

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Possible Shoreline Community Court		
DEPARTMENT:	City Manager's Office		
PRESENTED BY:	Christina Arcidy, Management Analyst		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

King County District Court approached the City of Shoreline in 2017 about the possibility of starting a Community Court in Shoreline. Community Court is an alternative problem-solving court. It differs from traditional court in that it seeks to identify and address the underlying challenges of court participants that may contribute to further criminal activity. The Court believes there are many Shoreline defendants who would benefit from such a court.

Tonight, staff will present information about a possible Shoreline Community Court and would like direction from Council on whether to continue planning for Community Court in partnership with King County District Court. Council will also hear from King County District Court Presiding Judge Donna Tucker about the possibility of Community Court in Shoreline.

RESOURCE/FINANCIAL IMPACT:

If Council were to support moving forward with a Shoreline Community Court, staff would target January 2020 as the start date. King County District Court has funding to pay for the judge and clerk, however, the City would need to pay for the security costs and the additional prosecution and public defense services. The King County Sheriff's Office estimates security costs to be \$11,000 annually. Staff estimates additional prosecution services to be between \$30,000 – \$100,000 annually. The City's public defense contract will be rebid in 2019 for a start date of January 1, 2020 and could include Community Court. Since public defense services are paid based on number of cases, it is unlikely costs would increase significantly due to Community Court. Given these cost inputs, the City's total program cost for Community Court is estimated to be between \$41,000 and \$111,000 per year.

If the Council gives staff direction to pursue Community Court, then the City Manager will need to identify a funding mechanism as part of the City's mid-biennium review later this fall. Options that will be assessed by the City Manager to cover the 2020 costs of Community Court could include: 2019 jail cost savings, other 2019 General Fund

operating savings, and/or the use of fund balance that is in excess of what was projected for 2019, as was discussed at the April 8, 2019 City Council meeting.

RECOMMENDATION

No action is required as this item is for discussion purposes only. Staff is seeking direction from Council on whether to continue planning for a Shoreline Community Court in partnership with King County District Court, which would include starting work on identified next steps.

Approved By: City Manager ***DT*** City Attorney ***MK***

BACKGROUND

Community Court Framework

A Community Court is an alternative problem-solving court. It differs from traditional court in that it seeks to identify and address the underlying challenges of court participants that may contribute to further criminal activity. Its goal is to build stronger and safer neighborhoods and reduce recidivism.

Community Court addresses the specific problem of repeatedly cycling through the criminal justice system non-violent misdemeanants who experience mental health issues, substance abuse issues, and extreme poverty. For these individuals, the criminal justice system – the intent of which is to punish and deter criminal behavior – is not working. It is not working because the criminal justice system does not address the root causes of the criminal behavior: substance abuse, mental health issues, poverty, and homelessness. These individuals are repeatedly arrested, booked, released, and the cycle repeats with no change in the behavior of the defendants.

Community Courts provide services and accountability for those who are eligible and choose to participate. An assessment is conducted for all Community Court participants to identify challenges and strengths. The assessment provides information to help determine what follow-up steps an individual Community Court participant will be required to take. In addition, Community Court participants will likely be required to perform community service.

Community Court increases collaboration between the criminal justice system and other systems, including mental health, substance use disorder, human services, housing, employment, and education. A Community Resource Center is an integral component of Community Court. The Resource Center consists of community partners who provide a wide array of services. The Community Resource Center is available to all members of the public in addition to the Community Court participants.

Community Court Outcomes

[“A Comprehensive Evaluation of the Red Hook Community Justice Center”](#) was published in 2013 and found positive outcomes. This Community Court, located in Brooklyn, NY and established in 2000, was one of the first in the nation. Some of the findings are as follows:

- Increased cost efficiencies:
 - Decreased costs to victim
 - Savings outweighed program costs by a factor of nearly two to one
- Reduced use of jail (35% fewer offenders received jail sentences)
- Reduced recidivism (10% reduction)
- Reduced crime (sustained decrease in both felony and misdemeanor arrests)

Community Court in King County

In Summer 2017, King County District Court representatives visited Spokane, WA, to learn more about Spokane’s Community Court. On December 8, 2013, Community

Court opened its doors at the Downtown Spokane Public Library – a cooperative collaboration that resulted in low barrier access to social service providers of every variety. The Spokane Municipal Community Court seeks to reduce and properly address quality of life offenses in the downtown area by utilizing a collaborative, problem-solving approach to crime. Since 2013, Spokane's Community Court has served more than 1,130 individuals on cases arising out of low-level criminal violations or quality of life crimes in the downtown corridor.

