presents an opportunity to consider those stakeholders who were hesitant about the collaboration during the implementation stage but may be more willing to become involved once the collaboration has been established. These stakeholders should be re-invited to participate during this next stage of development. Franklin County, Massachusetts, views its process as dynamic, one that will never be closed to new partners. Participants continuously reassess which stakeholder groups are not represented and then ask these groups to join.

An essential assumption tied to this question is whether an accurate record of those involved in the collaboration is being kept. Keeping good records of participants is critical on several levels: (1) to allow for the flow of information and continued communication, (2) to facilitate volunteer recognition, and (3) to permit the determination of the various perspectives represented in the collaboration. Historical records of past participants also are good sources during recruitment, as many individuals may want to take a leave of absence from the program but still would be interested in future involvement. Franklin County, Massachusetts, maintains an extensive database of the individuals involved in their collaboration. The database serves as an invaluable source for continual program maintenance.

Who will be responsible for day-to-day management of the collaboration?

Court and community collaborations need nurturing. They cannot be sustained over long periods of time without consistent and centralized management. A widely known telephone number and address ensure that participants in these somewhat decentralized processes are able to communicate effectively with one another.

Program longevity appears to be linked to court involvement in program management, which in turn leads to the institutionalization of collaboration at a systemic level. A central manager and staff (funded by the court) can best represent the court's interests and serve as the primary contact point with the community. A coordinator who instead is a volunteer is unlikely to be available, or willing, to devote the hours required to manage an extensive collaborative program, and having more than one person would result in discontinuity. The involvement of the court can facilitate execution of some management activities that on the surface appear simple, such as meeting minutes and mailings, but these activities can be difficult to task only to volunteers. The Handgun Intervention Program in Detroit's district court is governed by a task force consisting of court staff and community leaders who both set policy and continuously monitor the content and impact of the program.

The Oakland County Probate Court commits at least one staff member to each of the 26 local offices of the Youth Assistance program. These staff members serve as liaisons between the local community boards and the central staff at the probate court and are responsible for

community organization and volunteer management. Because of the level of local autonomy instilled in the volunteers in the Youth Assistance program, however, a delicate balance exists between the local control over programming and centralized probate court direction and standards.

A state-level, court employee serves as the volunteer coordinator for New Jersey's statewide volunteer programs. The coordinator works with individuals in each of the vicinages (counties) across the state in maintaining the collaborations between the local courts and the community. Each superior court provides a coordinator for the local juvenile conference committees.

Although court management of the program is perhaps the most effective model in terms of promoting longevity and continuity, some programs have developed unique arrangements for managing their day-to-day operations outside of the court structure. Franklin County, Massachusetts, initially hired a part-time coordinator (through a grant) to provide administrative support and serve as the critical communication link between many working groups. A full-time community collaboration coordinator position to be funded by the court was recently created. The volunteer program in Norfolk, Virginia (the Friends of the Norfolk Juvenile Court) took a collaborative approach to develop the staff for their central management office. They secured ongoing funding for paid staff positions from several sources: (1) the city of Norfolk funds two positions, (2) one probation officer from the court service unit of the court is assigned to work in the Friends central office, and (3) two program coordinators are funded through grants.

Is the court and community collaboration sufficiently adaptable to adjust to changing conditions?

Collaborations must be sufficiently flexible to adjust priorities and add new partners as the community and the court change. One community member involved in the Norfolk, Virginia, volunteer program put it this way: "The history of the Friends is like a marriage. Whatever difficulties have surfaced, we have worked them out and kept the organization together." Through a commitment to a high level of local autonomy and program management, the Youth Assistance program in Oakland County, Michigan, has created a dynamic level of community involvement. The level of involvement enables the community to adjust priorities to meet the needs of the many unique and changing environments throughout the county in which the program operates. The potential for adaptability might be best exemplified by the continued relevance and success of the traditional peacemaking ceremonies of the Navajo Nation for resolving disputes in the context of the modern Navajo community. Franklin County also has undergone significant reconsideration of its structures to adapt to the changing nature of its collaborative model.

A clear process for the succession of leaders should be developed, such that the incumbents to various key positions (e.g., chief judge, school superintendent) define the collaboration as a part of their new responsibility. Tying the collaboration to the court's operational identity will be a key component in maintaining judicial support and court leadership over time. Oakland County again provides a good example. The program, in

operation for over 40 years, has survived changes in both judicial and management staff. The program is so fully integrated into the organizational identity of the probate court that court and judicial staff remarked that the existence of the program was an incentive to work at the court.

Many collaborative programs have been implemented largely through the efforts of one judge in the court. A difficulty likely to be faced by some of these programs in the future will be coping with the departure of the founding judge. In order to ensure the continuation of these programs, courts should integrate the structure and processes surrounding the collaboration into their operations so that new judges will accept program leadership responsibilities as an essential duty.

How will the program be evaluated?

This question is last, but certainly not the least important. Program evaluation is an often-overlooked element in public sector programs, including court and community collaborations. Evaluations, however, provide several valuable results. In addition to generating information that can enhance the organization, structure, and operations of the collaboration, evaluations are an integral component in maintaining support for the concept. Eventually the court will be asked (e.g., by funding agencies, by court leadership, or by the public): What has the program accomplished? How is the administration of justice enhanced by the collaboration? What is enhanced about the community the court serves as a result of the collaboration? The court should be prepared to answer these questions by incorporating an evaluation component into regular program maintenance activities.

The Oakland County Youth Assistance program recognized the value of evaluation to sustaining the commitment of various financial supporters. An outside consulting firm (contracted from a local university) conducted an extensive evaluation. The evaluation reported positive findings about program outcomes and recommended some specific areas where constructive improvements could be made.

An evaluation team also has been assembled for the Midtown Community Court (including both in-house staff and outside researchers). The purpose of the evaluation is to assess the court's impact on case processing, recidivism, the quality of life, and public confidence in the criminal justice system and to suggest adjustments to the experiment as it proceeds.

The Handgun Intervention Program in Detroit, Michigan, likewise has conducted a program evaluation after its third year of operation. Undertaken by the Urban Institute, the evaluation includes an experimental design to measure objective impacts on participants, in-depth interviews with participants to discern subjective impacts, systematic observations of program sessions, and questionnaires completed by participants.

In addition to providing information that contributes to program enhancements and continued support, evaluations provide valuable information to other communities seeking to implement similar programs. The evaluation data will instruct these jurisdictions on the types of collaborative court structures and operations that have a high probability of success.

Chapter 3

Common Programmatic Areas for Court and Community Collaboration

Introduction

As described earlier in the guide, programmatic examples of court and community collaboration operate in a variety of court environments and problem-solve around a range of issues. Reviewing these variations reveals that, thus far, some court arenas or societal problems lend themselves more readily to collaborative relationships that involve problem solving and dialogue. In this section, examples will be given of various environments in which collaborations are currently active. What about these arenas or problems encourages or facilitates community involvement? What are the similar characteristics of collaborations in each area? What makes the collaborations unique from collaborations around other issues? To what extent are collaborative programs in these areas moving from a programmatic to a systemic level?

Grouping court and community collaborations by issue areas is only one way to categorize these efforts. Another approach is to identify programs based on the nature of their collaboration.[17]

Juvenile Justice

Many juvenile courts have a long-established tradition of court and community collaboration, volunteer programming in particular, and foster a judicial role that is less adversarial, more proactive, and more positive toward social and treatment services. Indeed, when selecting programs to include in the site research, project staff discovered that there are many programs in operation across the country that respond to juvenile issues. The greater relative numbers of juvenile programs, combined with the fact that the two oldest programs in the field research are in the juvenile area, suggests that programs that address juvenile problems may be easier to implement and sustain than programs around other court issues.

The natural tendency and necessity of juvenile courts to interact regularly with community service providers may make them more comfortable in extending collaborations to the larger community. The structures already established for cooperating with agencies outside the court system could potentially be adapted to broader collaborations with the community. The juvenile courts' connections to community service workers also may facilitate linkages to networks of other community groups and resources.

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[17] See paper by Gwendolyn Griffith, "Community-Focused Courts as Collaborative Venturers."

Another trend influencing the development of collaborative juvenile courts is that many judges in the juvenile courts are emerging from a metamorphosis of their perceived role in the system. These judges who view themselves with an expanded problem-solving orientation at a case level may feel more confident engaging in community dialogue about problems in the aggregate. These changes parallel shifts in other court contexts, such as the proliferation of drug courts. The perception encourages a more willing climate to initiate community involvement in juvenile courts.

Issues addressed in the juvenile courts are often those that affect the future lives of our communities most deeply and fundamentally. The linkages between child abuse and neglect, juvenile delinquency, and future violent crime place great significance on the juvenile courts and their ability to avert problems and change the path of a young person's life. In light of the hopefulness that early involvement with children at risk will have a positive outcome, juvenile courts are perceived as places where community problem solving and intervention have the potential for great impact. The power of these issues involving children have the tendency to bring people together who might otherwise hold differing perspectives. Because of this high level of accord, many courts see the juvenile area as a safe entrée to collaborative relationships.

Similarities Between Juvenile Court Programs

Three of the sites visited for the field research focused specifically on juvenile court issues. All expressed the sentiment that the desire to "help children" was a major impetus to program development.

The courts engaged in these juvenile programs have taken significant strides towards institutionalizing a systemic "community focus" into court management. These courts are similar not only in that the philosophy embracing a community focus permeates throughout court operations, but also in that they have developed a strong program infrastructure to support program activities. This central management infrastructure holds particular importance in sustaining these programs that are otherwise heavily volunteer driven and supported. The juvenile court programs, however, do rely on volunteer self-management. While most community-focused courts exhibit a significant volunteer component, volunteers in the juvenile area are uniquely dedicated and enthusiastic. Recruiting volunteer participants remains a challenge for all programs, but encouraging volunteer engagement for juvenile problems may have some advantages because of people's eagerness to assist young people. These programs exhibit varying degrees of volunteer training. The higher the degree of interaction with juveniles, the greater the commitment of the court to volunteer training and monitoring.

Family/Domestic Relations

Recently, an increased focus has been placed on domestic violence as a prevalent and potent societal problem. National, state, and local initiatives make use of strategies to coordinate a community's response to violence against women. These trends parallel the large-scale national efforts to encourage community coordination and collaboration to address

domestic violence through the Violence Against Women Act. The role courts play in addressing domestic violence is similar to their role in addressing child abuse and neglect and other juvenile issues: they are an integral component in a complex web of services. Most courts handling these cases, however, have not naturally developed the same level of coordination with service providers that seems to exist in many juvenile courts.

Many courts and communities increasingly realize that family violence is not an individual victim's plight, but a community catastrophe. Not only does violence have a devastating effect on the individual victim, its consequences extend to the victim's children and family and to the community at large. The growing recognition of these pervasive effects on society has compelled courts and communities to become active partners in the campaign against family violence.

The court plays a pivotal role in many of the state and local efforts to coordinate the resources of the community with the growing institutional responses of law enforcement, the courts, and service agencies. The 1993 national conference, Courts and Communities: Confronting Violence in the Family (sponsored by the National Council of Juvenile and Family Court Judges), placed the courts at center stage in these efforts.

Among the most prominent and promising mechanisms for coordination between courts, criminal justice agencies, service providers, and the community are domestic violence coordinating councils or task forces at the state and local level. Many were formed as a direct result of the 1993 conference. A 1994 survey identified 23 active statewide coordinating councils.[18] Court involvement and leadership in these task forces has been strong in many jurisdictions. These task forces provide a safe forum for judges, court administrators, other criminal justice representatives, service providers, and the community to collaborate in finding solutions.

Another more recent trend has been the development of specialized courts to handle domestic violence cases, some of which incorporate elements of court and community collaboration. The consolidation of domestic violence case adjudication can be traced to the establishment, in the early 1980s, of a single court in Cook County, Illinois, which heard all domestic violence misdemeanor cases. A growing number of courts have instituted similar consolidations in subsequent years. Dade County, Florida, provides perhaps the most well-known example of a domestic violence court. In addition to improving the judicial system's response to individual domestic violence victims, often these courts provide enhanced coordination with other community service providers. The community is viewed as an integral component in the success of many domestic violence court models.

Programs visited for the site research also are tackling the issue of domestic violence. The Norfolk Juvenile and Domestic Relations Court Citizens Advisory Council initiated a study of the court's handling of domestic violence cases and recommended several adjustments to the process to assist victims more effectively. Suggestions included the establishment of an in-court volunteer advocate program to help victims of domestic violence through the court

[18] C. Bailey, "Statewide Family Violence Coordinating Councils," *Courts and Communities: Confronting Violence in the Family* 1, no. 2 (1995).

process (the Spousal Abuse Friend and Educator [SAFE] program), the development of brochures outlining procedures and available services, and the referral of batterers to approved counseling programs. A district court judge in Oakland County, Michigan, in collaboration with other justice system representatives and several community service providers, also instituted a domestic violence program with an emphasis on improving system processing that ultimately will help victims. The program seeks to reduce the amount of time required to prosecute criminal assault in domestic violence cases.

The specific programs described, as well as the other models discussed (including the task forces and coordinating councils), emphasize the importance of considering the needs of victims of domestic violence and linking victims more effectively with community services that can help meet those needs.

Quality-of-Life Misdemeanors

The prospects for community courts addressing low-level, quality-of-life crimes has gained increasing national attention. Consideration of the development of such courts should be juxtaposed with the outcomes of court centralization efforts in the middle of the century. The centralization movement created courts that were more professional, more predictable, and more efficient. Those courts, however, were difficult to access, as they were geographically remote and procedurally arcane for most people. Once the visible local court forum, misdemeanor courts became disconnected from the concerns and lives of communities, and public dissatisfaction was the consequence. Also driving the initiation of community courts is the perceived inability of these centralized courthouses to deal with minor, low-level offenses in a manner that emphasizes efficiency and offender accountability to the community. Low-level offenses, such as prostitution, illegal vending, gambling, shoplifting, and vandalism, receive relatively little attention in the world of the large, urban criminal court, but can deprecate the quality of life for community members who must live with these crimes. The manner in which courts deal with these crimes thus gains heightened significance to the community.

An operational example of a community court constructed around these issues can be found in New York City—the Midtown Community Court in Midtown Manhattan. The Midtown Community Court was created in response to multiple problems, including high concentrations of quality-of-life crimes, community dissatisfaction with the court system's response, and an insufficient range of sentence alternatives for these offenses. In addition to facilitating swifter justice by being situated in the locale where the low-level crimes are committed, the Midtown Community Court incorporates mechanisms to increase offender accountability and community involvement. These mechanisms include community service sentences performed in the local area, constructive sentences addressing underlying social problems such as substance abuse, and a community advisory board to assist the court. The Midtown Community Court thus combines the renewed interest in bringing high-volume, short-duration criminal cases back to communities through neighborhood-based satellite/branch courts with an emphasis on community input and involvement.

Courts addressing quality-of-life crimes also have developed in other areas, but without the significant community involvement that characterizes community-focused court programs. These courts are better identified as "neighborhood-based courts." While neighborhood-based courts do bring justice back into communities, the mere location of a court in a community does not make it a collaborative court.

There is no claim that the Midtown Community Court model would fit all locations and all court systems. It features elements that can be recombined and replicated elsewhere and a general demonstration that courts and communities can approach quality-of-life problems in a more sophisticated and effective manner. Currently, the Midtown model is informing the planning and implementation of community courts in Atlanta, Baltimore, Minneapolis, Portland, and St. Louis.

Other Specialized Areas

Reflective of the variation in communities and the differing prioritization of issues, court and community collaborative programs also exhibit responses to a wide range of problems in a variety of ways. Among the unique responses examined in the field research was the firearm intervention/prevention program in Detroit, Michigan.

The Handgun Intervention Program (HIP) was established in 1993 by a judge of the 36th District Court, working in collaboration with court staff, law enforcement officials, individual police officers, local clergy, and other community leaders. Everyone's participation is on a volunteer basis and is not a part of his or her official duties. Concern over the problems associated with handgun possession and the inadequacy of existing programs and sanctions for reaching the young men concerned stimulated the HIP's development. The first HIP was held on July 24, 1993.

