

THE PROGRESSION OF CALIFORNIA'S COLLABORATIVE COURTS

A Thesis

Presented to the faculty of the Department of Public Policy and Administration
California State University, Sacramento

Submitted in partial satisfaction of
the requirements for the degree of

MASTER OF PUBLIC POLICY AND ADMINISTRATION

by

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SUMMER
2020

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Abstract
of
THE PROGRESSION OF CALIFORNIA'S COLLABORATIVE COURTS
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Jamie Jean Gonsalves

California has battled crime and mental illness in many ways for decades. There has been major legislation to remove services, provide services, deinstitutionalize state hospitals, and attempt to reduce prison and jail populations. Though all of these changes, California adopted a concept called collaborative courts. Collaborative courts are specialized courts that aim to combine judicial supervision with rehabilitation services in the community rather than someone being in jail or prison. California has taken models from other states and modified them to fit the needs of our local courts and built on these models to create new collaborative courts along the way.

My thesis focused on assessing the data available to determine the outcomes of using collaborative courts. I reached out to both the Judicial Council and individual courts for data about collaborative court development, implementation, and recidivism rates but did not find the necessary information. Although some courts had begun collecting data, the information was outdated. I relied heavily on independent reports about different collaborative courts throughout California to reach my conclusions about what data management systems might work, and to highlight what information was lacking. This research led me to recommend that the Judicial Council should adopt a data

driven model with specified characteristics going forward to track the progress of collaborative courts.

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Date

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Chapter One

INTRODUCTION

California's philosophy on how to address crime has made significant changes over the last few decades. Californians have watched the war on drugs, the deinstitutionalization of state hospitals, the imposition of the three-strike law, Public Safety Realignment (AB109), and the decriminalization of marijuana. While none of these changes have eliminated the crime problem in California, each has played a role in making changes to our legal system. Specifically, each of these changes to laws and policies have played a part in the progression of collaborative courts in California. The Judicial Council of California commonly refers to collaborative courts as "problem solving courts." These courts aim to combine judicial supervision with rehabilitation services, and the services are provided in the community rather than in custody. While California is not the first state to implement collaborative courts, the goal for each of the state courts is to recreate what has been successful in other states and make changes to better address the issues of crime, rehabilitation, and recidivism our state is facing.

The purpose of this thesis is to determine if collaborative courts are working in California. To make this determination, I will explore the creation of collaborative courts, what California learned from other states, the legislation that influences these courts, and how society is affected by collaborative courts. Information gathered from this research will allow us to decide if collaborative courts are operating successfully and if California should continue to invest in these types of courts in the future. In addition, and if research

suggests a successful outcome, we will indicate changes that California collaborative courts should make in the future for further improvement and effectiveness.

It is the duty of the judicial branch to ensure that equal access to justice is provided for all people, and to enforce the Sixth Amendment to the United States Constitution, the defendant's right to a fair and speedy trial, in the United States. Essentially, the judicial branch was created as a catch all to protect defendant's rights. All cases, no matter what they were about, would all be treated equally. To ensure equal justice and to manage the courts' business more effectively, a structure was created to address different types of legal issues, and for courts to organize cases by case type. Specific crimes were given sentencing guidelines that determine if people convicted of them should be sent to a county jail or state prison. The expectation for this type of punishment is that a person who was convicted of a crime and forced to serve time would be deterred from committing future crimes.

Although this seems reasonable, incarceration is not a long-term solution. The concept that you can continue to lock people up and expect them to rehabilitate has sent our system into a state of overcrowding. In California this problem was brought to light in 2006 when then Governor Schwarzenegger proclaimed prison overcrowding a state of emergency (Specter, 2010). This was a direct result of over 1,000 laws that were implemented in a five-year span to crack down on crime (Fuchs, 2013). It has also been argued that serving time for a crime doesn't reduce recidivism rates (Fuchs, 2013). Further, it has been found that serving jail/prison terms lessens a formerly incarcerated

person's ability to seek work once released, both because of the criminal record and because the person may not have obtained job-related skills while in custody.

