



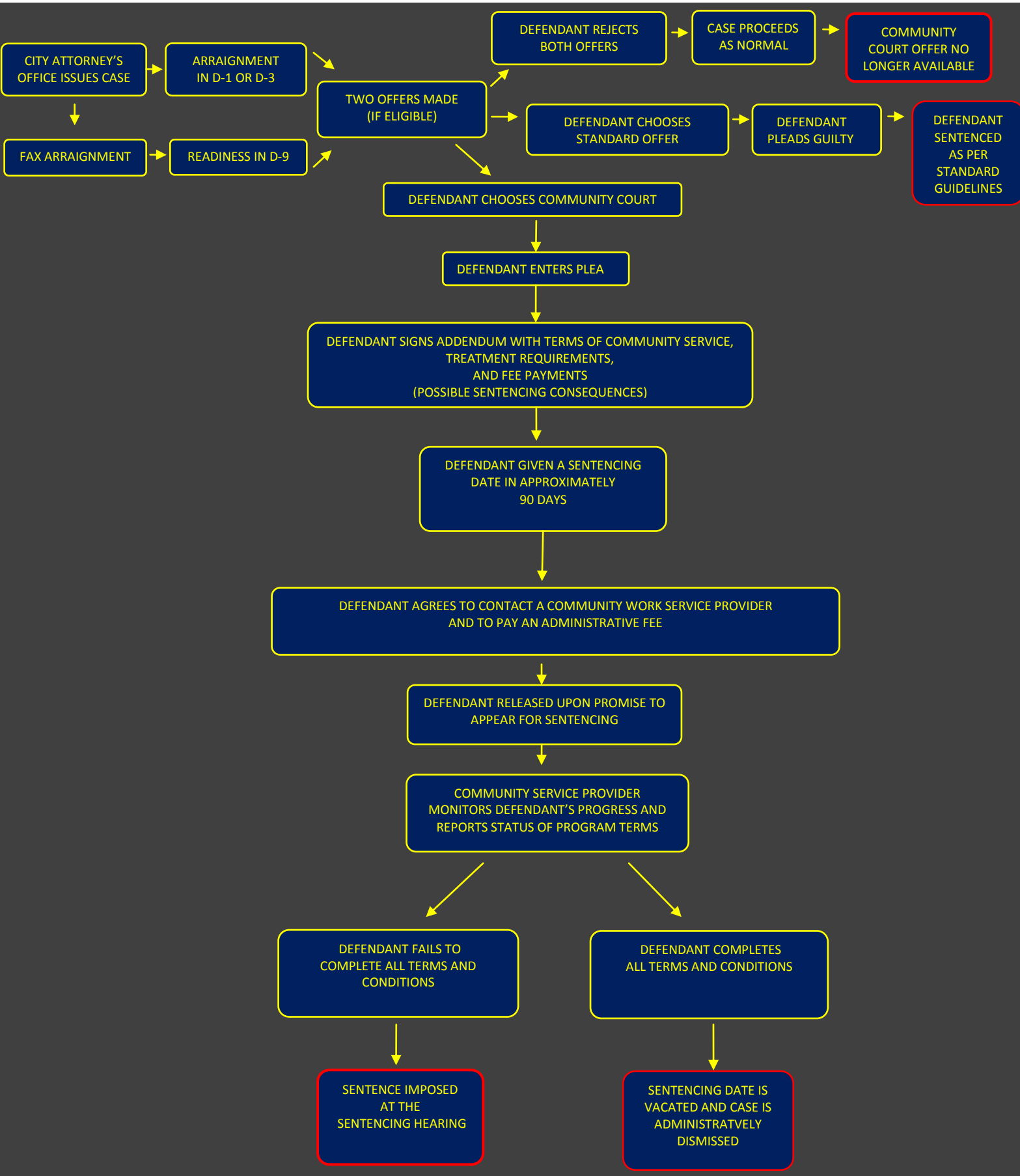
San Diego Community Court

PROBLEM

- The Downtown branch of the San Diego Superior Court processes thousands of misdemeanor cases per year.
- State budget problems have reduced jail space and strained court resources.
- Summary probation does not meaningfully monitor defendants, impose consequences, modify behavior, or benefit communities.
- More should be done to address early criminal behavior before it escalates.

COMMUNITY COURT BENEFITS

- Swift consequences for low-level misdemeanor crimes.
- Offenders may earn an opportunity for a dismissal by completing community work and performing other conditions.
- Opportunity for early intervention for those needing services to help themselves.
- Saves taxpayer dollars, diverting expensive court proceedings to community work projects.
- Carries the "stick" of jail time if the Community Court order is violated – No "gaming the system."
- For communities: The opportunity for community involvement in work projects that will provide restorative justice and neighborhood empowerment.



THE COMMUNITY COURT PROGRAM



FUNDING

- PARTICIPANTS WILL AGREE TO PAY AN ADMINISTRATIVE FEE DIRECTLY TO THE COMMUNITY SERVICE PROVIDERS.
- WE ANTICIPATE THAT THE ADMINISTRATIVE FEES PAID BY THE PARTICIPANTS WILL FULLY COVER THE COSTS FOR THE COMMUNITY COURT PROGRAM.



What is Community Court?

Community Court is an innovative approach to handling low-level misdemeanor offenses. It provides offenders with an opportunity to "pay" their debt back to the community through targeted work service and other conditions.

The principles of Community Court are three-fold. First, Community Court ensures offenders are held accountable through swift consequences for low-level criminal behavior in the most cost-efficient manner. Second, Community Court allows for proactive intervention to assist in reducing future criminal behavior. Third, Community Court encourages community involvement in the criminal justice system.