The Handgun Intervention Program is aimed at defendants facing felony charges associated with carrying a concealed weapon. Participation in HIP is a condition of release on bond. The HIP's objectives are to communicate a realistic and strong message about the consequences that carrying and using firearms have for the defendant, the defendant's family, and for the community. Educational, vocational, and occupational training and other forms of assistance are made available to participants as a part of the HIP session. The ultimate objective of HIP is ambitious: to change the culture that underlies the possession of handguns in urban neighborhoods and thus make those neighborhoods less "gun rich."

An informally established task force planned the first HIP sessions. Members included the judge who founded the program, participating court staff and law enforcement personnel, clergy, and police officers involved in the presentation of the program. At various times, the mayor of Detroit designated a representative to serve on the task force. The task force initially met after each session to critique its progress and refine the content and message. It currently meets less frequently, but regularly, and is concerned primarily with the strategic direction of the HIP, not program content.

Another example of other areas in which court and communities are collaborating is with drug courts. These specialized courts seek to craft custom-designed sentences for drug offenders that incorporate both supervision and treatment components. Drug courts take a

more therapeutic, nonadversarial approach that promotes public safety while promoting the treatment of drug dependency. Well over 200 drug courts currently exist, with many more in the planning stages. The drug courts rely on community-based treatment options and supervision and require cooperation between various elements of the justice system, the defense bar, treatment and rehabilitation professionals, educators, and the community at large. Not all drug courts meet the goal of developing community linkages and maintaining these partnerships. In short, a drug court can be a community-focused court, but the features that have defined drug courts to date do not meet the criteria for meriting a community designation. However, the drug court standards project includes the ideals associated with community linkages and responsiveness as one of the key components for drug courts.[19] For more information about drug courts, contact the National Association for Drug Court Professionals.[20]

Among the other unique programs that have captured attention across the country are those aimed at restorative justice. The concept of restorative justice is founded on the belief that crime is an act against another person and against the community, not simply against the state. Crime weakens relationships between community members. Restorative justice holds the offender accountable for his or her actions with the goal of restoring and reconciling the offender to the victim and to the community as a whole. Victims are given a larger voice and regain their personal power lost by their victimization. The community acts as a key component in helping bridge the gap between people and organizations and strengthening community bonds through collective action.[21]

The concept of restorative justice borrows much of its philosophy from early, American Indian traditions. The Navajo Peacemaking Division in many respects is a forefather to these efforts. Leaders of the Navajo Nation's judicial branch refer to peacemaking as "Original Dispute Resolution."

General/Systemic Focus

Rather than focusing on a specific issue area, some programs have taken a broad, generalized approach to court and community collaboration. These programs respond to issues of public dissatisfaction with the justice system and the need to include community input both in problem identification and in problem solving. Some of these examples also move towards the ultimate goal of a systemic orientation to court and community collaboration. The Franklin County Futures Lab in Greenfield, Massachusetts, used this generalized approach to strategize about reform efforts throughout the court system. As is true of court and community collaborations addressing other issues, citizen involvement in these programs promotes public trust and confidence in the system and builds a constituency for the courts. In late 1997, the

[19] National Association of Drug Court Professionals, Drug Courts Standards Committee, *Defining Drug Courts: The Key Components* (Washington: U.S. Department of Justice, 1997).
[20] National Association for Drug Court Professionals, 901 N. Pitt Street, Suite 300, Alexandria, VA 22314, (703) 706-0576.
[21] Center for Restorative Justice and Mediation, School of Social Work, University of Minnesota, *Restorative Justice for Victims, Communities and Offenders* (1996).

Supreme Judicial Court of Massachusetts approved a new staff position within the judicial branch: a full-time community relations coordinator who will be assigned to the trial courts of Franklin County.

These types of efforts also respond to the related recognition that in order to improve the public's trust and confidence in the courts, the courts must serve the public more effectively. Most particularly, the courts need to develop ways to facilitate access to those who must navigate the courts without an attorney. These "customer service" ideas flow from principles advocated in the private sector for many years. The principles also link directly with the goals and objectives of courts, as articulated by the Trial Court Performance Standards.[22]

Among the jurisdictions at the forefront of efforts at serving the public more effectively (akin to the automated teller machine phenomenon in the banking world) and assisting pro se litigants is the Maricopa County Superior Court in Phoenix, Arizona. The court uses computer kiosks to make information more accessible to litigants and has an extensive pro se litigants' assistance program.

Courts are using various other mechanisms specifically to engage the community in a dialogue that seeks to enhance the administration of justice as well as improve public trust and confidence in the courts. Franklin County, Massachusetts, used town hall meetings as a means to gather public input. All of the information gathered in the course of their meetings was recorded and later used to develop specific plans for systemic reform. Another technique of engaging in a more generalized approach to collaboration is the use of advisory committees. The Citizen's Advisory Council of the Norfolk Juvenile and Domestic Relations Court in Virginia provides one example of such a committee. The authorization for the council is provided in the Virginia Code (Section 16.1-240). Other jurisdictions have established advisory committees either for limited purposes (such as strategic planning) or as ongoing advisory bodies.

Two states are taking the lead in establishing a statewide and systemic approach to court and community collaboration. Massachusetts is taking strides to incorporate what has been learned through the Franklin County experiment into the mainstream of the state's court system. The Franklin County Futures Lab Project was a laboratory for implementing the recommendations of a statewide report, *Reinventing Justice: 2022*. The success of that experiment led the Supreme Judicial Court of Massachusetts to extend the Franklin County model of collaboration to the state's urban areas. A competitive process led in 1996 to the selection of three additional counties as "Reinventing Justice" sites. The purpose of these initiatives is "to support innovations and improvements in the administration of justice in the Massachusetts courts, based on consultation with the community through forums where citizens are assured that the courts are not just about 'telling' but about 'asking, listening, and involving' as well."[23] In March 1997, the Supreme Judicial Court of Massachusetts established "Guidelines for Reinventing Justice Projects," establishing a broad arena in which the state's trial courts can collaborate with entire communities.

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[22] Bureau of Justice Assistance, *Trial Court Performance Standards with Commentary* (Washington: Bureau of Justice Assistance, 1997). NCJRS No. 161570.

[23] Office of Policy Development, Supreme Judicial Court, November 1997.

California is also engaged in a statewide effort to shape and promote an agenda on court and community collaboration. In April 1997, the chief justice of California appointed a task force on court/community outreach. The purpose of the task force is to establish a dialogue with the community with two specific objectives. The first objective is to make the courts more responsive to the public's needs. The second purpose is to increase public understanding of the courts. All of California's trial courts have been surveyed to establish the existing range of court and community collaborative activities. The results of that survey and other information fed into a statewide conference on collaboration held May 1998 at which all of the state's counties were represented.

Education

Courts have been placing heightened attention on public education and outreach efforts. Several useful guides have been published that address these issues.[24] Some of the mechanisms they suggest include:

- Public information officers that plan public outreach and education and respond to media requests, as well as handle other responsibilities,
- Speakers bureaus/Meet your Judge programs,
- Courthouse tours,
- Mock trials, and
- Informational court guides and brochures.

Public education and outreach are important components of any efforts toward court and community collaboration, either on a programmatic or systemic level. Courts with a collaborative orientation, however, should see the mission of their efforts beyond merely educating the public. These courts also should engage the public in a two-way dialogue that increases community input and involvement in the courts. Educational efforts, however, can be an appropriate and useful avenue to begin collaborations for many courts interested in community involvement. Activities such as the speakers bureaus mentioned above are an effective mechanism for court staff, judges in particular, to interact with members of the community and to understand their concerns. Educational efforts also can help create a base of individuals educated about the court. With a more informed perspective of the court, these individuals can then be recruited into more extensive community-focused court programming. Of perhaps equal importance is using education as a tool to reach out to those who are most suspicious about the court and advance their understanding and trust of the justice system. This may be particularly true of disadvantaged and disenfranchised groups in the community who have a strong distrust of the system based on perceived or real biases in the system.

[24] See, for instance, the National Association for Court Management, *Developing Comprehensive Public Information Programs for Courts* (Williamsburg, Va.: National Association for Court Management, 1996) and American Judicature Society, *User-Friendly Justice: Making Courts More Accessible, Easier to Understand, and Simpler to Use* (Chicago, Ill.: American Judicature Society, 1996).

The Los Angeles First Impressions program provides an excellent example of a program primarily geared to public education that is nonetheless working to establish a richer bed for future community-focused court activities. The Los Angeles program also deserves attention for its focus on developing positive relationships with components of the community that traditionally would not have been natural constituents of the justice system.

Chapter 4

The Promise of Court and Community Collaboration

Introduction

Court and community collaborations emerged in response to problems confronting individual judges and trial courts, as well as the judiciary and the state courts as a whole. Trial courts nowadays by default serve as a front-line response to problems of substance abuse, family breakdown, and declining neighborhood quality of life. Courts cannot avoid taking responsibility for the consequences of serious personal and social problems that other entities are unable to solve or that fall between the cracks of existing services and institutions. In short, courts, especially misdemeanor and family courts, are dumping grounds for some of America's most intractable problems. Judges in many of those courts have taken the lead in developing programs that merge court and community resources to respond effectively to the problems of individuals and communities. This guide is based in large measure on the experiences of eight such collaborations, some of which can boast nearly one half century of continuous existence, while others are still in their formative stages of expansion and maturation.

The state courts and the judiciary as a whole also face severe problems. Court reform consolidated and centralized the delivery of justice, distancing the courts from the public. Public expectations about the courts are changing, with demands for accessibility and accountability. Courts are assuming new and complex responsibilities, as noted above. They also need a management ethos that can support these new roles and meet public expectations. Judicial branch budgets are inadequate, but the courts lack public advocates. For these and other reasons, courts face concerns about declining public trust and confidence. Court and community collaboration offers an ethos that can guide a court, a court system, or a state judicial branch in achieving higher levels of performance and generate a public constituency that understands and supports the work of the judicial branch. California and Massachusetts are leaders in this systemic aspect of court and community collaboration.

The Current Status of Court and Community Collaboration

- Court and community collaborations are durable; some have thrived for nearly a half century.
- Judicial support is critical to both short-term and long-term program success and to the institutionalization of a community focus into the overall business of the court.
- The nature of the community, particularly the organized and mobilized segments of the community, establishes the tenor of the collaboration. The depth of community engagement varies substantially across programs and jurisdictions.

- To date, court and community collaboration is most common in courts with jurisdiction over juvenile and family cases. However, examples can be found in most areas of criminal justice, including substance abuse, felony firearm-related offenses, drunk driving, and quality-of-life misdemeanors.
- Civil justice disputes are rarely processed through collaborations at present, although innovations in landlord/tenant cases and community mediation suggest that a significant potential for incorporating a collaborative component in these courts exists.
- Court and community collaborations preserve the requirements of judicial independence in their formal structure and day-to-day operating procedures. Judicial leadership in collaborative ventures can be consistent with the principles of judicial independence.
- Three trends are currently shaping the evolution of court and community collaboration. First, the number of substantial collaborative efforts is increasing, particularly, but not exclusively, with respect to family cases and quality-of-life misdemeanors. Second, courts are becoming more deeply involved in local community justice initiatives that bring together community policing, community prosecution, and community corrections. Third, state judicial branches are beginning to pursue a court and community collaboration agenda at the state level. California and Massachusetts are leaders in this respect, but there is strong interest in other states.

Foundations for Court and Community Collaboration

Courts need more than practical advice when pursuing court and community collaboration at either a programmatic or systemic level. Collaboration with the community must comport with the role that our system of government allocates to the judicial branch of government. Indeed, the judicial branch is explicitly charged with preventing tyranny by the majority and protecting the constitutional rights of individuals. Courts as institutions and judges as decision makers in individual cases must preserve their independence and their neutrality. The imperative of judicial independence necessarily affects the shape and nature of courts' participation in collaborations with communities or with criminal justice agencies in community justice initiatives. The eight collaborative programs that we profile in the guide have achieved a balance between the responsibilities of the courts and a meaningful role for the community in the court system. How can future collaborations strike an appropriate and viable balance?

This final chapter of the guide introduces two important resources that facilitate and enhance participation by the court in the community and by the community in the court. The first resource is the *Trial Court Performance Standards*, a comprehensive and authoritative statement of the fundamental purposes and responsibilities of courts. In effect, the standards describe the mission of a court. As such, they offer a framework within which collaboration can support and enhance the work of the courts. The second resource is the recognition by judicial leaders that the judicial role needs to change and expand. That recognition is manifest in innovations such as drug courts. It is also evident in the active participation of judges in task forces and coordinating committees charged with developing city- and countywide policies on

social problems such as domestic violence and criminal justice system problems such as jail overcrowding. The changing judicial role complements and supports the court and community collaboration movement.

Trial Court Performance Standards

In 1987, the Bureau of Justice Assistance and the National Center for State Courts joined in an effort to enhance the capacity of the state courts to provide fair and efficient adjudication and disposition of cases. A key component of that effort was the establishment of standards for trial court performance. The standards were developed by a 14-member commission consisting of state and local judges, court administrators, an elected clerk of court, and scholars in the field of judicial administration. Divided into five areas of court performance, the 22 standards offer an authoritative framework within which courts and communities can discuss why they should and how they can collaborate. The standards have been endorsed by all of the major judicial leadership organizations as a blueprint for improving the administration of justice.

Access to Justice:	Trial courts should be open and accessible. Because location, physical structure, procedures, and the responsiveness of its personnel affect accessibility, a trial court should eliminate unnecessary barriers to its services. Barriers can be caused by deficiencies in language or in the knowledge of individuals. Additionally, psychological barriers can be created by unduly complicated and intimidating court procedures.
Expedition and Timeliness:	A trial court should meet its responsibilities to everyone affected by its actions and activities in a timely and expeditious manner (i.e., one that does not cause delay). Those affected include litigants, jurors, attorneys, witnesses, criminal justice agencies, social service agencies, and members of the public.
Equality, Fairness, and Integrity:	Trial courts should provide due process and equal protection of the law to all those who have business before them. Integrity should characterize trial courts' procedures and decisions and the consequences of those decisions. What a trial court does should be governed by its legal and administrative obligations; and what occurs as a result of the court's decisions should be consistent with those decisions.

Independence and Accountability:	The judiciary must assert and maintain its distinctiveness as a separate branch of government. Within the organizational structure of the judicial branch of government, trial courts must monitor and control their operations and account publicly for their performance.
Public Trust and Confidence:	Compliance with the law is dependent to some degree upon public respect for the court. Ideally, public trust and confidence in trial courts stem from the many contacts citizens have with the courts. All of the diverse constituencies served by trial courts should have trust and confidence in the courts, including the general public, community opinion leaders, and citizens who appear before the court as attorneys, litigants, witnesses, or jurors.

Supports for the Changing Judicial Role

Courts are by nature traditional institutions. At the Future and the Courts Conference held in 1990, a trial court judge observed that Patrick Henry would "feel right at home" if he found himself in the current circuit court of Chesterfield County, Virginia.[25] The configuration of the courtroom, the furnishings, and the substantive and procedural law would all be familiar to him. Legal training and the legal profession are also traditional in nature. Yet, there is a growing body of principles and practices that support a more expansive, less case-focused role for trial judges.

The impetus for change is both external and internal. External pressures come in the form of caseloads that are rising and becoming more complex while resource levels are declining. Innovative responses to these pressures often stretch the boundaries of traditional conceptions of the judicial role. At the same time, many judges have become dissatisfied with the confines of that traditional judicial role in which defendants and litigants are viewed solely in an adversarial context and on a case-by-case basis. These pressures and dissatisfactions are most acute for judges assigned to family and juvenile cases. Court and community collaboration offers a context in which judges can both contend with external pressures and carve out a more satisfying role. It is therefore no accident that most of the existing court and community collaborations are associated with family or juvenile courts.

There are institutional supports for a more expansive, community-focused judicial role. Nationally, the Conference of Chief Justices, representing the chief justices of the 50 states and the District of Columbia, has endorsed the concept of court and community collaboration.[26] The relevant resolution appears on the next page.