Planning promptly began for King County's first Community Court, which would open in April 2018 serving the City of Redmond. The Redmond Community Court is a collaborative effort between King County District Court, the King County Library System, the City of Redmond, the community, and service providers. Potential participants are referred by court staff or police. If they decide to join Community Court, new participants are given an assessment to identify what underlying issues might be contributing to their criminal involvement and what strengths they can build upon. Based on that assessment, a contract with the court is made that involves requiring some combination of tailored social service connections, community service work hours, and weekly hearings to report progress for four weeks to six months. Upon successful completion of the contract, their charges are dismissed.

Redmond's Community Court is held every Wednesday from 1:30-3:30 p.m. at the Redmond Library. The Community Resource Center is open concurrently in an adjacent room at the library. Court participants are taken to the Resource Center to access services they need per their court contract. The Community Resource Center is open to all community members and service providers can answer questions and connect visitors with services. Visitors do not need to be a court participant to benefit from the Community Resource Center. Community Resource Center partners can help with a wide range of topics and needs, including healthcare/insurance, DSHS access and applications, education, job training, behavioral health, substance use disorder, housing, food/clothing, library services, transportation, civil legal matters, and dispute resolution and mediation.

King County District Court and the City of Burien opened the second Community Court in King County in February 2019. King County District Court is currently seeking a third location and believe Shoreline to be an ideal candidate. Auburn and Bellevue are also interested in starting a Community Court.

Community Court in Shoreline

King County District Court first approached the City of Shoreline in Summer 2017 about the possibility of starting a Community Court in Shoreline. The Court believes there are many Shoreline defendants who would benefit from such a court. The Court is also interested in expanding Community Court to the north end of King County, which makes Shoreline additionally attractive.

The City's Prosecuting Attorney, Sarah Roberts, and a representative from Stewart, MacNichols, Harmell (the City's contracted public defense firm) attended the visit to Spokane's Community Court in 2017. Both believe Community Court to be a positive

opportunity for defendants. The City Attorney and Police Chief also believe this is a promising partnership that would benefit the Shoreline community and defendants.

Staff also discussed the concept of Community Court with Council at their 2019-2021 Strategic Planning Workshop on March 2-3, 2019. Council directed staff to include a proposed action step regarding Community Court, which became Goal 5, Action Step 10: Partner with King County District Court to explore the creation of a Community Court in Shoreline for defendants who conduct “crimes of poverty” with the goal of connecting them with services to address the underlying challenges that may contribute to further criminal activity. This was adopted on April 8, 2019, as part of the “2019-2021 Council Goals and Work Plan,” which can be viewed on the [City Council Goals webpage](#).

DISCUSSION

As noted above, King County District Court would like to collaborate with the City of Shoreline to place the third Community Court in Shoreline. Based on the 2018 misdemeanor cases filed in Shoreline, King County District Court anticipates there would be approximately 80-110 cases a year in Community Court if it were started today. There appears to be enough cases, even with not all defendants deciding to join the court, to have a robust Shoreline Community Court calendar.

If the Council wants to move forward with partnering with King County District Court for a Shoreline Community Court, the City would be responsible for security costs as well as the associated prosecution and public defense service costs.

Planning for a Community Court would take six to nine months, placing a likely start date in the first quarter of 2020. Staff would participate on the steering committee and the City would also have representatives on the various planning work groups. The steering committee and work groups would complete many of the future work items necessary before Community Court were to begin.

City Responsibilities

Security Costs

State law mandates weapons screening in all courthouses. Anyone entering the room used as a courtroom while Community Court is being held would be subject to screening. King County does not have funding to pay for security and has looked to the partner cities to pay for this additional cost of Community Court. The court would require one sworn officer (deputy level officer) to conduct security screening for two and a half hours per week of court. A Shoreline Officer would fill this role at an overtime rate. The King County Sheriff’s Office estimates security costs for the City using one officer is \$11,000 per year.

