



## CITY ATTORNEY UPDATE

### Community Court Program Aims to Hold Offenders Accountable and Help Turn around Lives

San Diego Community Court is off to a successful start, with the first 60 misdemeanor defendants chosen and agreeing to participate as a test group. The number will increase monthly and will be carefully monitored to ensure its effectiveness.

Community Court is a post-plea diversion program for people who commit low-level misdemeanors. It allows them to get their case dismissed if they pay their debt to society by completing conditions that include two days of community service. Community Court provides swift consequences for individuals who commit lesser crimes, but without the lasting stain of a criminal conviction. And it has the potential to redirect lives, by putting offenders in contact with social-service agencies and allowing them to pay their debts through community service and restorative-justice programs.

**“What’s sorely missing in the misdemeanor courts is this kind of early intervention that can keep young or first-time offenders from becoming career criminals,”** San Diego City Attorney Jan Goldsmith said. **“If you look at the history of virtually any violent felon, you’ll find a time when they committed some sort of low-level misdemeanor and, almost without exception, received no personal attention.”**

The program was developed by the San Diego City Attorney’s office in close cooperation with the Sheriff’s Department, the Public Defender’s Office and two social-service organizations that Goldsmith calls the program’s “heart and soul”: the Alpha Project and the Urban Corps of San Diego County. Both are experienced at linking their program attendees with resources and services appropriate to their situation, including alcohol and addiction programs and mental-health services.

Goldsmith specifically credits Assistant City Attorney Marlea Dell’Anno and Chief Deputy City Attorneys Michael Giorgino and Jamie Ledezma in helping to organize Community Court.

Many of the eligible offenders will have committed so-called “quality of life” crimes that affect communities, such as disturbing the peace, petty theft, vandalism under \$950, illegal lodging, trespass and public intoxication.

Not all misdemeanor offenders are eligible, and the City Attorney’s Office has prosecutorial discretion to not offer Community Court to defendants based on criminal history, lack of

remorse, or other factors. Formally excluded are registered sex offenders, arsonists and offenders with strike priors in the last 10 years, as well as people accused of driving under the influence, domestic violence, sex crimes, child abuse, elder abuse, hate crimes, and cases involving restitution. (A full list of exclusions is found in the attached brochure.)

A Community Court case typically proceeds this way:

- At his first court appearance, the offender (a male for purposes of this example) is given the option of Community Court. This is the only time the offer will be made.
- If he accepts, he pleads guilty to the misdemeanor and agrees to conditions that include two days of work service through an approved community-service provider and payment of a \$120 administrative fee to cover that provider's costs.
- The court then gives him a sentencing date in approximately 90 days, and he is released upon his promise to appear for sentencing.
- Once the provider notifies the court that the defendant has completed all terms and conditions, he has earned a dismissal of the charge. The sentencing date is vacated and the case is administratively dismissed, meaning it won't appear on the defendant's record.
- If, however, the defendant fails to complete the terms and conditions, a sentence will be imposed at the sentencing hearing: either five days in jail or two days in jail and three years of probation. There are no exceptions.

Community Court will be a pilot program for its first year, and as it evolves, additional providers will be come on board, expanding the resources available to participants.

Goldsmith also hopes to eventually see Community Impact Panels created in each City Council district. Modeled on the Beach Area Community Council, these panels will identify work projects in neighborhoods most affected by offenders' behavior, and facilitate interaction with victims.

**“These community impact panels help create restorative justice, which is a way to repair the harm caused by criminal behavior in a way that benefits both the perpetrators and the victims,”** Goldsmith said. **“Even a law-and-order type of person like myself recognizes how valuable this can be to putting misdemeanants on a better course.”**

By reducing cases to a single court appearance, the program eliminates the public costs of pre-trial motions, trials and appeals. Those include the costs and salaries of the courtroom and its personnel, the prosecutors, law-enforcement witnesses and often public defendants. Goldsmith said those resources can now be directed to more serious crimes and other public benefits.