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[25] James A. Dator and Sharon J. Rodgers, *Alternative Futures for the State Courts of 2020* (1991), 109.

[26] A more specific endorsement of judicial involvement in court and community collaborations (and

CONFERENCE OF CHIEF JUSTICES

Resolution X

Realizing the Potential of Community-Focused Courts

WHEREAS The nation's state courts recognize the critical importance to society of maintaining public trust and confidence in the courts; and

WHEREAS apparent remoteness and inaccessibility of courts have contributed to the erosion of public trust and confidence in the judicial system; and

WHEREAS several states have shown that public trust and confidence in the courts can be enhanced by the establishment of what are known as "community-focused courts," which are a product of collaboration with the community and responsive to its particular needs; and

WHEREAS community-focused courts can differ in structure and in services provided, depending on the needs of the individual community, working with the state court leadership and other interested groups

NOW THEREFORE BE IT RESOLVED that the Conference of Chief Justices

(1) supports the concept of community-focused courts, designed to be responsive to the needs of the individual communities that they serve; and
(2) encourages the collaboration of the state court leadership with federal and state funding agencies and other interested groups in the development of such courts.

Adopted as proposed by the board of directors of the Conference of Chief Justices in Cleveland, Ohio, at the forty-ninth annual meeting on July 31, 1997.[27]

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guidelines for that involvement) was issued by the Massachusetts Supreme Judicial Court in 1995 (CJE Opinion No. 95-4).

[27] The Conference of State Court Administrators approved a similarly worded resolution at their meeting on December 6, 1997.

There is also an evolving jurisprudence that promotes and helps define a nontraditional role for judges. The field of therapeutic jurisprudence, "proposes the exploration of ways in which, consistent with principles of justice, the knowledge, theories and insights of the mental health and related disciplines can help *shape* the law."[28] Therapeutic jurisprudence has attracted the growing attention from the judiciary in the last five years. Professor David Wexler describes the concept:

> The therapeutic jurisprudence heuristic suggests that the law itself can be seen to function as a kind of therapist or therapeutic agent. Legal rules, legal procedures, and the roles of legal actors (such as lawyers and judges) constitute social forces that, like it or not, often produce therapeutic or antitherapeutic consequences. Therapeutic jurisprudence proposes that we be sensitive to those consequences, and that we ask whether the law's antitherapeutic consequences can be reduced, and its therapeutic consequences enhanced, without subordinating due process and other justice values.[29]

Originally developed in the context of mental health law, therapeutic jurisprudence has since been considered in connection with criminal, personal injury and tort, contracts and commercial, labor arbitration, juvenile, and family law. Therapeutic jurisprudence promotes an ethic of care on the part of judges and attention to the body of knowledge accumulated by the social and clinical sciences on topics such as substance abuse and mental health. The orientation underlying therapeutic jurisprudence directs the judge's attention beyond the specific dispute before the court and toward the needs and circumstances of the individuals involved in the dispute. A therapeutic jurisprudence complements and justifies the judicial role that court and community collaboration requires.

Conclusion

> *The philosophy of court and community collaboration gives the public a legitimate institutional role in the development of court policies, plans, and programs, which strengthens court independence, operations, and effectiveness. Court and community collaboration is a sustained, two-way commitment to ensuring that the justice system is open and effective for everyone.*
>
> *The process of court and community collaboration is integral to the fair administration of justice. It is not a one-shot event aimed at solving one isolated problem or satisfying one special interest group.*[30]

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[28] David B. Wexler and Bruce J. Winick, introduction to *Law in a Therapeutic Key* (1996).
[29] Wexler and Winick, *Law in a Therapeutic Key* (1996), xvii.
[30] This statement is based on a discussion at the Second Executive Session on Court and Community Collaboration, convened in February 1998, and on remarks by Chief Justice Shirley Abrahamson of Wisconsin (1995). See also David Rottman, Pamela Casey, and Hillery Efkeman, "Court and Community

The benefits of court and community collaboration have been demonstrated. Collaborations are increasing in number and expanding in scope. Court and community collaboration solves problems for courts and for communities effectively and efficiently. Collaboration offers trial courts resources necessary to adjudicate new types of disputes, including volunteers, and enhances public understanding and support of the court. Communities gain a new tool for addressing local problems, combining the teeth of court sanctions with the power of community networks and knowledge.

This guide is based on the experience of eight successful court and community collaborations that share certain key attributes: (a) an openness to public input and participation; (b) a focus on outcomes; (c) a commitment to improving community outcomes, not just the outcomes experienced by individual litigants; and (d) an expanded judicial role, both in the conduct of court proceedings and as community leaders.

On the systemic level, these elements of court and community collaboration offer an orientation on the administration of justice, speaking to the manner in which the contemporary judicial branch of government should operate. While most court and community collaborations remain local and are applied to a segment of a court's caseload, the ethos of collaboration is influencing how entire courts and state court systems think about their mission.

Those interested in pursuing the promise of court and community collaboration can find more information in the appendices. Descriptions of the eight collaborations on which this guide is largely based are offered, as is a directory of resources. Good luck.

Collaboration: Ends and Limits, A Discussion Paper" (Williamsburg, Va.: National Center for State Courts, 1998).

Appendix A

Site Reports

Peacemaking Division
Judicial Branch of the Navajo Nation
(Arizona and New Mexico)

Type of Collaborative Activity:	Nonadversarial Resolution of Disputes
Court Jurisdiction:	Civil and Criminal
Problem Addressing:	(a) Providing Culturally Appropriate and Effective Forums for Dispute Resolution and (b) Preservation of Navajo Custom and Tradition
Year Established:	1985 in its formal manifestation; generally, since the beginnings of the Navajo Nation
Contact:	Philmer Bluehouse, Coordinator Navajo Nation Peacemaker Court P.O. Box Drawer 520 Window Rock, AZ 86155 (602) 871-6118

Objectives

The peacemaking division applies traditional Navajo concepts of justice and methods for resolving disputes. In 1892, the United States government imposed an Anglo-American style adversarial court upon the Navajo Nation, suppressing the Navajo system of justice and with it formal peacemaking traditions. In 1985, peacemaking was formally brought back into the Navajo justice system in response to dissatisfaction with the ability of adversarial law to help solve the problems of the Navajo Nation.

The traditional and venerable purpose of peacemaking is to achieve harmony and to heal rather than to determine guilt or innocence, with the overall objective to promote healing within the Navajo community. Peacemaking approaches a dispute or problem in context and comprehensively and incorporates the knowledge and support of families and communities into the process of resolution. Direct participation by the parties as well as their immediate and extended families promotes commitment to abiding by the conditions and obligations that emerge. Peacemaking is a more effective and culturally appropriate vehicle than formal court processes for resolving a broad range of disputes within the Navajo Nation. In addition, the very use of peacemaking reinforces Navajo values and traditions, strengthening the community and the Nation.

Origins and Development

Origins. Peacemaking is based on "the practical application of knowledge and reason to a situation of dispute. The source of the Navajo knowledge and reasoning is contained in the Navajo Origin and Journey Narratives. These narratives lay the foundation of Navajo

relationships with self, family, others, the world and the universe."[1] Even after the suppression of Navajo justice, however, peacemakers continued to apply knowledge and reasoning while helping resolve disputes outside of the imposed legal system and provided a forum for people to settle a problem by consent. By the 1920s, judges of the Navajo Court of Indian Affairs once again were applying traditional approaches to civil disputes within the limits imposed by adversarial court procedures.

It was not until 1959 that the Navajo Tribal Council was able to establish a Navajo Tribal Court to supersede the imposed Anglo-American court system. Navajo common law then became the law of preference. The peacemaking tradition was brought closer to the court system as tribal court judges appointed community leaders to help individuals with problems and to settle disputes (especially in the area of domestic relations). The Navajo courts themselves, however, closely paralleled the structure and procedures of the state courts.

Development. In 1982, the judges of the Navajo Nation adopted a set of rules and procedures for the Navajo Peacemaker Court and published a *Navajo Peacemaker Court Manual.* Peacemaking courts were established in four locations, notably in Chinle, which has made extensive use of peacemaking. Expansion of peacemaker courts has been underway since 1991, stimulated, in part, by a grant from the Bureau of Indian Affairs that funded training for peacemakers and staff. More staff has been added and new training programs developed as the volume of disputes reaching peacemaking has steadily increased.

Structure

Peacemaking is incorporated into the trial courts of the Navajo Nation, which consist of four divisions: a district court, a family court, a small claims court, and a peacemaking division. The tribal court sits at seven locations within the Nation's territory.

Peacemakers, rather than judges, lead peacemaking sessions. Peacemakers are individuals respected for their wisdom and skill in helping people talk through problems with one another. The 110 chapters of the Navajo Nation can appoint their own peacemakers. As of 1996, there were 87 peacemakers in 34 chapters. If chapters do not elect one or more peacemakers, the courts can appoint them. Peacemakers are officers of the court and work under the supervision of a judge of the trial court. The peacemaking division also has a full-time coordinator employed by the judicial branch.

Activities

Initiation of the Process. The peacemaking process can be initiated in two ways, either by a direct request from a party to a dispute or through a transfer from the district, family, or small claims court. The peacemaking process and the peacemaking session itself differ somewhat depending on whether a court or a party to a dispute initiated the peacemaking process.

[1] Philmer Bluehouse, "Peacemaking, Where Did it Start?"

Peacemakers are also sometimes used in criminal cases as a condition of probation after a plea of guilty.

Intake and Scheduling. All disputes, regardless of the method of initiation, reach the peacemaking division at intake. At intake, the parties to a dispute are offered counseling about why they are seeking peacemaking. Social service providers may be involved as well. If the parties to the dispute have not agreed upon a peacemaker for their session, the court will select one. Peacemakers can accept or reject an assignment. Once they accept, the peacemaker contacts the parties and makes arrangements for the session. If the case is a referral from the district court, the case is reviewed after intake by a judge. Court subpoenas or summonses to appear at the session are sent to the individuals that the parties wish to attend. Other individuals can attend at the invitation of the parties to the dispute.

Procedures and Judgments. Peacemaking sessions for disputes transferred from the district or family court follow the procedures adopted in 1982 and proceed under the supervision of the court. The resulting agreement or stipulation is offered to the Navajo court, and a judgment is requested. When the judgment is issued, it is the judgment decree, making the outcome valid in the state courts.

Procedures for sessions initiated directly by the parties to a dispute are more flexible and may conclude either in an agreement or contract underwritten by a handshake or in a more formal agreement or stipulation that requires a judgment by the court to enforce.

The Peacemaking Session. The basic format of a peacemaking session applies to both court transfers and volunteer referrals. The session follows seven steps. The steps of the peacemaking process are drawn from Navajo narratives, which are prescriptions for the healing ceremonies originally formed by the Holy Beings and recited through oral narratives describing the Navajo journey. Individual peacemakers have substantial discretion in the conduct of a session, subject to the Navajo Bill of Rights and standards of reasonableness.

- *Step One: Establishing Ground Rules.* The peacemaker explains the concept and history of peacemaking and the steps that will be followed during the ceremony, including the confidentiality of the proceedings.
- *Step Two: Ceremonial Prayer.* A ceremonial prayer is conducted in Navajo, but parties are encouraged to follow their own religious beliefs.
- *Step Three: Investigation and Questioning.* The peacemaker first gives the floor to the petitioner and then to the respondent. The initial statements are followed by an overview of what has been said. Other participants then contribute with the objective of identifying and assessing the underlying problem.
- *Step Four: Problem Solving.* The peacemaker solicits solutions from the parties to the dispute and others who are present. If a problem-solving statement cannot be reached, the peacemaker will go back to the investigation and questioning phase.
- *Step Five: Summary.* The peacemaker reframes the issues into an agreement on a course of action or refers the dispute to the formal court process.
- *Step Six: Commitment and Solidarity.* The participants express their commitment to one another and to the agreement that has been reached.
- *Step Seven: Prayer.* The peacemaking session concludes as it began with prayer.

Peacemaking sessions can last for several hours or extend over several days. Peacemaking sessions are nonadversarial in nature. The objectives are consensus and the promotion of healing rather than assessing blame. However, when consensus is elusive and at the request and agreement of the parties, the peacemaker can make a decision as an arbitrator. Agreements and decisions that emerge from peacemaking sessions are entered into the court record and can be enforced as court judgments.

Participants

Peacemaking sessions bring together the parties to a dispute as well as members of their immediate and extended kin group and clan relatives, who can be compelled to attend. Attorneys cannot represent their clients at a peacemaking session. All present at a session are called upon to participate and are present for the full session.

Resources

Peacemaking depends on cultural, religious, human, and organizational resources.

- *Cultural and Religious.* Key resources include the relationships the parties have to kin and clan relatives and to traditional Navajo beliefs and values, such as the concept of a journey and the sequence of steps it involves as well as the absence of dichotomies such as winners and losers, guilty and innocent.
- *Human.* Peacemakers are elected by chapters (units of local government) or appointed by the court where chapters do not elect a peacemaker. An individual also can be appointed as a peacemaker at the request of the parties for a specific peacemaking session. According to court rule, the general qualifications to be a peacemaker are (1) respect of the community where the person lives; (2) an ability to work with chapter members; and (3) a reputation for integrity, honesty, humanity, and the ability to resolve local problems. Peacemakers are compensated for their work (through fees paid by the parties at intake, currently $60). Peacemakers serve as officers of the court and enjoy protection while they perform peacemaking ceremonies. The role of the peacemaker is to guide the parties to an agreement; peacemakers make decisions only at the specific request and agreement of the parties. However, peacemakers can refer a case back to the trial court.
- *Organizational.* Judges supervise the work of peacemakers, reviewing requests for the use of peacemaking and the selection of specific peacemakers. The peacemaking division also has a full-time coordinator who is employed by the judicial branch and a support staff that is responsible for intake, scheduling, paperwork, and training.

Keys to Success

- *Community Endorsement.* Peacemakers are recognized spiritual and lay leaders of their communities, with several peacemakers residing in each section of the Navajo Nation.

- *Cultural Legitimacy.* Navajo religious ceremonies and values of preserving social harmony and reliance on extended kin groups and clan relatives to resolve disputes guide peacemaking sessions.
- *Enforcement.* Peacemakers can use the court's subpoena power to ensure that key members of kinship groups attend and participate in peacemaking sessions. The agreements form a binding contract enforceable through a court decree.
- *Full Participation.* Everyone present at a peacemaking session participates.
- *Low Expense.* The use of peacemaking is inexpensive, requiring only the payment to the peacemaker for his or her services and sometimes a $10 court fee for any decree to enforce the agreement.
- *Accommodation of Diversity.* Peacemaking accommodates the diversity within the Navajo Nation in terms of modern and traditional communities.

Limitations

- *Jurisdiction of the Navajo Courts.* The criminal and juvenile jurisdiction of the courts of the Navajo Nation is shared with federal and state courts, limiting the types of disputes available for peacemaking regarding criminal matters. For other matters, it is not limited.

Identifying Characteristics and Notable Features

- Peacemaking is not a vertical, authority-based system of justice. Peacemaking brings people together on an equal footing.
- Outcomes of peacemaking can be expressed as court orders; a written report, prepared by the peacemaker, serves as the official record of what was said and decided.
- The peacemaking process serves a general educational role in explaining and perpetuating Navajo beliefs and values.
- Peacemaking accommodates diversity within the Navajo Nation in terms of familiarity with and commitment to Navajo religion and tradition as well as participation by non-Navajos.
- Peacemaking is not another form of alternative dispute resolution. Peacemaking is regarded as *original* dispute resolution: "talking things out" rather than engaging in conflict. Peacemaking has attracted wide interest from around the world. There is particular interest from countries and regions mired in ethnic conflict and considerable interest in the application of the peacemaking process to family disputes. The Navajo people believe that this system is a pure form of restorative justice.