Prosecution and Public Defense Costs

King County does not have funding for prosecutor or defense attorney costs. A new Shoreline court calendar would impact prosecution and public defense costs as follows:

- *Prosecution Costs:* The current contract and scope of services with the City Prosecutor provides for prosecution services only at Shoreline District Courthouse on regular court calendars (Monday, Tuesday, Thursday, and monthly jury week). Adding an additional court calendar would need to be negotiated with the City Prosecutor, who will need to contract with associated counsel due to the increase in service hours. Staff estimates the additional counsel required to be between 0.3-1.0 FTE based on the experiences of other jurisdictions, which would cost the City between \$30,000 - \$100,000 annually.
- *Public Defense Costs:* The current contract and scope of services with the Public Defender is a flat fee for the first 210 cases appointed per quarter and first six appeals per year. Since cases would be assigned regardless of Community Court participation, there would be no increase in the number of cases, and therefore public defense costs, because of Community Court. However, the public defense contract will be rebid in 2019 for a January 1, 2020, start date, so there could be an increase in public defense costs at that time.

Total City Program Costs

Given these cost inputs, the City's total program cost for Community Court is estimated to be between \$41,000 and \$111,000 per year. If the Council gives staff direction to pursue Community Court, then the City Manager will need to identify a funding mechanism for these costs as part of the City's mid-biennium review later this fall.

Future Work Items

A Community Court Steering Committee made up of City of Shoreline staff, City Prosecutor, King County staff, community members, and service providers would oversee the work of several work groups charged with Community Court planning. Work groups would be formed around topics such as included charges, court logistics, outreach, Community Resource Center, volunteers, community service opportunities, and more.

Court Location

King County District Court would evaluate multiple locations for the possible Community Court in Shoreline. King County does not have funding to pay for a court location and have begun seeking donated space within the city. The location would be chosen based on which space can best suit the needs of the court, and the City's facilities would be evaluated as part of this search. Space for a courtroom, the resource room, and an additional confidential meeting space would be needed for four hours per week. The site would also need to be within a reasonable walking distance to public transportation.

Included Crimes

City of Shoreline and King County District Court stakeholders would work collaboratively to determine a person's eligibility for and the types of crimes that would result in a Community Court referral. Redmond's stakeholders determined that individuals who are charged with misdemeanor offenses in Redmond and have not had a violent felony charge in the last five years, or any prior sex offense charges, to be eligible for

Community Court. Burien's eligibility is similar. Redmond is currently including the following crimes in Community Court:

- [Theft 3](#)
- [Possession of Stolen Prop 3](#)
- Urinating in Public
- [Criminal Trespass 1 and 2](#)
- Minor in possession/consumption
- Possession of liquor in a park
- In a park after closing
- Possession of Drug Paraphernalia
- Possession of Marijuana (under 21)
- Unlawful bus conduct
- Disorderly Conduct

Burien includes all these crimes plus [Vehicle Trespass](#). Driving related violations are not eligible for Redmond or Burien's Community Court.

Evaluation Metrics

The evaluation metrics for Shoreline would likely be similar to the established Redmond and Burien Community Court metrics. While some metrics were determined with the stakeholders of those courts, they were also modeled after best practice evaluation guides identified by the [Center for Court Innovation](#).

Examples of possible evaluation metrics include the following:

- Number of cases resolved;
- Number of DSHS connections for court participants;
- Number of completed housing assessments; and
- Number of completed community services hours.

Community Service Opportunities

The City and the surrounding community have not historically and does not currently have opportunities for court appointed community service requirements. For Community Court to move forward, community service opportunities in the City of Shoreline (not necessarily offered by the City) would need to be identified. Staff is not currently recommending the City have a lead role in coordinating community service opportunities, as such a commitment would require additional City staff time.

Tonight's Presentation

Tonight, in addition to hearing from staff about Community Court, Council will also hear from King County District Court Presiding Judge Donna Tucker. Judge Tucker will be able to answer Council's questions about Community Court in general, how Community Court is functioning in Redmond and Burien, and her thoughts about expanding Community Court to Shoreline.

RESOURCE/FINANCIAL IMPACT

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