Between prison and jail overcrowding problems, and a criminal record upon release, "the tough on crime" and "lock them up" concepts have been widely criticized. This is not to say that some offenders should not be sentenced to prison or jail time. Rather, the system needs to reflect the fact that that one solution does not work for all offenders. For example, courts should not treat a drug offender the same as they would a domestic violence offender. In order to combat the issues listed above, California has established collaborative courts to begin the process of treating offenders, as opposed to just locking them up.

Although there are many factors that have contributed to the need for collaborative courts, the first notable push for this movement was the deinstitutionalization of state hospitals in the 1970s. At a peak in 1955, America had approximately 559,000 residents in state hospitals, a number that has dropped to 35,000 today (Slate, 2017). This raises the question, where did all the people formerly residing in state hospitals go? In the beginning, many patients were moved to board and care facilities when the state hospitals closed, and many more were released to the street to begin a life of homelessness. This movement caused an increase in the homeless population, leading to more street crimes, and ultimately more mentally disabled people in custody (Slate, 2017). In order to combat the increase in crime and jail/prison overcrowding AB109 was enacted in 2011. AB109 created an increased need for out of custody supervision, while court proceedings are pending. Since then, there have been

many more policy decisions that have increased not only the need for these specialty courts but have opened the doors for new ones to be created.

To understand how collaborative courts function, it is important to understand how they are designed. Collaborative courts are another name for problem solving courts (Judicial Council, 2018). This approach means that instead of just sentencing someone to state prison, the court process also identifies the underlying issue that made the defendant break the law and treats them specifically for it. By identifying the underlying issues, a plan can be made to address the real problem, work through it, and help the person learn how to avoid further involvement with the criminal justice system in the future. Ideally everyone who has a court case would be given this treatment to assist them through the legal process. Due to the shortage of funding and services, people have to meet the criteria created for each program.

In this thesis, the first question I will address is: how effective are the collaborative court programs currently in place? This will be done by looking at recidivism rates, and performance measures set by the Judicial Council. Since the first drug court was created in 1989, one thousand of these specialty courts have followed to serve the demographics of the community across California (Farole, D., & California. Administrative Office of the Courts, 2004). Over time courts have developed collaborative courts to address specific types of cases. Second, I will be assessing collaborative courts that are most commonly found throughout California. Third, I will investigate how the California judicial System is addressing the growing needs of those who are moving through the legal process and need services. All of these parts will assist

with concluding if collaborative courts are working, and if California should continue to invest in them.

Background Regarding Collaborative Courts

A collaborative court allows an offender to opt into a specific treatment program and if they follow the court's rules, their charges are mitigated or dismissed. If the defendant fails to meet the expectations and guidelines sentences upon him or her by the collaborative court, the defendant is forced to face the original court's harsher charges and punishments. Why is this important? In the state of California, the judicial system has a three-strike rule. The three-strike rule is when a person is convicted of a felony deemed a "strike" three times, they are sent to prison for life (Ramirez, 2003). While some say a felony is a felony, some individuals will argue that a drug felony is very different than murder. In addition, it is not uncommon that a defendant with a good lawyer can get a drug felony pled down to a misdemeanor, while an individual with less money may have to settle with a felony conviction.

The Judicial Council of California has been cited arguing that New York and California are at the forefront of the progressive movement towards more problem-solving courts. They recognize that they can do better to reduce recidivism rates and truly help the individuals that come across their courtroom. However, the judicial branch needs the proper funding, support, and programs in place to achieve these goals.

In 2011, California passed Assembly Bill 109, which is known as Public Safety Realignment. This bill was a policy experiment to transfer authority over lower level felons from the state to the county (Bird, & Grattet, 2016). The purpose was to move

non-violent offenders out of state prison to reduce overcrowding and place them back in their county with probation supervision. Effectively, inmates would be transitioned back into society under supervision, and be provided services to make them successful. To complicate this issue, many inmates also fall under the mentally ill category. This transition has caused an increase in workloads for all agencies on the county level to work together more collaboratively.