First Impressions Project
Los Angeles Municipal Court, California

Type of Collaborative Activity:	Educational/Fostering Community Ties
Court Jurisdiction:	Limited Jurisdiction
Problem Addressing:	(1) Estrangement of Minority Community from the Courts; (2) Inadequate Treatment of Civics in Elementary and Middle Schools
Year Established:	1996
Contact:	Marcia Skolnik, Director Public Affairs Office 110 N. Grand Avenue Los Angeles, CA 90012 (213) 974-6358

Objectives and Structure

First Impressions seeks to provide elementary school children with a positive initial impression of the justice system. Specific objectives include correcting misperceptions about the courts and the overall justice system; maintaining community respect for the law; and building a public constituency that supports the judicial branch of government. While school students are the direct recipients of the content and message, First Impressions has ambitions to change the perception of the courts within minority communities and to build linkages between the court and those communities.

The basic mechanism for accomplishing these objectives is an educational program for school children drawn from the most deprived areas of the city. First Impressions seeks to intervene in the transmission of negative perceptions about the court (e.g., that the police and the courts are a single entity) and to offer positive role models. Although delivered over a short period of time, the program is structured to be a powerful experience for the school children, many of whom have no experience of the city beyond their immediate neighborhood.

The manner in which the program is structured, however, allows First Impressions to address a far larger audience among the general public and to strengthen ties between the court and the communities in which the students live.

Origins and Development

Origins. The program's origins can be traced to the court's general concern that residents of low-income neighborhoods are estranged from the justice system, and that distance is being perpetuated to children growing up in those neighborhoods. First Impressions also responds to the lack of civics classes in the public school system.

Development. The Courts and Public Committee of the Los Angeles Municipal Court initiated the First Impressions Project. The committee's chair, who is also the court's presiding

judge, built upon previous experience putting together collaborative ventures involving the court, the local bar, corporations, and community organizations.

The program was devised to meet the specific needs of elementary school students in Southeast Los Angeles, which contains the most disadvantaged, primarily Latino and African-American neighborhoods in the city. First Impressions was designed to operate in a manner that would also foster closer links between the target communities at large. Community residents would be actively involved in running the program, close ties would be maintained with local organizations, and an emphasis would be placed on recruiting minority attorneys as volunteers.

The first school and courthouse visits were held in April 1996. By the end of December 1996, 600 students had participated in the program. First Impressions is now fully operational, and 200 students participate weekly in the program.

The presiding judge took primary responsibility for explaining the purposes of First Impressions to the target neighborhoods and for securing the volunteer attorneys and community residents needed to deliver the program.

- *Community Education and Mobilization.* Over a period of time, the judge explained the program's objectives and structure at neighborhood block association meetings and at meetings of other community organizations. The meetings also were used to recruit neighborhood residents willing to serve as volunteer docents in the program. Local senior citizens, in particular, expressed a strong interest in improving living conditions in their neighborhoods. Contacts with local senior citizen clubs and the American Association of Retired Persons were the primary avenues for volunteer recruitment.
- *Bar Education and Mobilization.* Volunteer attorneys were sought at meetings of the local bar association and its various ethnic-specific affiliates (including the Multi-Cultural Bar Association, Black Women Lawyers Association, the Japanese American Bar Association, the Mexican-American Bar Association, among others), and by approaching the offices of public defenders, prosecutors, and city attorneys. Ultimately, 90 attorneys agreed to participate in First Impressions on a volunteer basis, and others have subsequently volunteered.
- *Materials Preparation and Training.* The court and the Constitutional Rights Foundation prepared instructional and orientation materials for use by both the volunteer attorneys and docents. Training sessions were held to prepare the attorneys on how to talk effectively with groups of school children.

Activities

First Impressions is structured in three phases.

- *Phase I: Classroom Introduction to the Justice System.* The court and staff from the Constitutional Rights Foundation train local attorneys to visit elementary school classes and present an introduction to the justice system. Topics covered include what the courts do; the role of the three branches of government and the importance of judicial

independence; the difference between civil and criminal cases; and the desirability of nonviolent dispute resolution.

- *Phase II: Courthouse Field Trip.* The students from the school classes make a field trip to one of the local courthouses. Senior citizens from the students' own neighborhood serve as docents. The students observe court proceedings, participate in mock trials, and meet judges and court staff. Their visit also provides an opportunity to see a multi-racial, multi-ethnic work environment in action.
- *Phase III: Essay Contest.* The students prepare essays on what they learned about the court system, which are entered into a competition. School teachers select the winning essays, whose authors receive trips to area amusements and recreational events as prizes.

First Impressions is managed by the Los Angeles Municipal Court, primarily through the office of the presiding judge and the court's public affairs office. The volunteer docents are encouraged to maintain a strong sense of "ownership" of the program, however.

Participants

The primary participants are fourth-grade students in the Jordan/Locke Cluster # 29 in Southeast Los Angeles (consisting of 17 elementary schools with 5,000 students in the relevant grades); volunteer attorneys drawn from public and private law practice and, to the extent possible, from the minority groups in Los Angeles; neighborhood residents who serve as docents; judges and commissioners of the municipal court; and court staff who coordinate the program.

The main institutional participants include a private transportation company, a private/public partnership that underwrites school trips, a private foundation dedicated to education about the justice system, the sheriff's department, which facilitates portions of the courthouse field trips, and Ticketmaster.

Resources

The main resources required are provided through contributions and volunteer efforts.

- *Instructional Materials.* Judges of the court worked with staff from the Constitutional Rights Foundation to prepare the materials. Materials include a handbook for docents, scripts for conducting mock trials, and material to aid the class presentations by the lawyers.
- *Class Presentations.* Local attorneys (and some judges) visit schools on a volunteer basis to present the classroom phase of the program. Attorneys also are encouraged to join their class when it visits the courthouse.
- *Transportation Services.* Laidlaw Transportation and Operation Field Trip provide transportation to the courthouse free of charge.

- *Courthouse Docents.* Senior citizens from the students' own neighborhoods serve as docents for the students while they are in the courthouse.
- *Essay Competition Prizes.* Ticketmaster donates prizes for winners of the essay competitions.

The Los Angeles Municipal Court does provide court staff to do scheduling and coordination. First Impressions does not have a separate operational budget within the municipal court, however. The court uses a small grant to fund the expenses associated with events that recognize the contribution made by volunteers to the program.

Evaluation

Thus far, the leadership of the municipal court has assessed the progress of First Impressions. School system officials contacted about the program indicate a high level of satisfaction on their part and on the part of teachers with First Impressions. They also report strong student interest. A demand exists for program expansion to middle schools and to other areas. The favorable view of educators is shared by the docents.

Keys to Success

- *Strong Court Infrastructure.* First Impressions was designed and implemented by a trial court with a solid tradition of community consultation and involvement with outside agencies and organizations. It is also a court with a record of good management, timely case disposition, and problem-solving capability, making possible a sustained focus on a collaborative venture.
- *Judicial Commitment and Support.* The new program emerged from a judges' committee and enjoyed key support among the leaders of the bench. The assistant presiding judge (now the presiding judge) was the program's main proponent and undertook the task of mobilizing support from the community, the local bar, and corporate and not-for-profit organizations needed to make the program a reality.
- *Meeting an Identified Community Need.* The impact of First Impressions radiates naturally from the core of providing the education in civics that the public schools can no longer provide. Student participants receive credible role models and a favorable first experience with the courts.
- *Sense of Community Ownership.* The mission of First Impressions resonates with the concerns of residents in the target communities. Senior citizens from the target communities provide a solid set of local partners who are deeply involved in the operation of the program. Volunteer docents become spokespersons for the courts in communities that are often hostile toward the justice system, and they have a sense of program ownership. Local residents became involved through neighborhood block meetings and other community organizations.

- *Use of Existing Volunteer Traditions.* The program fits within the traditions of the local bar, and notably members of minority bar associations, which have been active in children's education programs.
- *Need for Only Limited Court Resources.* The program has evolved in a manner that allowed court staff to step back from aspects of operations and retain a primarily coordinating role. The key human resources—attorneys and docents—are provided through volunteerism and the main material resources—transportation, curricula, and student essay prizes—are donated by corporate and foundation sources.

Potential Difficulties

- *Heavy Reliance on Volunteers.* The reliance on volunteers may limit the expansion of First Impressions. The program currently has a large pool of highly suitable volunteers. It will be a challenge to sustain their interest and to recruit other attorneys and senior citizens.

Identifying Characteristics

- Creative response to changing perceptions of the courts within minority communities and building of positive linkages between the court and those communities.
- Significant minority representation in the program as volunteers.
- Strong sense of community program ownership, despite that the court initiated the program.
- Effective partnership between different community institutions to initiate and support the program, including substantial contribution of resources from institutional partners within the community.
- Effective collaboration between the court and the bar, particularly reaching out to members of ethnic-specific bar associations.

Franklin County Futures Lab Project
Greenfield, Massachusetts

Type of Collaborative Activity:	Community Participation in Court Reform
Court Jurisdiction:	All
Problem Addressing:	Public Disaffection with Government, including the Justice System
Year Established:	1994
Contact:	Lucinda S. Brown Project Coordinator Reinventing Justice Project 270 Main Street, Lower Level Greenfield, MA 01301 (413) 772-8711

Development

In 1992, the Massachusetts Supreme Court Chief Justice's Commission on the Future of the Courts published its *Reinventing Justice: 2022* report that recommends certain actions to improve the delivery of justice in Massachusetts. In response to this report, a trial court judge and an attorney from Franklin County requested permission from the chief justice to establish their county as a "laboratory" for court reform in Massachusetts. In 1994, the Franklin County Futures Lab Task Force was created.

A fundamental principle guiding the task force was that the court should be a service-accountable organization for the community. As the task force evolved, the process of including the community in reform efforts became as important as developing and implementing specific reform programs. Thus the first "product" of the task force was the establishment of a mechanism for obtaining community feedback about court problems and possible enhancements.

Participants

A trial court judge and a private attorney from Franklin County joined forces to create the task force. As co-chairs, they emphasized the need to involve a large cross section of the community. They sought the representation of all major stakeholders, such as judges, court personnel, members of the bar, community service providers, and members of various racial, ethnic, socioeconomic, and religious groups, to identify the reasons for resistance and to develop strategies for building consensus. The effort was also made to include individuals perceived as somewhat reluctant or pessimistic about the process.

The recruitment process was ongoing. Individuals who declined to participate initially were recontacted at various points in the process to determine whether their willingness to participate had changed; individuals who participated initially and then "dropped out" for any of a number of reasons were invited to participate again at later stages; and recommendations

for new contacts were continuously sought. The task force recognized the different levels of energy, interest, and time that participants were able to commit to the project and expressed appreciation for any assistance given. Specific efforts to engage the community are discussed in the next section.

Activities

The routinization of community feedback on court reform efforts and the development of specific pilot projects was accomplished in several steps as described below.

- *Planning Committee.* The judge and attorney who initiated the task force convened a small planning group of six individuals from the court and the community to help formulate the mission statement for the task force and to help identify stakeholders.
- *Task Force.* Based on the planning committee's mission and recommendations regarding stakeholders, a 38-member task force of representatives from a cross section of Franklin County's service organizations, courts, and community groups was established. The task force met regularly and served functionally as an approval board, with subcommittees that focused on specific issues and activities.
- *Town Meetings.* The task force convened a series of four town meetings across the county to provide members of the public with an opportunity to voice their concerns about the justice system and to make suggestions on how it might be improved. The goal of these meetings was to obtain broad community input and commitment to court reform efforts. The task force spent considerable time on planning, publicizing, and coordinating the meetings.
- *Justice for All Saturday.* The town meetings culminated in a one-day conference that began the process of setting long-term goals and planning innovative projects for the judicial system of Franklin County. All interested members of the public were encouraged to participate. As a result of the conference, several working groups were established to address specific areas of concern raised by the public at the town meetings.
- *Working Groups and Proposals.* The working groups met separately on several occasions and developed proposals for pilot court reform projects that the task force compiled into a report entitled *Moving to a Preferred Future: A Reinventing Justice Action Plan.* The report was presented to the supreme judicial court, which subsequently approved work to begin on several of the proposals.
- *Implementation Structure.* Among the proposals approved by the supreme judicial court was a new structure to oversee and implement the approved pilot projects. The new structure includes a judicial administration team to enhance coordination among the different trial court departments at the local jurisdictional level, an implementation council to monitor the execution of the various pilot programs, a facilities committee to plan for the construction of a comprehensive justice center, and a community outreach and education board to institutionalize two-way communication between the court and

the community. This new implementation structure replaces the original task force, which guided the effort through the development of the pilot projects.

Implementation and Maintenance

Implementation and maintenance activities for the Franklin County Futures Lab fall into three general categories: planning, coordination, and communication.

- *Planning*. The co-chairs of the task force had a general sense of direction for activities that provided a context for developing objectives and specific agenda items for each meeting. They recognized the importance of planning each meeting, keeping it short, and ending it with specific actions to take as a result of the meeting's discussion. The co-chairs realized that participants were volunteers with limited time and, as such, would not return if their time was being wasted. The co-chairs also sought to build a sense of momentum for the project to keep participants engaged and committed.
- This emphasis on planning permeated all task force activities. The local town hall meetings, the Justice for All Saturday, and Franklin County's participation in the National Town Hall Videoconference on Improving Court and Community Collaboration all benefited from extensive planning and attention to detail by the task force.
- *Coordination*. As implementation proceeded, the need for centralized coordination became evident. The Greenfield Community College provided office space near the courthouse, and a project coordinator was hired to serve as staff to the task force. The coordinator role was pivotal to the success of the program. The coordinator served as a clearinghouse on task force activities, arranged meetings, solicited new participants, and drafted materials about the project. The coordinator was critical in linking all the various activities and subcommittees together. While the coordinator worked with individuals at the community level, the co-chairs served as liaison between local efforts and efforts at the state level, which also helped keep the local effort prominent at the state level.
- *Communication*. The task force emphasized the need to communicate its efforts to the community regularly and frequently. Brochures describing task force activities were distributed, a newsletter was circulated, announcements of town hall meetings were posted in neighborhood businesses, and newspaper and radio interviews were given. The culmination of the work of the task force was a set of proposals for pilot programs. The proposals were compiled into one report and circulated widely.

Resources

The task force benefited from small initial grants to support some of its activities, but it relied primarily on non-monetary resources, such as:

- Use of the bar network and newsletter to provide information to attorneys,
- Volunteer time and resources,
- Social services professionals and mediators from the community who served as facilitators for various meetings, and
- Office space and grant development expertise available from the local community college.

Keys to Success

- *Involvement of State Judicial Leadership.* The program benefited from support at the state level. The visible state support (for example, the chief justice traveled to Franklin County for some of the program events) helped convince local participants of the importance of the project and raised the prominence of the program at the state level.
- *Effective Program Leadership.* The co-chairs were active members of the community as well as "insiders" with regard to the courts. They capitalized on each other's strengths and worked intensively to implement the program.
- *Judicial Participation.* Several judges participated in various stages of the program, demonstrating the judiciary's willingness to work with the community and address court problems.
- *Extensive Planning and Attention to Detail.* As noted in the "Implementation and Maintenance" section above, each step of the program was carefully planned to maximize the likelihood of success.
- *Broad Community Participation.* The inclusion of representatives from so many diverse groups made it difficult for one group to advance its own agenda. The broad representation also helped obtain political support at the state level for some of the pilot programs.
- *Central Coordination.* Central coordination at both the state and local level was critical to facilitate information flow.

Difficulties Encountered

- *Initial Nonparticipation by Some Stakeholders.* Although an effort was made to involve all key stakeholders in the program, several were not involved at the beginning of the process for a variety of reasons, such as (1) they thought they were invited as an afterthought rather than encouraged to attend, (2) they were skeptical and did not want to participate, (3) they were concerned about "turf" issues and thus did not support the effort, and (4) they were overlooked in the planning stage. Individuals who did not participate initially required extra time and effort to "bring on board."
- *Lack of Information.* Although significant efforts were made to keep everyone up to date on project activities, several individuals reported some frustration that more information was not forthcoming, particularly between events, when activities by separate committees were not visible to all interested individuals.