Community Court is a "pilot" project of the San Diego City Attorney's office in cooperation with the Public Defender's office, San Diego Sheriff's office and two non-profit service providers, Urban Corps of San Diego County and Alpha Project.

What crimes will be eligible for Community Court?

Quality-of-life crimes that affect communities will be eligible. Those include crimes such as disturbing the peace, public intoxication, illegal lodging, trespass, petty theft, vandalism under \$950 and a wide range of other low-level misdemeanor offenses.

With Proposition 47 reducing certain crimes from felonies to misdemeanors, it is anticipated the City Attorney's office will absorb 3,000 more cases per year, including a significant increase in misdemeanor drug cases. These cases will be eligible for Community Court. Crimes listed on the right side of this page are not eligible. City Attorney prosecutors will exercise discretion in offering Community Court.

Why is Community Court needed?

The criminal justice system has dwindling resources to deal with low-level misdemeanor cases due, in large part, to state policies that have cut trial court funding, strained probation departments and overwhelmed our jails. As a result, convicted offenders often face minimal consequences for these crimes, yet the criminal justice system processes the cases at great expense to the public. The risk of giving such little attention and consequences to early offenders is that criminal behavior may continue and escalate.

How will Community Court work?

The basic process is outlined on the back cover of this brochure. Only misdemeanor cases filed by the San Diego City Attorney's office will be eligible.

Once a criminal complaint is filed, an offer to divert an eligible case to Community Court will be made at the initial Superior Court appearance. The offer will include an Addendum setting forth specific conditions that the defendant would be required to fulfill. If rejected, the case proceeds in Superior Court. If accepted, the defendant will enter a plea (thereby becoming an "offender") and accept the Community Court conditions. The Superior Court will set a sentencing date about 90 days later.

If the offender successfully completes all conditions within the time allotted, the offender will have earned a dismissal of the case and the sentencing date will be taken off calendar. If the offender fails to complete the conditions, the offender will be sentenced to 2 days in jail and three years of probation or, alternatively, 5 days in jail and no probation. The Sheriff will ensure that the full jail time is served.

What are the "Community Court" conditions required offenders?

Offenders will be required to report to either Urban Corps of San Diego County or Alpha Project, pay the administrative fee and perform 2 days of work in the community. This work may include picking up trash, removing graffiti, planting trees, recycling collection and other community beautification projects. Some offenders will be required to attend and complete a specified program and other conditions specific to the crime committed.

Will an offender be able to get help and intervention?

Yes. At the time the Community Court conditions are set, an offender may be required to attend a specified program. The two Community Court service providers, Urban Corps of San Diego County and Alpha Project, are experienced at linking participants with appropriate resources and services.

Who will pay for Community Court?

Offenders will pay a fee to the service providers to cover the costs of supervision of the work program and its administration.

Will taxpayers benefit?

Yes. By reducing an offender's court appearances to one, the Community Court program eliminates the public costs of pre-trial motions, trials and appeals. These include costs and salaries for the courtroom and its personnel, the prosecutors, law-enforcement witnesses and often public defenders. Those resources can then be directed to more serious crimes and other public benefits.

How will the community benefit from Community Court?

By diverting cases from the traditional court system, police officers will be able to spend more time on the streets protecting the public as opposed to waiting in the court hallways to testify in trials. Every case diverted to Community Court could result in an additional day or more of a police officer on the street rather than sitting around the courthouse.

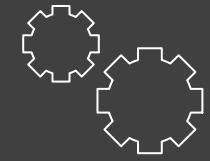
In addition, communities will receive visible "payback" from those whose criminal behavior affected their quality of life. Community Court encourages community involvement in not only the "payback" (identifying work projects in affected communities), but also neighborhood/victim interaction programs similar to the Beach Area Community Court (BACC) impact panel, coordinated by Discover Pacific Beach Business Improvement District.

Other civic groups could join together to participate in San Diego Community Court in cooperation with the City Attorney's Neighborhood Prosecution Unit, which will be primarily responsible for implementing this program. Sara Berns, Executive Director of Discover Pacific Beach, will assist San Diego Community Court as a resource for community groups interested in replicating the BACC impact panel. We believe community-based participation will grow over time as the positive impacts of the Community Court's work projects become visible throughout the City.

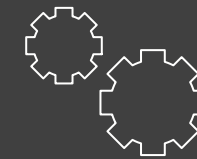
Will Community Court succeed?

We believe we have designed a program that will succeed. Upon acceptance of the conditions, offenders will know that they will face certain jail time if the conditions are not performed. There will be no "gaming the system". It will start off as a pilot project with the potential to grow into a large-scale restorative justice program. That growth will spring from the enthusiasm and commitment of those involved in the criminal justice system, providers, participation by community groups, as well as hundreds of successful participants.

Our hope is that Community Court will grow into something truly special—a program that helps turn around lives, protects neighborhoods, avoids future victims, saves taxpayer dollars, and beautifies our community.



ALL MISDEMEANOR OFFENSES ARE ELIGIBLE FOR COMMUNITY COURT SUBJECT TO THE FOLLOWING EXCLUSIONS:



OFFENSE EXCLUSIONS:

- Driving under the influence
- Domestic violence
- Sex offenses
- Child abuse
- Elder abuse
- Hate crimes
- Cases involving restitution
- Cases eligible for other statutory diversion programs (i.e. H&S 11550, H&S 11377)
- Infractions

OFFENDER EXCLUSIONS:

- Registered sex offenders
- Offenders with strike priors within the last ten years
- Chronic offenders (i.e. Serial Inebriate Program eligible)
- Arsonists
- Offenders who have open cases at warrant status in San Diego County

Note: The exclusions may change as the program evolves. Example: Some infractions may be added.

**The prosecutor reserves the right to exercise prosecutorial discretion as to which cases are eligible to participate in the Community Court program*