To address the influx of returning cases, several collaborative courts were created to keep like cases together, such as: mental health, veterans, drug court, homeless court, domestic violence, and elder abuse. This was done with the intent to monitor cases that required the same services and allow service providers to make one appearance per week. This foundation also keeps people going through the same issues together, creating a network for people who need new friends. This is similar to Alcoholics Anonymous which uses the philosophy, “people, places, and things”. This concept is further described by the differences in approaches to collaborative courts throughout California. Counties vary in dynamics, and the variance can be seen in the different types of collaborative courts that are available. For example, a county with a large homeless population will have more homeless courts, and a county with a large drug problem will have more drug courts. Each county has the ability to create and implement collaborative courts that best suit the needs of the community.

Given the freedom to customize collaborative courts by county, how do we know if they are working? This thesis will explore the foundation of collaborative courts, the progression in California, and if the current system is providing the desired outcome. Are

there clear performance measures in place, and who is tracking them to ensure success? Lastly, is there anything that can be done better to ensure that there is not an imbalance between counties? Are collaborative courts successful if they are working in one County but not another? Given the controversy that surrounds releasing criminals pending disposition of their cases, there is a lot of pressure for collaborative courts to be successful. If criminals are out committing more crime while they should be engaging in programs, then we have failed not only the individual but our society.

Chapter Two

LITERATURE REVIEW

Previous research has evaluated collaborative courts to assess the progress since their implementation, and to determine what other programs can or should be added (Wolf, 2005). To better implement collaborative courts, the Judicial Council created the Collaborative Justice Courts Advisory Committee in January 2002 (Judicial Council, 2018). This committee is responsible for creating the criteria for implementing new collaborative courts, evaluating the current courts, and improving the processes already in place. California has many adult collaborative courts, the most common being: mental health court, veterans' court, drug court, homeless court, domestic violence court, and elder abuse court. Each county builds their collaborative courts based on the demographic needs of the constituents. It is important to note that there is no requirement or standard outlining what components a collaborative court program must have. Therefore, some counties may have different collaborative courts available, based on the needs of the county and funding available.

When addressing collaborative courts, there are many types due to the specific needs of people. For the purpose of this thesis, I am only discussing adult collaborative courts, including elderly courts. Juvenile collaborative courts in general parallel the structure of adult collaborative courts, with the exception that the cases involve juveniles. Further, the stakeholders are different to account for juvenile specialists. What both have in common is the emphasis on partnerships with stakeholders in the courts and outside

the court, the need for continued improved community access, greater accountability for participants, and increased safety leading to public confidence (Wolf, 2005).

Types of Collaborative courts (Adult)

Mental Health Court

California implemented its first mental health court in 1999, after seeing the success of Florida county courts in the late nineties (Wolf, 2005). Studies have shown that Florida's approach has substantially reduced recidivism rates for three years after the completion of the program (Targeted News Service, 2017). This court is designed to address people with mental health disorders who are able to understand court proceedings; as long as they are medication compliant. A medication-compliant (med-compliant) participant is someone who is taking all of their prescribed medication in compliance with the doctor's orders. It is common for people to struggle with leading normal lives while being medication compliant with antipsychotic medications (Vavrusova, 2015). This struggle is even greater when factors are added in of homelessness, poverty, and/or limited resources for professional medical care.