- *Frustration with the Process.* Some individuals were impatient with the amount of time focused on process issues. They expressed frustration that the process seemed to supersede the implementation of court reforms.
- *"Real" Work Done by a Few.* An enormous effort was undertaken to involve everyone in the program. However, some individuals thought that when the time came to actually write proposals for court reform, judges and court professionals did the bulk of the work. This was true for some committees more than others.
- *Limited Staff.* The project coordinator worked energetically to ensure the program's success. However, as the project grew and became more successful, demands for her time increased. As a consequence, some activities were not performed as quickly or frequently as the coordinator and task force would have liked.
- *Unrealistic Expectations.* At the town hall meetings, members of the community expressed frustration with many aspects of the justice system. Some program participants were concerned that the public held the courts accountable for functions that courts do not control and thus would be disappointed when improvements to those functions were not made. They also were not sure if the public understood that change would be a gradual process.

Identifying Characteristics

- Involvement of a broad cross section of members of the community.
- Significant community input obtained at the "front-end" of the reform process, not just at the stage of implementing specific projects.
- A variety of court reform issues addressed, not just one particular problem.
- Ability to take advantage of a basic community network already in place in the county; county was small enough geographically for effort to work.
- Built on limited funding; heavy reliance on volunteer efforts.
- Coordination with state judicial leadership.
- Lengthy planning and process stage prior to implementing specific projects.
- Activities resulted in institutionalization of court and community dialogue.

Site Report Supplement
Franklin County Reinventing Justice Project Update

Since the site visit to Franklin County in February 1996, several critical projects were implemented, adding vitality to the work of the original task force. For instance, based on task force recommendations, a staffed Information and Referral Desk was established in the courthouse hallway and drug court and juvenile diversion and delay reduction programs were instituted.

The structures of the court and community collaboration have continued to undergo a healthy evolution during that time as well. As the collaboration evolved, the existing structures did not allow for the needed flexibility in the relationship between the court and the community. Therefore, some structures, such as the implementation council and community outreach and education board, were revised to adapt to the changing court and community collaborative environment. A working group met to develop recommendations about the new structures, roles, and relationships.

The working group recommended that an existing five-member judicial administration team represent the court and that a new reinventing justice community collaboration board represent the community. The purpose of the new board is to provide effective channels for community concern and expertise relative to court processes. The new board will work actively with a group of subcommittees to develop and implement new projects. None of the board's functions, however, will interfere with the adjudicatory responsibilities of the court. A new full-time court position of community relations coordinator also was recommended to oversee court and community projects in the county. The coordinator will assist with public and community outreach and public education and will respond to service needs expressed by the community.

The recommendations for the restructuring currently are being reviewed by the supreme judicial court and the administrative office of the trial court in Massachusetts. The commitment to fund the new position as an administrative office of the trial court employee assigned on-site to Franklin County has been included in the budget request.

Other state-level developments have emerged as a result of the success of the Franklin County Futures Lab Project. The supreme judicial court has instituted the "Reinventing Justice Initiative" to support innovations and improvements in the administration of justice in the Massachusetts courts based on consultation with the community. The initiative has expanded support of court and community collaborative efforts to three other parts of the state: the Essex County Court/Community Project, the Hampshire County Reinventing Justice Project, and the West Roxbury Court Reinventing Justice Project. The supreme judicial court also has issued guidelines framing roles and responsibilities of the supreme judicial court, the administrative office of the trial courts, and the local Reinventing Justice Projects. The Franklin County Reinventing Justice Project is providing valuable advice and technical assistance to the new collaborations.

Handgun Intervention Program
36th District Court
Detroit, Michigan

Type of Collaborative Activity:	Prevention Program (a condition of release pending circuit court arraignment)
Court Jurisdiction:	Adult felony (and, on referral, juvenile)
Problem Addressing:	Prevalence of firearms in inner-city neighborhoods
Year Established:	1993
Contact:	Terrence Evelyn, Program Coordinator 36th District Court Madison Center, 421 Madison Avenue Detroit, MI 48226 (313) 965-3724

Objectives and Structure

The Handgun Intervention Program (HIP) is developed for defendants facing felony charges associated with carrying a concealed weapon. The HIP's objectives are to communicate a realistic and strong message about the consequences of firearm use for the defendant, the defendant's family, and the community. A consistent message is provided about the positive and negative choices that people can make, the responsibility that each person has for the quality of his or her own choices, and the need to take control over one's own destiny. At the same time, people need to assume responsibility for the quality of life in their own communities. Educational, vocational, and occupational training, as well as other forms of assistance, is made available to participants as a part of the HIP session. The ultimate objective of HIP is ambitious: to change the culture that underlies the possession of handguns in urban neighborhoods and thus make those neighborhoods less "gun rich."

The jurisdiction and authority of the district court determine the shape of the HIP. After arrest, defendants are brought to the district court for arraignment, where the defendants are advised of the charges pending against them. Defendants are then bound over for an appearance in the Detroit Recorder's Court, where their case will be heard. For the 14 days from arraignment to an initial appearance in the recorder's court, the district court has jurisdiction over the defendant. At arraignment, the district court decides whether the defendant should be held in custody or released. Attendance at a HIP is a condition of release on bond. A probation officer serves as program coordinator, and the head of the court's civil division serves as the program manager. Both of these individuals act in a volunteer capacity.

The philosophy underlying the HIP considers the way in which carrying a gun fits within the social world of young men in inner-city, minority neighborhoods. The original focus was on African-American males; it was then extended to Hispanic young men. However, the

basic HIP premise is applicable to white suburbia, which increasingly contends with problems associated with handgun violence.

Origins and Development

The Handgun Intervention Program (HIP) was established in 1993 by a judge of the 36th District Court, working in collaboration with court staff, law enforcement officials, individual police officers, local clergy, and other community leaders. Everyone's participation is on a volunteer basis and is not a part of his or her official duties. Concern over the problems associated with handgun possession and the inadequacy of existing programs and sanctions for reaching the young men concerned stimulated the HIP's development. The first HIP was held on July 24, 1993.

An informally established task force planned the HIP sessions. Members included the judge who founded the program, participating court staff and law enforcement personnel, clergy, and police officers involved in the presentation of the program. At various times, the mayor of Detroit designated a representative to serve on the task force. The task force initially met after each session to critique its progress and refine the content and message. It currently meets less frequently, but regularly, and is concerned primarily with the strategic direction of the HIP, not program content.

Activities

The HIP is held every Saturday morning in a courtroom of the district court. A judge, court staff, and law enforcement officers conduct the program, all in a volunteer capacity. Sessions last three to four hours. The presentation aims to be authentic and credible to the individuals in the audience, drawing from a variety of influences, including preaching. Police and probation officers, as well as a judge from the district court, present the HIP, with help from other volunteers.

The program follows a basic format each week:

(1) Attendance is noted and an information packet is distributed. Nonattendance at the scheduled HIP results in the revoking of the defendant's bond and the issuing of an arrest warrant.
(2) A young police officer serves as the MC.
(3) Graphic, morgue photographs of victims of handgun violence are shown as slides, and the specific circumstances of the killing are explained (e.g., victim's age, the caliber of the firearm, the distance between killer and victim). Most of the victims are young men, many of whom were killed at close range despite that they themselves were in possession of a firearm. Other slides show the wounds suffered by and tell the story of innocent victims of gun violence.
(4) In a discussion period, presenters use the example of Canada and other jurisdictions that have strict gun control laws and policies to show that handgun violence is not inevitable. They use their own life stories as examples of choices—good and bad—and

their consequences. The economics of handgun manufacture and sale are explained (highlighting the profits made by those from outside of the inner city), and the devastating impact of handgun violence on inner-city neighborhoods is stressed.

(5) A judge, usually the one who founded the program, brings the session to a close, tying together the various strands of previous presentations into a clear, consistent message. The presentation is part educational, citing aspects of world history and promoting a sense of heritage pride, and partly inspirational, based on role models, including the HIP's presenters.

(6) Participants are invited to take an oath that they will refrain from carrying a handgun and, if they are ready, given a certificate to that effect; those who are not ready are urged to return to a HIP when they are ready and then take the oath.

(7) Individuals who can help provide access to education, training, or services are available after the presentation. The various presenters are also available for conversation and advice.

(8) Participants are asked to complete an evaluation form.

Participants

Participants include defendants charged with a felony offense involving a firearm and attend as a condition of their release from custody. Juvenile offenders (age 12 to 16) facing similar charges participate by referral from the referees of the juvenile court. Family members and friends of the defendants are encouraged to attend, as are past participants. Approximately 60 persons are present at HIP sessions.

Resources

The HIP relies on volunteers from the staff of the district court, including staff from the clerk's office who schedule the defendants and mail out notices. Material distributed to participants is donated by the gun control organization founded by Sarah and James Brady, various government agencies, and other organizations concerned with gun violence. Both the district attorney and the police department have appointed formal liaisons to the HIP. University faculty and professionals attend sessions and donate their services to help participants obtain access to education, training, and other resources.

Evaluation

HIP participants complete a short evaluation form. The forms and individual sessions are reviewed by a task force at regular meetings. Beginning in March 1996, the HIP was evaluated by the Urban Institute (Jeffrey Roth, principal investigator) for a 12-month period. HIP sessions were held every second week during that period to provide a control group for the evaluation. Research interns attended HIP sessions and afterward interviewed participants. Preliminary findings are broadly positive, but a definitive assessment awaits publication of the Institute's report.

Keys to Success and Maintenance

- *Content Relevant to Target Community.* The HIP has devised a message and a presentation style that is authentic and credible to the target audience. It is able to hold the full attention of its primarily young male participants throughout the presentation (three or more hours). The presentation is deliberately left "a bit ragged" to better communicate with the target audience. Similarly, the chosen medium is slides rather than video or television, which makes the presentation different from the usual fare.
- *Volunteer Staff Commitment.* The commitment of the staff is evident. Many are charismatic. That all are involved as volunteers is stressed several times during the session. The volunteer presenters serve as role models for the participants, in how they dress and how they act, as well as in the content of what they say.
- *Continual Process of Evaluation and Revision.* The HIP evolved through a continuous process of evaluation and revision, which includes consideration of evaluation forms that were completed by participants. In 1996, ongoing review by the task force was supplemented by a formal and rigorous evaluation, which included the use of control groups, to assess the HIP's impact.
- *Prior Participant Involvement.* HIP's credibility is enhanced by inviting previous participants who have enjoyed success to return and address the session.
- *Broader Community Involvement.* Attendance by relatives and friends of the defendants gives sessions the atmosphere of a community meeting. The audience ranges from infants to the elderly.
- *Sustained Momentum and Enthusiasm.* HIP has been able to sustain its momentum, despite, or perhaps in part because of, a lack of official recognition.

Difficulties Encountered

- *Lack of Official Endorsement and Funding Source.* The HIP has never been endorsed by the bench of the 36th District Court and has no source of funding. It functions as a volunteer effort through the willingness of the judges who conduct felony arraignments to impose HIP participation as a condition for release from custody. The HIP is staffed by judges, court staff, and law enforcement personnel who donate the time required for their participation. Formal support is available, however, from local police departments and the prosecutor's office, which have appointed liaisons to HIP. Resistance is attributed largely to the weight of routine and precedent in the criminal justice system and concerns about the program's possible impact on employment for court staff.
- *Frustration with Modest Initial Outcomes.* A number of members of the original task force, notably members of the clergy, dropped out because of frustration over the lack of quick and dramatic successes. Outreach to the Hispanic community took time before results were evident.
- *Gaining Commitment from New Members.* Some original team members eventually were replaced by others from their organization who lacked the commitment to and belief in HIP.
- *Questions About Content.* Some people find the HIP's message too male dominant.

- *Program Expansion Attempts.* Efforts were made to extend the HIP into a part of the public school curriculum. The program was presented in various public schools. While student reaction was reported to be positive, the city school system did not adopt it. However, classes of students from schools and colleges outside of Detroit do attend HIP sessions.

Identifying Characteristics

- The program's philosophy is based on the meaning of carrying a gun in the lives of inner-city minority young men, especially African-Americans, although the program stresses the applicability of its message to other minority communities and to suburban white communities.
- The program is run entirely through volunteer effort and resources.
- A task force initially met after each session to review the content and response, generating an intense, tightly knit package of information, ideas, and assistance.
- The program's ultimate objective is to reduce the incidence of firearm violence in entire communities.
- The presenters can serve as credible role models for participants.
- Opportunities are available at each session for participants who wish to obtain financial support to resume their education or to attend vocational and occupational training.

Youth Assistance Program
Oakland County Probate Court and Circuit Court-Family Division
Pontiac, Michigan

Type of Collaborative Activity:	Prevention and Early Intervention
Court Jurisdiction:	Juvenile (Probate)
Problem Addressing:	Juvenile Delinquency and Child Abuse and Neglect
Year Established:	1953
Contact:	Kal Engelberg Chief, Youth Assistance Oakland County Probate Court & Circuit Court-Family Division 1200 N Telegraph Road Bldg. 14 East First Floor West Wing Extension Pontiac, MI 48341-1452 (810) 858-0055

Objectives and Development

Oakland County Youth Assistance (YA) was created in 1953 when a group of citizens came to a probate court judge with an idea to develop a program to assist troubled youth within their own community rather than referring them to the centralized county probate court. The mission of the collaborative program that evolved from this original idea is "to strengthen youth and families and to reduce the incidence of delinquency, abuse, and neglect through volunteer involvement." The ultimate goals of the YA program are preventative, to keep kids out of the system and to strengthen families. The individual localities of the county have developed their own unique programming to meet these common goals, so much local variation has developed.

Structure and Management

Youth Assistance is administered by the Oakland County Probate Court and Circuit Court-Family Division through 26 offices throughout the county. The jurisdictions of the 26 offices are mostly consistent with the county's school districts. A high level of autonomy exists at the local level of the YA programs. The activities and programming are not tightly prescribed from the county. A local volunteer board of directors oversees the local YA programming at each of the offices. Caseworkers employed by the probate court are assigned to each of the offices. They hold responsibility for management of the local volunteers and community-organizing activities. The caseworkers are also responsible for providing direct family-centered counseling and referral services for young people and their families.

Centralized probate court and circuit court-family division support (principally through the casework staff) promotes a degree of consistency in the quality of the programming and

encourages the flow of information and ideas from one local office to the others. A countywide coordinating council, made up primarily of the chairs of the 26 local YA boards, provides advice, consultation, and support to the central office and to the local YA boards. The central probate court and circuit court-family division involvement also includes staff who help recruit, screen, train, and retain volunteers on a county level, particularly for the countywide PLUS (one-to-one mentoring) program.

The probate court and circuit court-family division judges, too, are deeply involved in and committed to the YA program. Although the YA program takes extra time, sometimes evenings and weekends, the pay back is that the people know the judges. It also breaks down the barriers of distance and the feeling among the public that the judges "don't know us and they don't care about us."

Activities

The programming that is provided by each local YA office is community-based. Much of the programming is developed and administered by volunteers who live and/or work in the community in which they serve. Examples of YA programming include youth recreation and recognition events, mentoring, skill building and camp scholarships, and family education classes. County-level programming includes the PLUS one-to-one mentoring program and the family-center casework services.

Participants

The probate court and circuit court-family division make a substantial commitment of its staff resources to the YA program. Fifty (39 full-time and 11 part-time) employees work in the YA program, in addition to the significant involvement of judges and court administration.

The volunteers participating in the local YA programs vary considerably across the county in their demographics and in their numbers. The local volunteers typically include school representatives, city or town government representatives, educators, and representatives from other community service agencies or service clubs (e.g., Rotary, Optimists). The involvement of representatives from other service-providing agencies helps in coordinating activities across the various organizations and therefore hopefully avoids overlapping and conflicting efforts. These core types of volunteers are supplemented by a variety of other participants, such as county commissioners, judges, police, principals, public health nurses, and attorneys. Several programs have included local high school students to incorporate youth input.

Evaluation

The Oakland County Youth Assistance program is committed to incorporating evaluation into the management of the program. Program organizers hope that through evaluation they will gather the tools needed to sell the idea of prevention to their funding sources. Generally, findings from a three-year evaluation indicated that people who dropped

out of services early were more likely to come to the formal court. They also found that 92 percent of the kids and families involved in the casework component of the YA program do not return for formal adjudication. Another three-year study completed in 1996 concluded that parenting programs, camping and skill-building opportunities, mentoring, teen centers, and recreation programs all produced positive behavior changes that would reduce the likelihood that the participating youth and families would come into contact with the formal court.