Unfortunately, many people with mental health issues end up incarcerated instead of in a treatment setting where they belong. For men, the hyper masculine environment in jail further leads to safety challenges for people with mental health issues (Arndt, 2018). Further, with the closing of state mental health hospitals, many inmates end up sitting in jail while waiting for a mental health bed to be available. Oftentimes sentences are stayed pending completion of treatment plans, resulting in lower sentences and/or fines. In a

survey conducted by the Department of Justice, it was determined that 16 percent of inmates were suffering from a mental health condition that required the care of specialized mental health services (Denckla, 2001). These are two ongoing dangerous situations where inmates with mental health issues are sitting in local jails and prisons without proper care. These are also examples of why stakeholders prefer to admit more people in mental health courts, rather than having them await court in a regular jail facility (Binder et al, 2010).

Veterans Court

Posttraumatic stress disorder, also known as PTSD, was formally recognized by the Diagnostic and Statistical Manual of Mental Disorders (DSM) in 1980 (Brewin, 2003). Studies show that over 200,000 veterans are currently suffering from PTSD from the Vietnam War (Buckley, 2007). Veterans court was developed to assist those who returned home from war and turned to unhealthy ways of coping, which led to arrests. Unfortunately, these coping mechanisms left veterans committing crimes of nuisance, drugs, and alcohol (Brenda, 2003). While a war veteran may be charged with a drug offense like any other civilian, veteran courts were established because the treatment that veterans need is different than most drug users. Veterans courts are able to provide an environment of resources based on military personnel, and programs.

Specifically, veterans court relies heavily on other veterans to provide a support system. Everyone involved in these courts are either trained to handle veterans issues or are veterans themselves. In many courts, judges with military backgrounds are assigned to these calendars. This approach allows for an environment the defendant can better

relate to, and can be more open in (Cartwright, 2011). The key to success in these courts is re-creating the familiarity of the military with the proper tools to re-integrate back into a civilian society. This is done by mimicking the hierarchy and structure that is found in the military.

This court also works with the United States Department of Veterans Affairs for a nationwide event called Stand Down. This is a one to three-day pop-up event that provides services from social security, medical assistance, clothing, housing solutions, court assistance and other similar services (US Veterans Affairs, 2018). At these events, courts often set up live courtrooms in tents, and hold hearings to help convert fines/fees into community service, often completed at the event, or waive the fine fully. The intent is to help veterans get out of court ordered debt so that they can get their driver's license and break the cycle.

Homeless Court

In the late eighties San Diego Superior Court created the first homeless court after seeing the results of the Stand Down program that helped homeless veterans (Judicial Council, 2018). Stand Down is a homeless program where the court is taken to a camp along with other services. The concept is to provide extra assistance to homeless veterans who are engaging in rehabilitation. Services include but are not limited to court, employment, legal, housing, and medical (Binder, 2012). Some Stand Down programs are held in buildings, and some are pop-ups where all of the services are held outdoors in tents. The participants have to commit to staying at the program for the length of the event, to ensure all services providers can meet with everyone timely.

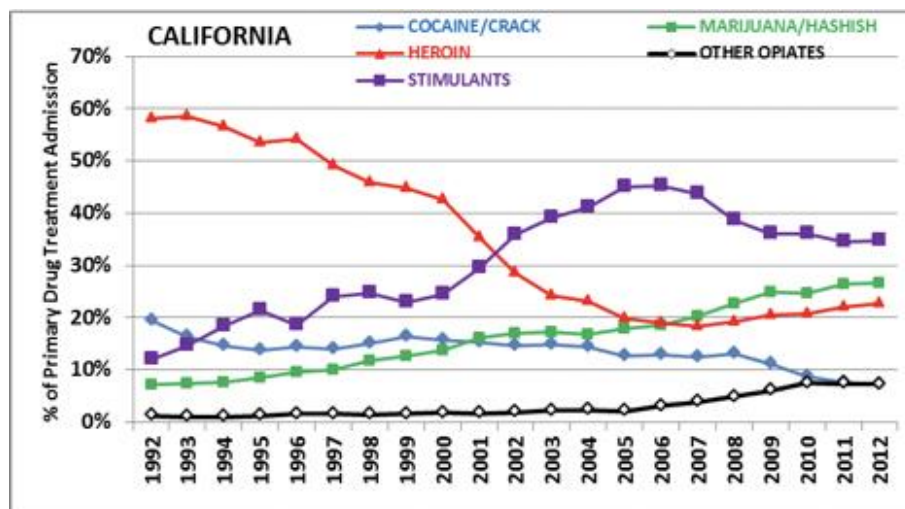
Homeless court focuses on addressing quality of life by pairing services with people who are committing crimes as a result of being homeless. The court relies heavily on expert providers who are able to redirect street survival skills, which are often viewed as manipulative (Binder, 2012). Common charges that are addressed in this court are petty theft, disorderly conduct, drunkenness, trespassing, and removal of a shopping cart (Judicial Council, 2018).

This court not only aides in providing basic quality of life services, it has been found to also help get individuals into the courtroom to receive these services. The San Diego Association of Governments (SANDAG) report found that participants in homeless court were more likely to show up to court, improved their attitudes towards the police, court staff, and the court process as a whole (Burke, 2001).

Drug Court

Once again, Florida led the way by introducing the first drug court in 1989 (Farole, D., Rempel & Puffett, 2005). A large issue facing county jails and/or prisons is the treatment of inmates as they detox or wean off drugs. Studies show that more than 50 percent of incarcerated individuals have a history of substance abuse (Zaller, 2009). These courts are particularly important due to the drug abuse problems that California faces. According to the Federal Drug Control Update, in 2010-2011, California was one of the top ten states for illicit drug use in multiple areas. This adds up to 10.47 percent of Californians, compared to 8.28 national average (See figure 1).

Figure 1 Trends in Drug Treatment Program Admissions within California.



Source: Treatment Episode Data Set, Substance Abuse and Mental Health Services Administration:
<http://www.samhsa.gov/data/DASIS.aspx#teds>

To address this issue, drug courts were created to help addicts stay out of jail and get the help that they need. To qualify for this court, a person must be convicted of a non-violent drug charge. A sentence is later imposed based on the completion of the agreement at the time of sentencing. The person accepts the terms of a pre-plea diversion program, which allows them to participate in treatment while the criminal proceedings are stayed. If a person successfully completes the diversion program their charges may be reduced or dismissed. The diversion program generally consists of counseling, drug testing, education, and anything else deemed necessary by the court. One study found that participation in a drug court reduced the chances of recidivism by 85 percent (Wolf, 2005).

Domestic Violence Court

Unlike some of the other collaborative courts, domestic violence court is often a court that attempts to address multiple and overlapping issues. For example, an individual can have a drug or alcohol problem yet find him or herself in domestic violence court because he, or she, also physically abuses a family member. If a case involves domestic violence at all, no matter if other charges are present, the case will always be seen in a domestic violence collaborative courtroom (Epstein, 1999). However, the individual perpetrator's case is still treated in an adversarial way, with the prosecutor heavily involved (Wolf, 2005). The difference from normal (non- collaborative) court is that services such as a 52-week batterer programs are court ordered and enforced as part of the sentencing. Failure to comply with this program can result in re-incarceration. Studies have found that courts who follow strict guidelines to the completion of this program have lower recidivism rates (Pinchevsky, 2017).

Domestic violence court has proven to be a good addition to collaborative courts due to the intricate factors that are present with the aggressors, and the need to address the underlying issues. Participants in domestic violence court are people who often have experienced abuse on several different areas including experiences with childhood abuse, witnessing sibling and parental violence, having a distant relationship with one's father, and experiencing parental divorce (Cuevas et al, 2016). Due to the depth of the aforementioned factors, it is important to have the correct stakeholders involved in this court for success.