Resources

Support of the 26 community-based programs represents a tri-sponsorship approach between the local municipalities, the local school districts, and the courts. Principal funding is provided by the Oakland County board of commissioners through the probate court's budget. The tri-sponsorship enhances cooperation and promotes coordination of effort. Another key resource to the YA programs is their volunteers. They also receive in-kind support from sponsors through office space, secretarial services, and supplies.

Keys to Success and Maintenance

- *Local Autonomy and Commitment.* From the beginning of YA, the organizers realized that decisions should be made at a local level because of the diverse needs of Oakland County's various communities. The volunteers like having the liberty, within certain parameters, to design programs to fit the individual needs of their local area. They continue to engage in community needs assessments as well as building around and working with existing community resources. Although some central control is needed, local autonomy is crucial to the feeling of ownership and to creativity in programming.
- *Commitment to the Common Goal.* Volunteers find YA a safe place because its entire focus is on helping kids. Volunteers are directly involved in creating and providing services to youth, not one step removed. The volunteers are able to see the results of their efforts in an immediate way.
- *Developing Partnerships.* The local YA programs have been effective in developing partnerships, for instance with local businesses and corporations, PTAs, service clubs (Rotary, Optimist), YMCA, boys and girls clubs, and parks and recreation departments. These partnerships allow local offices to work with other community groups, not in competition with them.
- *Court Professional Support.* Each YA office is assigned at least one paid, social work-trained, court-connected casework staff member. The role of the caseworker is essential for day-to-day management. This individual provides the necessary connection between the court, the volunteers, and the broader community.
- *Continuity and Longevity.* The continuity and history of the program enable the program to better meet its goals. The YA has worked hard to build trusting relationships with people in the community.
- *Judicial and Court Administrative Enthusiasm and Support.* The judges and court administration are very hands-on and active in their support of the YA programs. Both

the judges and court administration recognize the vitality of the program and take pride in it. The presence of and support from the probate court and circuit court-family division is important not only to the community and the volunteers, but also to the caseworkers, particularly those in the remote "outposts" where they are at greater risk of feeling that no one cares about or appreciates them.

- *Effective Volunteer Management.* YA has a strong volunteer network because the program continues to support and nurture the volunteers. The court acknowledges that it is vitally important to know who is involved at a local level and what they contributed because people want to be recognized and appreciated. Program organizers find that the more positive feedback you give to members of the community about their activities, the more they will want to be involved.

  The participants in Oakland County mentioned several other keys to recruiting and managing volunteers:

  (1) recognize that recruitment is an ongoing activity and always have your eyes open for potential volunteers;
  (2) tie the volunteer's function and tasks clearly to the program's mission;
  (3) identify the volunteers' interests and give him or her at least some tasks that satisfy those personal needs; and
  (4) have volunteers encourage one another and help keep one another vested in the program, particularly by highlighting evidence of the program's success due to their involvement.

- *Maximizing Resources.* YA has been able to leverage even a small amount of money into something significant. All grant money goes directly into programming and ultimately to the young people. YA does not have any overhead recovery through grant funds because the county board of commissioners has committed the resources to pay staff and overhead.

Difficulties Encountered

- *Care and Retention of Volunteers.* In general, the care and retention of the volunteers is time-consuming and especially tricky when trying to encourage them to devote significant time to fund-raising. Much competition for volunteers exists among service providers in Oakland County.
- *Risk Management.* A significant development in Youth Assistance through the years has been the creation of a risk management program to protect the youth and volunteers involved. YA implemented an extra insurance program, particularly to cover the transportation of the young people to and from activities. The volunteers incur no costs, unless they want further coverage. YA also has incorporated higher scrutiny and background checks of volunteers (particularly for the one-to-one mentors).
- *Limited Resources.* Money is always a problem. Volunteers tend to fade away when you start talking about raising money. Only so much money is available to go around, and

many worthy organizations for youth are competing with one another. In working to resolve this problem, one community brought together all the people who were advocating for youth to talk about their organizations, who they represented, and who they were targeting within the community. The purpose was to help the groups work together towards common goals.

- *Difficulty Selling Prevention Activities.* People tend not to be as generous in giving to prevention programs. Every one talks about wanting to help kids (through prevention and early intervention), and funders want to help these programs. When times are tough, however, these programs are the first to go. It is therefore helpful to use information such as that gained in the program evaluation to help convince sponsors and other funding sources of the benefits and results of YA prevention programs.
- *Central vs. Local Control.* The level of local autonomy remains an ongoing source of anxiety for some. Tension exists between the importance of continued local autonomy and the requirement that court staff caseworkers comply with certain expectations from the court.

Identifying Characteristics

- Expansiveness of the program across the entire county and in very diverse populations.
- Level of community ownership and local autonomy. The programming truly exists at the community level.
- Community-driven programming. The programs offered by the local Youth Assistance boards respond to the individual community's needs.
- Longevity and adaptability of the program. It has been able to change with the communities for over 40 years.
- Commitment of tri-sponsorship of the county (through the courts), the local government, and the local school districts. Also a strong emphasis on partnering and building efficiently around existing resources.
- Level of court involvement in community organizing through the caseworkers assigned to the local offices.

Site Report Supplement
Other Court and Community Collaboration Programs in Oakland County

In addition to the extensive Youth Assistance program managed by the Oakland County Probate Court, the court has other community-focused programs, including an advisory committee (Citizens' Alliance) and volunteers in guardianship reviews. A district court judge in Oakland County also has been involved in developing some other court and community collaborative programs. Oakland County has a rich resource base, both financially and professionally, on which to draw for these programs. These collaborations are creating tools for the courts that did not exist previously. The programs also recognize the need to look at all of the problems that cause criminal behavior for sanctions to be effective.

Each of the district court judge's probation officers manages one of the projects. The probation officers were resistant at first, but then began to enjoy these extra responsibilities. The special project work enriches their job and takes them away from their daily routine.

Example Projects

Impact Weekend. The Impact Weekend is a collaborative effort between the public and private sectors that was designed to address the problem of repeat drunk drivers by targeting first- and second-time drunk driving offenders. Prior to the initiation of the program, judges were limited in their sanctioning of first-time DWI offenders to incarceration (typically ten days) or probation, neither of which fully addressed the problem. Judges now have an alternative for these offenders that provides education and information geared toward helping offenders recognize the negative impact of their behavior on themselves and others.

The program is the result of a cooperative development effort between the Office of Community Corrections, the district court, representatives from Mothers Against Drunk Driving (MADD), Alcoholics Anonymous, and a local substance abuse treatment center (Turning Point Drug and Alcohol Counseling Center). The Impact Weekend program provided an opportunity to blend public and private entities to create a program that was affordable to the offender and cost-effective for the criminal justice system.

The program provides a forum to educate offenders about the dangers associated with drinking and driving, to show the further effects continued drinking can produce, and to provide support to those facing their battle with alcohol. The program also includes a community service component designed as a repayment method for having violated community laws.

The program developers wanted the program to be results-oriented and outcome-based, so measuring the effectiveness of the program was critical. The participants are tracked by the court's probation department as well as community corrections after the weekend session. Community corrections acts as a primary resource through telephone contact 30, 60, and 90 days following the weekend and every 90 days thereafter. They assist the probationer in various capacities, including finding housing and employment, helping prevent relapse, and assuring that community and professional resources are made available to both the offenders and their family members. The follow-up component also includes periodic criminal history

and background checks, including reviews of driving records, to determine if offenders have been rearrested for drunk driving or any other offense.

The program reportedly is working well, in combination with long-term probation. The program handled 206 cases in the first year, with no alcohol-related recidivism among the participants.[1] The case managers have discovered that it is important to address the needs and concerns of the entire family unit, not just the offenders, to be effective in molding change. The participants in the program also appear to be receptive to continued counseling and support.

The program presents judges with a new sentencing tool and has provided relief to the overburdened criminal justice system (particularly with jail overcrowding).[2] The sheriffs support the program because it reduces the prison population. Furthermore, since the program is paid for by the offenders, a financial burden is lifted from the criminal justice system.[3]

Domestic Violence Program. This program is a collaboration of the police, pretrial services, local prosecutors, HAVEN women's shelter and men's counseling, Catholic Social Services Alternative Dispute, and the district court. The goal is a change in the system's response to the problem of domestic violence. The participating agencies continue to meet quarterly at the courthouse to fine-tune the program and to make sure all the components work smoothly.

"Community" Probate Courts. A district court judge is working with the probate court to be cross-assigned as a probate judge to handle school truancy, teen alcohol, and tobacco issues in the local district court rather than having the juvenile come to the probate court in Pontiac. The possibility of such interrelationships and partnering with other agencies and the schools is hopeful. They plan to target two small communities with one high school and one middle school. The program also will include training on teen drug and alcohol assessments.

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[1] Of the 206 participants, only two have re-offended, and both were referred for charges other than drunk driving. The recidivism rate of 1 percent is significantly lower than the state average of 33 percent for these offenders.

[2] Approximately 20 percent of the total jail population in 1994 consisted of drunk drivers.

[3] The per-jail-day cost to house an offender is $68. Program organizers estimate that the program saved $42,000 of taxpayer dollars in the first year.

Juvenile Conference Committees, Hudson County, New Jersey Family Court

Type of Collaborative Activity:	Citizen Involvement in Juvenile Case Decisions
Court Jurisdiction:	Family and Juvenile
Problem Addressing:	Appropriate Adjudication of Minor, First-Time, Delinquency Cases (up through age 17)
Year Established:	1952
Contact:	Marciano Aguiles Juvenile Conference Committee Coordinator, Hudson County Family Division Superior Court Hudson County Administrative Building 595 Newark Avenue Jersey City, NJ 07306 (201) 217-5102

Objectives and Structure

Juvenile Conference Committees (JCCs) consist of six to nine volunteer citizens, appointed by the presiding judge of the family division of the Superior Court of New Jersey. Committees hear and make recommendations on cases involving minor, first-time juvenile offenders and monitor compliance with their decisions. Second-time offenders, whose first offense has been successfully handled and dismissed through the JCC program, may be referred to the JCC if deemed appropriate by the judge. A JCC may occasionally deal with an 18-year-old if the offense occurred prior to the individual's 18th birthday.

Although a statewide program, JCCs are organized at the county level by the local superior court. Considerable effort is made to ensure that the membership of individual committees reflects the racial and ethnic composition of municipalities within a county. This site report describes the organization and functioning of the JCC program in Hudson County, New Jersey, one of the most ethnically diverse counties in the United States.

The objective of the JCC program is to provide early and appropriate intervention in a manner that minimizes the likelihood that juveniles will re-offend. The interventions are provided within the juvenile's own municipality/neighborhood. Specific objectives include using community disapproval (and, at the same time, support) as a tool in dealing with juvenile offenders; providing an informal, helpful process for hearing cases involving minor offenses; and freeing the judiciary to concentrate attention on those cases involving serious, habitual juvenile offenders.

Origins and Development

Origins. The concept of JCCs in New Jersey dates to the late 1940s, a reflection of the highly progressive spirit that made the state the national leader in court reform. Chief Justice Arthur T. Vanderbilt institutionalized the JCC concept on a statewide basis in 1952. JCCs

initially were established through a court rule (R.5:25) and, in 1984, received formal authorization by state statute (*N.J.S.A.* 2A:4A-75). The underlying philosophy of the JCC program is to prevent future misconduct by taking a broad-based view of the offense and offender through a case disposition that is tied to the specific circumstances and needs of the offender and that avoids the stigma of a formal court appearance and record. This is accomplished in the JCC program by substituting local residents for a judge and court staff. At the same time, due process rights of juveniles are protected because participation in the JCC is voluntary.

Development. The basic structure of activities for the individual JCCs has remained largely unchanged since the program's inception. Significant developments within the state's courts, however, have brought greater uniformity and accountability. Notable developments include the establishment of Juvenile and Domestic Relations Court Intake Services (introduced as a pilot program in 1974 and made permanent as a unit in 1975) to enhance coordination and supervision from the courts. During the 1970s, court rules, an intake manual, and a *Guide for Juvenile Conference Committees* brought greater coherence to the program.

In Hudson County and statewide, 1978 marks the beginning of the "current era" of JCCs. A full-time coordinator now runs the statewide JCC program. The Conference of JCC Coordinators, under the statewide coordinator, participates in policy decisions, which are then reviewed by the Conference of Family Division Managers, the Conference of Family Division Presiding Judges and, if appropriate, the state supreme court. The program is under effective court control with central oversight. This central court management results in a more cohesive program with a substantial set of training programs, manuals, and other materials that are updated regularly. A significant associated change was the end of political influence in JCC operations. At one time, mayors were involved in appointing JCC members and membership was open to politicians, law enforcement officers, and others with potential conflicts of interest.

Activities

Currently, 11 JCCs operate in Hudson County. (Some 330 JCCs operate statewide.) Each JCC has its own chairperson, appointed by the presiding judge, and selects its own secretary. The flow of cases to and through the JCCs appears below.

Step 1. Court intake staff review new complaint filings and decide which juveniles will be diverted to the JCC serving the area in which they live (the main alternatives are to dismiss the case or to make a referral for "in court action"). Determinations are based on the seriousness of the offense and the juvenile's age and prior offenses. In Hudson County, the prosecutor reviews and agrees to the diversion decision (subject to review by a judge). Minor drug offenses also were diverted for JCC review at one time, but this practice ceased following changes in sentencing laws. A family division judge, however, has the discretion to refer any case to intake for JCC consideration.

Step 2. On receipt of the complaint, the secretary of the JCC invites the juvenile, his or her parents, the complainant, and the victim(s) to the JCC, usually set within four weeks.

Step 3. On the scheduled date, the committee meets with those who appear, jointly and separately as appropriate (JCCs can review complaints even if the complainant or other invitees

fail to appear), to discuss the circumstances stated in the complaint and the juvenile's home and school environment.

Step 4. The committee reaches a decision, formulated as an agreement. The agreement may include referrals for professional assistance, which are available when requested. The agreement also includes provisions for monitoring compliance. The maximum length of JCC supervision is six months unless extended by a judge.

Step 5. The signed agreement is sent to a judge for approval. If the judge accepts the agreement and the juvenile complies with the recommended course of action, the charges will be dropped.

Committee members serve neither as finders of fact nor as adjudicators of delinquency. The sessions are informal and the rules governing the conduct of the JCC allow considerable leeway. Parents can decline to participate in the conference or reject its recommendation. These actions, however, automatically send the juvenile back to court intake.

Management

Court staff at the local and state levels provide well-organized activities to support the work of individual JCCs. A JCC coordinator on the staff of the superior court serves as the liaison between the court and the various committees in a county and is responsible for recruitment, screening, and local training. The intake units of the family division implement JCC recommendations for counseling and other treatment and social services. A conference of JCC coordinators meets quarterly in the state capital to facilitate statewide coordination.

The administrative office of the courts provides state-level support for the JCCs through the organization of training, the development of instructional material, and the monitoring of activities.

- *Training:* A basic one-day training program was offered to JCC members by state-level staff starting in 1988. By 1990, 660 volunteers had been trained, and responsibility for basic training was turned over to teams of JCC coordinators and volunteers. State-level staff now concentrates on advanced training.
- *Screening:* New volunteers are screened through interviews, reference checks, and searches of criminal history record systems.
- *Monitoring:* The racial, ethnic, and gender composition of individual JCCs is monitored at the state level to ensure diversity and a match between the socio-demographic profiles of communities and the committees that serve them.

Participants

Participants in the JCC include the following:

- Approximately 100 citizen volunteers who serve on Hudson County's 11 committees (judges, court staff, attorneys who practice juvenile law in the jurisdiction, members of

boards of education, and law enforcement officers are prohibited from serving on a JCC),

- A staff member from the family division of the superior court in each county who serves as the JCC coordinator,
- Family court judges who review recommendations and meet periodically with JCC members to express the court's appreciation of their contribution, and
- Staff from the administrative office of the courts who are responsible for monitoring the work of the JCCs, developing guides and other material for use by JCC members, and conducting initial and in-service training.

Resources

The members of the JCCs serve in a volunteer capacity. Committees typically meet in community facilities (public libraries, school buildings, and recreational centers) as a matter of policy, distinguishing the informal, nonadjudicative JCC from the court.

The Hudson County Superior Court provides a JCC coordinator, but does not provide additional administrative support. Student interns from local colleges, as many as six per semester, assist in maintaining the flow of paperwork associated with the program.

Evaluation

The effectiveness of the JCC concept is reviewed periodically by committees appointed by the New Jersey Supreme Court and by staff, staff committee, and joint staff and volunteer committees of the administrative office of the court.

Keys to Success

- *Strong State Infrastructure.* The JCC program has nearly 50 years of experience in building a strong state infrastructure incorporating volunteers substantively into the work of the New Jersey courts.
- *Effective Court Management and Support.* The JCC coordinator meets regularly with the chairpersons and secretaries of the JCCs in the county, along with judges of the family court. The bench offers strong support, which is essential to the recruitment and retention of volunteers. General recognition exists that the contribution of JCCs is vital to the successful operation of the family division.
- *Attention to Diversity.* By court rule, the composition of JCCs must reflect the various socioeconomic, racial, and ethnic groups in the community being served. Local programs engage in aggressive recruitment of new JCC members through networking and personal contacts in pursuit of diversity and a match between the juveniles and committee members in terms of race, ethnicity, and socioeconomic status. The administrative office of the courts monitors the diversity of individual committee membership.

- *Training of Volunteers.* Each volunteer participates in sophisticated mandatory training, including advanced skills training and specialized programs for JCC chairpersons. The basic-level training is conducted jointly by experienced JCC members, local JCC coordinators, and state-level staff.
- *Respect for Work of the Committees.* Because of the extensive training for volunteers, judicial confidence in committee decisions is high. Families can bring attorneys to JCC conferences. Given the nonadversarial nature of the conference, the attorneys can only observe and advise their clients; they do not have the right to cross-examine. Committees stress the importance of informality and a nonadversarial "neighbor reaching out for neighbor" atmosphere.

Difficulties Encountered

- *Ensuring Recruitment of Representative Volunteers.* The greatest difficulty remains the recruitment of JCC volunteers that represent a true cross section of the population in a county of extraordinary racial, ethnic, linguistic, and socioeconomic diversity. Specific difficulties in that respect include recruitment of JCC members from groups that recently immigrated to the United States. Cultural beliefs about the inappropriateness of becoming involved in other people's families and the absolute primacy of parents (especially fathers) in family decisions are sources of reluctance to participate. Also, recent immigrants may not perceive their involvement as welcome because they are foreign-born. The court also reports difficulties in recruiting male JCC members to serve as role models.
- *Responding to Linguistic Diversity.* Linguistic diversity on Hudson County JCCs is particularly important. In the absence of a member who speaks the family's language, the juvenile would serve as translator between the JCC and his or her parents. It is not possible, at this time, to provide official interpreters to the JCCs. Recently, this matter is being addressed. The Conference of Family Division Presiding Judges endorsed the recommendation to provide interpreters.

Identifying Characteristics

- Volunteers are regarded as "non-paid professionals" by the state court system. The courts make a significant investment in training volunteers in skills such as interviewing, assessment of case information, and mediation.
- Training is used as a form of motivation and recognition, meeting the objectives of volunteers and enhancing retention of volunteers.
- The judges and JCC coordinator stress and aggressively pursue representation of all linguistic groups on JCCs, vital in a county with a very high proportion of foreign-born residents.
- There is a strong commitment by the judges to review JCC recommendations in a timely manner and to participate in events that recognize the contributions being made by the volunteers.

- The program features the imaginative use of counseling, community service, and restitution so as to tailor a recommendation to the specific juvenile. The juvenile also may be required to maintain a certain grade point average and to abide by curfew restrictions.

Midtown Community Court
New York, New York[1]

Type of Collaborative Activity:	Community Court
Court Jurisdiction:	Criminal Misdemeanor Offenses
Problem Addressing:	Community Concerns over Ineffective Adjudication of Low-Level, Quality-of-Life Crimes
Year Established:	1993
Contact:	Jimena Martinez Technical Assistance Coordinator Center for Court Innovation 351 West 54th Street New York, NY 10019 (212) 484-2752

Objectives

In October 1993, the Midtown Community Court opened as a three-year demonstration project designed to test the ability of criminal courts to forge closer links with the community and develop a collaborative problem-solving approach to quality-of-life offenses. The court brings persons charged with low-level crimes to justice in the neighborhood in which the incidents occurred, producing greater efficiency, visibility, and accountability. Building on the example of community policing, the court mobilized local residents, businesses, and social service providers to collaborate with the criminal justice system by developing and supervising community service projects and by providing drug treatment, health care, education, and other services to defendants.

The Midtown Community Court was designed as an experiment to do substantially more than replicate the routine case processing of low-level crimes in a neighborhood-based setting. The central goal of the project is to improve public confidence in the courts through meeting several key operational objectives: (1) to provide speedier justice; (2) to make justice visible in the community where crimes take place; (3) to encourage enforcement of low-level crime; (4) to marshal the energy of local residents, organizations, and businesses to collaborate on developing community services and social service projects; and (5) to demonstrate that communities are victimized by quality-of-life offenses.

Development

The Midtown Community Court was the product of a two-year planning effort, bringing together staff from the New York State Unified Court System (UCS); the city of New

[1] Portions of this site report were adapted from the executive summary of M. Sviridoff, D. Rottman, B. Ostrom, and R. Curtis, *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court* (New York: Fund for the City of New York, 1997).

York; and the Fund for the City of New York (FCNY), a private nonprofit organization. The purpose was to provide effective and accessible justice for quality-of-life crimes—prostitution, shoplifting, minor drug possession, turnstile jumping, and disorderly conduct—in Times Square and the surrounding residential neighborhoods of Clinton and Chelsea. Given the lack of jail space or suitable alternative punishments, the sanctions available to the court in these cases were limited.

The decision to establish the Midtown Community Court as a special court to address these cases was grounded in the following propositions: (1) centralized courts focus resources on serious crimes and devote insufficient attention to quality-of-life offenses; (2) both communities and criminal justice officials share a deep frustration about the criminal court processing of low-level offenses; (3) community members feel shut off and isolated from large-scale centralized courts; (4) low-level offenses, like prostitution, street-level drug possession, and vandalism erode the quality of life and create an atmosphere in which serious crime flourishes; and (5) when communities are victimized by quality-of-life crimes, they have a stake in the production of justice and a role to play at the courthouse. The establishment of the court reflected a general recognition that the court's response to low-level offenses should be more constructive and more meaningful to victims, defendants, and the community.

In developing the Midtown Community Court, project planners collaborated with community groups, criminal justice officials, and representatives of local government to identify ways in which a community court could achieve their key operational goals. This collaborative process produced an approach to low-level crime that was designed to "pay back" the victimized community while addressing the underlying problems of defendants.

Activities

The court is an official branch of the criminal court, arraigning misdemeanor cases from Times Square and the surrounding neighborhoods of Clinton and Chelsea. The court is assigned a full-time judge and a full complement of court staff.

The court draws upon local resources to develop a broad menu of constructive sanctions for low-level crimes. A wide array of community service programs, health care services, and other social services are available right inside the courthouse. A set of core resources were assembled to ensure that community service, drug treatment, and other sanctions stand the best chance of success:

- A *coordinating team*, working in partnership with court administrators, to foster collaboration with the community and other criminal justice agencies; oversee the planning, development, and operations of court-based programs; and develop ideas for new court-based programs;
- An *assessment team*, operating between arrest and arraignment, to determine whether a defendant has a substance abuse problem, a place to sleep, a history of mental illness, etc.;
- A *resource coordinator*, stationed in the courtroom, to match defendants with drug treatment, community service and other sanctions;

- *Innovative technology* to provide immediate access to information needed to inform judicial decision making;
- Space for *court-based social service providers* to address underlying problems of defendants;
- *Community service projects* specifically designed to "pay back" the community harmed by crime;
- A *community advisory board* to keep the court abreast of quality-of-life problems in the community, identify community service projects to address these problems, assist in planning, and provide feedback about the court;
- *Court-based mediation* to address community-level conflicts rather than just individual disputes; and
- A *court-based research unit* to analyze information on case processing and case outcomes and suggest adjustments.

Participants

Participants at the planning and subsequent stages include the Fund for the City of New York, a nonprofit organization dedicated to innovations in city government; the New York State Office of Court Administration; the New York City Criminal Court; the city of New York; business concerns and private organizations with a presence in the Midtown area; public and private providers of treatment and social services; and a citizen advisory board.

Resources

Thirty-two corporations and foundations, along with federal and city funding, provided substantial monetary resources to support the implementation phase of the court. In addition, numerous public and private agencies agreed to station staff within the courthouse.

Evaluation

Staff from the NCSC assisted in an evaluation of the Midtown Community Court, funded by the National Institute of Justice and the State Justice Institute. The evaluation was designed to assess the implementation and early effects of the court over its first 18 months. The evaluation incorporated both traditional measures of court performance (arrest-to-arraignment time, case outcomes, compliance with intermediate sanctions) and less conventional performance measures (patterns of local quality-of-life problems, community attitudes toward the court, community perceptions of improvements in the quality of life) to fully examine public perceptions as well as court outcomes.

The research found that the project achieved its key operational objectives. Research also found that the court had a profound impact on the types of sentences handed out at arraignment, more than doubling the frequency of community service and social service sentences and reducing the frequency with which the "process was the punishment" for misdemeanor offenses. In addition, the project increased compliance with community service

sentences by 50 percent; substantially reduced local quality-of-life problems, including concentration of street prostitution, unlicensed vending, and graffiti in the court's target area; and increased community confidence about the court's ability to provide constructive responses to low-level crime. Detailed information about the evaluation can be found in the publication *Dispensing Justice Locally.*

Keys to Success

- *Visibility of Justice.* The court used several strategies to enhance the collaborative component of the project and make justice more visible to the community:

    - assigned uniformed community service crews to address local problem spots identified by community members;
    - conducted outreach to community groups;
    - hosted tours and meetings at the courthouse;
    - produced a quarterly newsletter; and
    - garnered broad media coverage.

- *Development of working relationship with the police.* Coordinating staff met regularly with precinct commanders, made presentations at precinct "roll calls" and provided feedback to police about case outcomes in order to develop police confidence in the court.
- *Community-Based Partners.* Project staff assembled nearly two dozen community-based partners that supervised neighborhood-based community service projects and provided a broad range of services—substance abuse counseling, health education classes for prostitutes and their customers, GED classes, English as a second language classes, and medical testing—at the courthouse itself.
- *Commitment to Restorative Justice Principles.* Community service projects were explicitly designed as community restitution, whereby offenders are sentenced to pay back the neighborhoods where the crime took place. The judge made extensive use of these community restitution options. At the same time, the court would use its legal leverage to link offenders with social service resources to help address underlying problems.
- *Continual Communication and Feedback.* The community advisory board provided a forum for keeping the judge and coordinating staff informed about developing community problems.
- *Team Approach.* The court's ability to integrate staff from different agencies—judges; court clerks and court officers; attorneys; pretrial interviewers; police officers in the court's holding cells; and court-based community service and social service staff—into a single "team" was central to project success. Many roles expanded beyond traditional job descriptions. Instead of being overwhelmed by "turf" issues and interagency skirmishes, personnel throughout the courthouse took part in the joint effort to promote defendant compliance with court conditions and to link troubled offenders to appropriate services.

Difficulties Encountered

- *Community Skepticism.* Before the court opened, project planners faced various community skeptics. Community leaders and residents complained that courts in the past had paid insufficient attention to low-level crime and sought a more constructive response to these offenses. Their expectations about what the court might accomplish, however, were muted by prior experience with failed neighborhood improvement initiatives. Over time, the initial attitudes of community groups and some criminal justice personnel improved substantially.
- *Police Skepticism.* Although police management and precinct supervisors strongly supported the new court, local police were initially negative about the court and skeptical about the possibility that the court might improve community conditions. By the end of the first year, however, many local officers, especially community police officers, had become vocal supporters.
- *Concerns of Attorneys.* Both prosecutors and defense attorneys raised a variety of concerns about the court. For instance, they questioned how adding new information about defendants and new players in the courtroom would alter traditional courtroom dynamics. An assessment team's prearraignment interview also raised questions on both sides of the aisle about confidentiality. How would a defendant's admission of drug use—which is, after all, a criminal act—be used in the courtroom? Attorneys also voiced concerns about the potential influence of the resource coordinator, a new employee assigned to make recommendations about intermediate sanctions, on judicial decision making. Over time, most concerns about these issues subsided, although prosecutorial concerns about issues of cost and equity remained persistent.
- *Forum Shopping.* A concern was expressed that large numbers of defendants would adjourn their cases to the downtown criminal court to avoid sanctions mandating community services and social services. Research showed no evidence of increased "forum shopping" after the court was created, however.
- *Resources.* Another obstacle was the need to raise sufficient funds to sustain an ambitious demonstration project.

Identifying Characteristics

- Swifter and more constructive adjudication of low-level offenses. Procedures made it difficult for sentenced offenders to walk out of the courthouse without scheduling community service (a common occurrence at the downtown courthouse).
- Ongoing contact with community groups to identify quality-of life problems and address these problems through community restitution.
- Substantial efforts to make justice more visible to the community and enhance public confidence in the courts.
- Development of an effective working partnership between the court and the local police officers that encourages enhanced police enforcement of low-level offenses through the court taking the quality-of-life crimes seriously.

- Development of the Midtown Community Court into one of several mutually supportive contributors working toward improving the quality-of-life conditions of the community.

Citizen Advisory Council of the Juvenile and Domestic Relations District Court Norfolk, Virginia

Type of Collaborative Activity:	Advisory Council (research and advocacy)
Court Jurisdiction:	Juvenile/Family
Problem Addressing:	Various (juvenile crime, domestic violence, need for alternative juvenile case dispositions)
Year Established:	1984
Contact:	Betty Wade Coyle or Kevin Moran Department of Youth and Family Services 4th District Court Service Unit P.O. Box 809 Norfolk, VA 23501-0809 (757) 625-3182

Origins and Development

In 1984, the Norfolk Juvenile and Domestic Relations Court Citizen Advisory Council (CAC) was created by court order to advise and otherwise assist the court. The CAC fits within the "culture of collaboration" exhibited by the Norfolk Juvenile and Domestic Relations Court, with the CAC being just one component of several community-related programs in which the court is engaged.[1] The judges of the Norfolk Juvenile and Domestic Relations Court consider the CAC one of their chief vehicles for interacting with the public. In addition to being a resource for the court in researching and developing various programs and ideas for interaction with the public, the CAC also serves as a vehicle for the court to interact with the other branches of government. The CAC is not constrained by the rules precluding judicial involvement in politics, so it can offer opinions and make recommendations to the legislature or city management on issues related to the court's jurisdictional areas.

Council Impetus. Several developments were currently underway at the court that prompted interest in a court advisory group. The court service unit[2] was expanding its operations at the court, and juvenile dockets were growing rapidly. The court needed to consider innovative approaches to deal with the challenges it was facing. The idea of a body to operate on behalf of the courts and facilitate the relationship to the public was recommended. Direct citizen involvement was a key component of the council as originally envisioned.

Development. The court worked with a local practicing attorney who investigated and found authorization for a citizen advisory council within the Virginia Code (Section 16.1-240).

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[1] See supplemental site information on the Friends of the Norfolk Juvenile Court.

[2] The court service unit is part of the Virginia Department of Youth and Family Services. Its offices are located in the courthouse, and they provide, among other services, supervision of juvenile probation.

This attorney saw the council as an opportunity to elevate the status of the juvenile court and to raise the way the court was viewed in the community.

A sitting judge encouraged the CAC to be established and nurtured, which many participants stated was critical to its initiation. The involvement of the director of the court service unit likewise was key to the initial success of the endeavor because she had created a very open court service unit and had the judges' confidence.