Elder Abuse Court

According to the Judicial Council (2018), California has seen a steady increase in the filings of Elder Abuse cases over the years. Elder abuse takes place in all segments of our population, regardless of age, sex, and socioeconomic background (Moskowitz, 1998). As a result of rising caseloads, many courts have begun implementing Elder Abuse Courts to assist seniors who are involved in the abuse. This court focuses on centralizing services to help seniors who have been subjected to neglect, mistreatment, and exploitation. These courts provide services in conjunction with Adult Protective Services (APS), geriatric program referrals, and medical services (Navarro et al., 2010).

The outcomes of elder abuse cases can range from criminal prosecution to the abuser, family reunification, or permanent guardianship by the state. Much like the treatment of children, the law has created mandatory reporters of elder abuse. These reporters can be found in physicians, caretakers, and even banks (Navarro et al., 2010). Once, a “hidden crime” elder abuse is now at the forefront of legislation (Banks et al., 2014). This is a result of different stakeholders coming together and recognizing the importance of this issue. Many professionals believe that in serious cases, the criminal justice system is the only system that can make a real impact on elder abuse (Heisler, 2000).

Given the variety of collaborative courts, performance measures need to be in place to capture the intent of each court. While it is simple to state what they are intended to do, and how they should function, measuring success can be difficult to track. Previous research has done a good job of capturing what aspects have worked well and

highlighting those. For example, the Stand Down program is not only successful for veterans but was used to start homeless courts. What the research does not highlight is any comparison between counties in California, and what if any are the performance measures each county is required to achieve.

This thesis is intended to fill the gap between the positive research that highlights collaborative courts and determine if indeed they are working. In the next chapters I will explore what research studies have been done to refute these positive findings if any, and what those results mean. I will be looking for statewide performance measures, and what the Judicial Council is using to ensure that not only are collaborative courts working but are funded appropriately. If this information does not exist, I will provide what performance measures could be implemented to track the progress on a statewide level, and how to ensure those performance measures should be implemented to ensure proper funding.

Chapter Three

METHODOLOGY

The data I collected come from reports compiled by the Judicial Council of California, individual California courts, scholarly articles by others who have researched collaborative courts, and from my personal experience. The biggest challenge was that there is no consistency throughout these reports or data. There is not a statewide standard set by the Judicial Council or any other entity for performance measures that collaborative courts are required to follow. Since there is no mandate, some courts post reports for public review and some do not. Without standard requirements there is no consistency throughout the reports, including the frequency as to when they are created, or what data are provided. There is also no consistency as to what collaborative courts are reported on. However, in spite of these limitations, drug courts, juvenile dependency, and mental health are the most frequently reported-on courts.

To obtain the data I researched the public reports on each court's website, the Judicial Council website, and reviewed other research papers. I also contacted other organizations to inquire about reports on their courts' collaborative court programs. It was here that I ran into the most roadblocks and was consistently informed that what was made public on the website was all that I was able to obtain. In addition to the published reports, I bring several years of professional experience serving the courts in two different counties in California; one large and one medium sized.

I explored interviewing participants currently engaged or previously engaged in collaborative courts. My goal was to speak with participants who had participated in different collaborative courts to obtain an inside look at the pros and cons of the different programs. Unfortunately, due to the sensitivity of the information this was not an option for this thesis. I also considered formal interviews with facilitators of collaborative courts and again was hit with additional roadblocks. It was not that people would not talk about their court, it was that all of the information that I was receiving was extremely biased, and therefore not useful for the purpose of this thesis. I found that people would not discuss the negative aspects of collaborative courts, but instead only regurgitated what was on the public reports. None of the facilitators I reached out to were able to discuss the topic further without administrative approval.

The next issue I faced was finding reports that covered different collaborative courts. I wanted to find a report for each collaborative court that I have mentioned, and instead only found mental health, drug court, and juvenile court. Due to the limited amount of reports I had to use independent research conducted on each of the others subject matters rather than reports that were written specifically addressing collaborative courts in those areas. For example, rather than analyze a report about domestic violence courts, I had to look into research conducted on criminal courts and family courts. By doing this I was able to isolate the studies about domestic violence and decide if the programs in those studies were relevant to collaborative court performance measures. When it came to homeless court and veterans' courts, these two overlapped extensively in research due to the large number of homeless veterans. The challenge here was

deciphering how to remove the veteran's information from the homeless reports. To address the veterans specifically, I stayed with veteran based reports and research.

Research has proved challenging in part because when collaborative courts began, there was not a lot of tracking or guidance provided to courts. Courts have not been mandated to create yearly reports for each collaborative court they implement. Superior courts have been left to develop collaborative courts as needed by the demographic in that county. The courts who do post reports for public view have done so at their own discretion and not by a mandate. [11] The Judicial Council also does not report data on every collaborative court that they describe on their website. Instead they create task forces for specific topics, and these task forces create reports on their findings. Unfortunately, these task forces are not always collaborative court specific, but subject matter specific. This means that there may not be a task force for mental health court, but there is one created for a collaboration on mental health issues. Further, task forces tend to be created to address new legislation, to solve a statewide issue, improve current practices, or to implement new technologies.

The first report I reviewed is *California's Collaborative Justice Courts*. This report provides an overview of the development of collaborative courts (also known as problem solving courts in California). This report was created by the Judicial Council, in collaboration with the Center for Court Innovation in New York. The report outlines the basis of collaborative courts, cost savings for ongoing research, the different types of courts that are considered collaborative, a timeline for when each different type of court

was developed, how cost saving is calculated, best practices, and what the future looks like for collaborative courts.

The next report I reviewed is *California Drug Courts: A Methodology for Determining Costs and Benefits*. This research was conducted by NPC Research, and submitted to The Administrative Office of the Courts, Judicial Council of California. This report outlines the cost to operate drug courts, participant cost, and cost savings analysis per participant. The main questions this report addresses are whether adult drug courts are beneficial, and what drug court practices appear to be the most beneficial and cost beneficial. The important part of this research is that it acknowledges that drug courts are different based on the county needs. This report also has direct results from California courts in a variety of court sizes.

In May 2006 the Judicial Council produced its own report titled: *California Drug Court Cost Analysis Study*. This study provides an overview of the drug court movement and creates a methodology for determining costs and benefits. Further, the study breaks down the ten key components of drug courts and assesses the percentage of drug courts in California with the rest of the nation. The purpose of this study is to provide definitive information about the fiscal impact of innovative programs and to assist with policy decisions.

The next report I evaluated is *Courting New Solutions Using Problem Solving Justice: Key Components, Guiding Principles, Strategies, Responses, Models, Approaches, Blueprints and Toolkits*. This report takes a look at underlying social issues,

and medical conditions of people who have had ongoing involvement with the justice system. This report covers adult drug court, mental health court, domestic violence court, and community courts. Community courts represent low-income offenders, minor offenses, and other charges found in homeless courts. The report breaks down each type of court and provides the key components and identifying factors. Unlike in the reports previously discussed in this chapter, judicial practices are addressed, reviewing what good practices look like from the bench. Lastly, the report covers the main areas that need to be addressed in trial courts to apply these problem-solving concepts.

The next report is *Military Members' Right to Veterans Treatment Court*. This report covers why veteran courts are important, estimates the number of veterans in our criminal justice system, describes which wars affect these numbers, and how the courts are implemented. The key factors presented cover the requirements to enter veterans court, and the expansion of veterans courts. Further, this study is important because it not only covers California courts but provides a comparison with other states, highlighting the best practices. This report also covers the success of veterans' court, what we need moving into the future, and why it is important to give veterans their own court, rather than placing them in a standard collaborative court with civilians.

The next study I found overlapped veterans and homeless court. As previously stated, these two courts often overlap due to the number of homeless veterans. This study, titled *Homeless Court Program: Taking the Court to the Streets*, covers the difference between homeless and veterans court. Mainly it addresses the common factors found in

homeless people and the justice system. The report details the number of citations they may have active or pending, the types of crimes associated, the history of why this court was created, and the lessons learned along the way. This study walks through the core elements found and needed, along with identifying the importance of the provider's role for success. Most importantly this study covers the importance of public safety as a means for investing in this court in the future.