Providing Safeguards. Careful planning helped curb initial fears that the CAC would become an uncontrollable group. Those individuals selected as CAC participants were respected members of the community who had access to and influence with the legislature and other branches of government.

All projects were to be assigned by court order. In practice, the court order lends the court's authority to the CAC to conduct various projects principally to facilitate cooperation from the other individuals and agencies that will be required to coordinate with the CAC as they conduct their research. Given the current structure of the CAC, the order provision is not intended to prevent people from coming to the court with ideas of their own, but provides a way for activities of the CAC to be directed ultimately by the judges in the court.

Participants

Council Composition. The CAC can consist of up to 15 members. The director of the court service unit serves a role similar to an executive secretary, with ex-officio status and responsibility for administrative operations. Members have included a former criminal justice professor, an educator, a child welfare advocate, attorneys, and a lobbyist from a local children's hospital.

In developing the council membership, organizers determined that membership should be voluntary because volunteers would lack the risks that paid professionals might have. Volunteers could take stands and act, particularly in the policy area, without worrying about their personal employment.

Optimally, a balance in membership should be maintained between court insiders, who are in touch directly with the court and can better identify the needs of the court and their clients, and more purely community-oriented members. Keeping the community-oriented people interested is more difficult because they lack the "inside" knowledge that comes from experience with the court.

Judicial Participation. One judge in particular was a dynamic force behind the CAC, first as an attorney and then as a juvenile court judge. His commitment and energy have kept a lot of people committed to the CAC through the years. But any interested and motivated judge can recruit council members and encourage the work of the council.

While the current judges are supportive of the CAC, they rarely attend CAC meetings. This was a conscious decision made early in the history of the CAC. The judges felt that the CAC would not be as objective and would feel inhibited if the judges were in attendance. Usually they only attend when the CAC is embarking on a new project or when the council requests their attendance at a specific meeting.

Activities

The CAC engages in three primary activities:

- *Research and Investigation.* The CAC consults and confers with the court and the director of the court service unit about the development and extension of court service programs. The CAC has responded to several requests from the court to study areas of concern and make recommendations for program development. While the CAC is often engaged in development, CAC members do not participate in any ongoing program management. Once a program is developed by the CAC, a suitable location for its ongoing management is selected, such as the court, the court service unit or the Friends of the Court (the volunteer arm of the court).
- *Lobbying and Advocacy.* The CAC recommends amendments to the law and communicates thoughts and advice about pending legislation and policy affecting children and domestic relations law to members of the general assembly, city council, and other policy makers after consultation with the court. The lobbying activities are useful to the court because rules preclude judicial or court staff involvement in this arena. Plus citizen involvement can increase the level of influence over time depending on the interests and expertise of the council members and the current issues needing to be addressed.
- The nature of the lobbying activities has evolved. The previous chair was a "full-time" lobbyist who was able to engage in more informal lobbying. Since the current chair does not have the same opportunities for informal connections, she does more public testifying, speaking, and letter writing on behalf of the CAC.
- When CAC members testify, they make it clear that they are not representing the court or the court staff's opinions. The director of the court service unit reviews all lobbying materials and tries to have the testimony or letter reviewed by at least one judge.
- *Facility and Program Visits and Reports.* The CAC conducts annual visits to facilities and programs receiving children under court orders and issues a report to the court on the conditions and surroundings of these facilities.

Resources

The CAC does not require a significant amount of resources (e.g., telephone, mail and transportation costs, secretarial support). Most of these expenses currently are funded through the court service unit's budget. However, without strong court staff support, even this small amount can be difficult to cover.

Keys to Success

- *Receptiveness and Support of the Judiciary.* The success of a council is dependent on the willingness of the judges in the court to encourage and support the council and its activities. Ongoing contact with the judges helps members realize that the work they do

is valued by the judges. This type of encouragement is particularly important to volunteers.

- *Choosing the Right Mix of Participants.* Care was taken to select members who were representative and broad-based and interested in the welfare of the court's clients as well as well connected with the political leadership and community resources. Through the years, the CAC members have learned to capitalize on each other's connections in the local community. Much of the CAC's success has been attributed to the talents of the people involved at any one time. The chairs have been individuals who the judges respect and trust and with whom the judges can communicate frankly. It is important to have a motivated person to lead the CAC.
- *Strong Communication Links.* The director of the court service unit provides a critical liaison between the CAC, the court service unit, and the judges. Through the director, the CAC has more immediate and consistent access to the judges and the court. The involvement of the director likewise provides the judges with an informal check on activities and keeps the CAC from "drifting" away from the court.
- *Institutional Commitment and Involvement.* The director of the court service unit provides the sustained continuity to the otherwise volunteer efforts. He ensures that meetings are planned and minutes prepared and distributed, and he works to see that the ideas are implemented. His staff assists the CAC with administrative support (typing, meeting coordination), which is difficult to accomplish with strictly volunteer resources. Because of the institutional support, the CAC can focus on substantive projects and does not have to engage in fund-raising. Raising money tends to drain people's energy and keeps people from spending time on the substance.
- *Careful Choice of Projects.* The court has continued to sustain the commitment of CAC members by giving them significant, substantive projects. The court realizes that it must provide the volunteers who work on the CAC with thought-provoking and substantive activities in order to keep them engaged. The court made sure that the first effort was a project that would be successful. This helped establish the momentum for the long-term life of the group. Moreover, judicial endorsement of the council's efforts, particularly with the projects and policies, ensures a better chance for their actualization.
- *Clearly Defined Scope of CAC Activities.* Resistance from the court was minimized by clearly defining the role of the CAC as augmenting and supporting the court, not working against it. The staff of the court service unit was involved in the initial training of CAC members, which also helped develop a congenial and mutually beneficial relationship. Issues of involvement are delineated by their direct relationship to the court or its clients.

Difficulties Encountered

- *Judicial Participation.* Some individuals do not agree with the low level of judicial involvement and feel the judges should attend meetings more regularly.

- *Informal Funding Arrangements.* Arrangements for funding the CAC were not formalized in advance. The court service unit provides support for the CAC through its budget, but even a small amount of additional funding and staff support can be difficult for the court service unit's budget to absorb. It would be very helpful if some financial support was available through the court's budget to cover the CAC's expenses.
- *Insufficient Amount of Work.* Keeping the CAC occupied with projects as much as it would like to be sometimes remains difficult. The CAC is very dependent on the judges for project ideas, and there have been lulls in the CAC's activities over the years when the judges have not had anything for the CAC to study. It is important for the judges to keep sending ideas to the council.
- *Recruitment of New Members.* It is sometimes difficult to find the right people who have the time to devote to the CAC. Active judicial involvement in the recruitment and maintenance of the CAC is crucial.

Identifying Characteristics

- Substantial contributions of volunteer time and energy to the substantive studies. The court now relies on the CAC to serve as a research and investigative body to assist the court in enhancing its various functions.
- Strong institutional support, particularly through the court service unit and its director (actually part of an executive agency).
- Active use of volunteers for lobbying and advocacy activities, such as testifying and letter writing.
- Safeguards initiated during creation of the CAC that provide judges ultimate control over the CAC's activities, if they wish to exercise it.
- Exclusively community representation on the CAC; no court or government representation is permitted.

Site Report Supplement
The Friends of the Norfolk Juvenile Court
Norfolk, Virginia

Type of Collaborative Activity:	Volunteer (recruitment, training, and management)
Court Jurisdiction:	Juvenile/Family
Problem Addressing:	Various (juvenile crime, domestic violence, child abuse and neglect)
Year Established:	1970
Contact:	Josephine Phipps or Kevin Moran Friends of the Norfolk Juvenile Court 800 E. City Hall Avenue, 3rd Floor Norfolk, VA 23510 (757) 664-7649

Origins and Development

The wife of a U.S. Congressman founded the Friends of the Norfolk Juvenile Court in 1970, when she gathered together a group of people who wanted to help the court through volunteering. The Friends was truly grassroots in origin and the citizens have always owned it. The Friends evolved into an independent, nonprofit agency (incorporated) whose primary purpose is to recruit, train, and manage volunteers for the court and the court service unit.

Activities

The principle activity of the Friends is to recruit and train volunteers to work in placements within the court service unit. While the programs have changed in format over the years, the activities are essentially the same. In addition to providing volunteers to work in the court service unit, the Friends have developed programs of their own (or implemented programs recommended by the Citizen Advisory Council of the Juvenile and Domestic Relations District Court [CAC]) that meet the extra needs of the court service unit and that the Friends are a good vehicle to provide. The CASA (Court Appointed Special Advocate) program and the SAFE (domestic violence advocates) program were developed because of recommendations of the CAC.

Management

A 23-member volunteer board of directors sets policy and general direction for the agency. The board holds all decision-making authority for the program. The Friends work in conjunction with the court, not necessarily to seek the court's approval, but to discuss issues with the court. Day-to-day management is provided by a paid director and three other paid staff members.

Participants

Participation in the Friends is primarily voluntary, although there are four paid staff positions. Approximately 200 volunteers serve in a variety of service placements and contribute over 200,000 hours of service on different projects each year.

The members of the board of directors also are volunteers. Participants on the board have grown in diversity and are representative of the diversity of the larger community (in regards to race, gender, religion, geography, occupation, and interest in youth). The original bylaws were changed to allow up to two court representatives on the board to incorporate this important perspective. A nominating committee works to select the new members of the board. Every few years, they review the board composition to see who is lacking or not represented.

Volunteer Recruitment. The Friends have used various recruitment methods, including going to churches and civic organizations. They have found that the two most effective mechanisms (on which they now focus their attention) are:

(1) Newspaper articles, which are consistently the very best means of recruiting volunteers, and
(2) Announcements in a special section of the Sunday newspaper that provides a short description of the agency and its volunteer needs.

Resources

Originally, the Friends was run and managed entirely by volunteers. The Friends later received appropriations from the city and the state to support some of their activities (a portion of what they need). These appropriations came after the Friends had established themselves and the judges had become aware of their importance and thus were willing to endorse the program. Other positions and programs are funded through grants.

Keys to Success

- *Continual Efforts to Reach Out to the Community.* The Friends have periodically initiated publicity campaigns and updated their brochures and posters to constantly re-educate people about the Friends and their mission within the community.
- *Central Coordination.* The Friends maintain a central office to coordinate all volunteer activities (including training, placement, and management). The director of the office is a paid employee rather than a volunteer.
- *Open Lines of Communication.* The lines of communication have always been open between the Friends and the court, sometimes working officially and sometimes unofficially. Because the offices of the Friends are in the courthouse, the Friends are constantly in contact with the staff in the court service unit, which promotes coordination and communication. Coordination is further enhanced by having two staff members of the court service unit serve on the Friends' board of directors.

- *Attention to Sustaining Commitment.* The Friends have constantly worked to improve the meetings and activities to keep the volunteers engaged.

Difficulties Encountered

- *Initial Resistance by Paid Employees.* Initially, some of the paid employees resisted the Friends because they worried that if volunteers start working in the courts, employees' jobs might be eliminated. Eventually the employees realized that the volunteers were only there to supplement the work of those in the court, not replace them. The Friends have since enjoyed a wonderful collaborative relationship with the court and the court service unit. It is important to note that the court views volunteers as having the same status as professionals and gives volunteers jobs with significant responsibility.
- *Growth and Expansion Too Rapid.* Initially, the Friends' programs grew quickly and spread in too many directions. Soon, there were too many projects, with insufficient volunteer resources available (especially in the past eight to ten years). Managing all of the programs also was draining on the professional staff. The Friends now realize the importance of constantly reevaluating the necessity of various programs as well as whether the program still needs to be under the auspices of the Friends to survive.
- *Confusion with Other Court and Community Efforts.* The initial reaction of the Friends to the proposal for a CAC was confusion as to why the court needed another citizen group. It was therefore important initially to carefully distinguish the role of the CAC from the role of the Friends. The two groups now complement one another. A Friends board member is also a member of the CAC, and Friends staff regularly attend CAC meetings.
- *Limited Resources.* The Friends have never had enough money to do everything they would like to do. The fund-raising is frustrating because it takes too much time away from the "real," substantive work. Grants serve as the main funding source for the Friends. A variety of other community fund-raisers continue to be tried to supplement organizational resources.

Appendix B

Directory of Resources

Community Justice Organizations

Community Corrections

American Probation and Parole Association
c/o The Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8203
www.csg.org/appa/appa.html

National Institute of Corrections
Community Corrections Division
320 First Street, NW
Washington, DC 20536
(202) 307-3361
www.bop.gov/nicpg/nicmail.html

Community Policing

Community Policing Consortium
1726 M Street, NW
Suite 801
Washington, DC 20036
(202) 833-3305
www.communitypolicing.org

Community Prosecution

American Prosecutors Research Institute
99 Canal Center Plaza, Suite 510
Alexandria, VA 22314
(703) 549-4253
www.ndaa.org/apri1.htm

Court and Community Collaboration

Center for Court Innovation (Midtown Community Court)
351 West 54th Street
New York, NY 10019
(212) 397-3050
www.communitycourts.org

National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
(757) 253-2000
www.ncsc.dni.us

Drug Courts

National Association of Drug Court Professionals
901 N. Pitt Street, Suite 300
Alexandria, VA 22314
(703) 706-0576
www.drugcourt.org

Restorative Justice

Center for Restorative Justice & Mediation
School of Social Work
University of Minnesota
386 McNeal Hall
1985 Buford Avenue
St. Paul, MN 55108-6144
(612) 624-4923
ssw.che.umn.edu

Other Justice System Interests

American Bar Association
Office of Justice Initiatives
750 N. Lake Shore Drive
Chicago, IL 60611-4497
(312) 988-6138
www.abanet.org/justice

Center for Effective Public Policy
8403 Colesville Road
Suite 720
Silver Spring, MD 20910
(301) 589-9383

National Legal Aid and Defenders Association
1625 K Street, NW
Suite 800
Washington, DC 20006
(202) 452-0620

State Justice Institute
1650 King Street, Suite 600
Alexandria, VA 22314
(703) 684-6100
www.clark.net/pub/sji/

Department of Justice Agencies

Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
DOJ Response Center: (800) 421-6770
www.usdoj.gov

Office of Justice Programs
810 Seventh Street, NW
Washington, DC 20531
(202) 307-0703
www.ojp.usdoj.gov

Bureau of Justice Assistance
(202) 616-6500
Bureau of Justice Assistance Clearinghouse: (800) 688-4252
www.ojp.usdoj.gov/BJA

Bureau of Justice Statistics
(202) 307-0765
www.ojp.usdoj.gov/bjs

Drug Courts Program Office
(202) 616-5001
Drug Courts Clearinghouse (at The American University): (202) 885-2875
www.ojp.usdoj.gov/dcpo

Office of Juvenile Justice and Delinquency Prevention
(202) 307-5911
Juvenile Justice Clearinghouse: (800) 638-8736
www.ncjrs.org/ojjdp

Office for Victims of Crime
(202) 307-5983
Resource Center: (800) 627-6872
www.ojp.usdoj.gov/ovc

OJP Online Research Information Center
(202) 307-6742
www.ojp.usdoj.gov/ORIC

National Institute of Justice
(202) 307-2942
www.ojp.usdoj.gov/nij

Violence Against Women Grants Office
(202) 307-6026
www.ojp.usdoj.gov/vawgo

Office of Community Oriented Policing Services
1100 Vermont Avenue, NW
Washington, DC 20530
(202) 514-2058
www.usdoj.gov/cops

National Criminal Justice Reference Service
P.O. Box 6000
Rockville, MD 20849-6000
(800) 851-3420 or (301) 519-5500
www.ncjrs.org

Additional Web Sites

Community Justice Online: newark.rutgers.edu/%7Encpp/comjust.html

National Center for State Courts, Court and Community Collaboration: www.ncsc.dni.us/research/cfc.htm

Recommended Readings

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National Center for State Courts. *Improving Court and Community Collaboration: A National Town Hall Meeting, Conference Proceedings.* Williamsburg, Va.: National Center for State Courts, 1996.

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