The next study is *Specialized Felony Domestic Violence Courts: lessons on implementation and impacts from the Kings County experience: report submitted to the Center for Court Innovation and the National Institute of Justice*. This study provides a detailed example of the factors needed to successfully create a domestic violence court. This report examines the implementation, processing, case characteristics, outcomes, and the personnel required for the court to run as intended. The biggest difference in factors that has to be addressed in a domestic violence court is that there is always a victim, which results in the need for victim advocates. Overall, this study walks through each required element to implement and maintain a successful court. This includes victim services and batterer's treatment programs.

The reports that I have chosen to differ in not only the content, but the types of authors. They range from the Judicial Council, county reports, and independent research. The reason for the drastic difference is that not every county has reports that are available for public use, and some also do not even have them for internal use. This is a result of no mandates to report statistics, progress, or findings on collaborative courts. Further, when

comparing counties that have reports, they were redundant. The only collaborative court that is reported on a consistent basis is drug court. However, even these reports were limited to large courts, and some medium sized courts. For the purpose of this paper, I wanted at least one report per collaborative court type, to provide a well-rounded vision of how collaborative courts are represented, and how each type has progressed over time.

In conducting my research, I hoped that the Judicial Council would have some mechanism in place to track collaborative courts on a statewide basis. I wanted to find reports that showed the state of court cases when collaborative courts were implemented, and subsequent reports that showed the progress of each collaborative court over the years. When I could not obtain that type of information from the Judicial Council, I turned to the different counties. Unfortunately, I found that there was no collaborative court tracking at the county level either, and the information that was available was limited to drug courts. Since there are no reporting mandates, I also could not find any like reports between counties. Each county has their own reports, and they mainly focus on what their courts drug court looks like. None of them provided progressive tracking of their drug courts to show where the participants were when they started, and what the outcome was. They also did not provide any history about the implementation of the collaborative courts, or progression of collaborative courts. In my quest for reports, I determined that none of these progressive reports were available and I would have to find another avenue of reports to use.

To round out my research, I was able to use one report from the Judicial Council, Kings County, and three independent reports. I choose this method because I wanted the data that I used to be clear, and very specific to the types of collaborative courts I was focusing on. It was important to find data that was able to show facts about collaborative courts, progression, and some statistics if possible. I choose to cover these areas due to the changes in collaborative courts over the years, the different methods of implementation, and the outcomes of the participants. My intention was to show when collaborative courts began, where they began, and why collaborative courts are important. I have found in my research that there are different methods of implementation everywhere you go. Although some of the smaller courts may model their collaborative courts after larger courts, they still tailor their courts to the needs of the community. I also wanted to find statistics on the outcomes of participants. Ideally, I would have been able to find statistics on recidivism, cost, and continued use of programs after discharge from the program.

One of the main reasons I chose to write about this topic is because I have served the Superior Court of California for twelve and a half years. In this time, I have served in a large court and a medium/smaller court. In both places I have assisted in implementing, improving, and running different collaborative courts. While working in these courts I have been able to watch first-hand how changes in the dynamic could vastly affect the outcomes for participants. The largest dynamic I found was the judge overseeing the program. Next was the district attorney and public defender, followed by probation and services. I watched as some participants were successful with some of these players,

while others were not. Most importantly I was able to follow through each type of collaborative court and gain a deep understanding of how they work, best practices, and what made a participant likely to succeed versus fail into recidivism.

What I narrowed the data down to for this thesis are as many Judicial Council reports as possible, in conjunction with county reports, independent research, and my own experience. I found the judicial council reports to be lacking in what types of collaborative courts it reported on, statistics on recidivism, and consistency between reports. I found the county reports to be lacking the same information, along with the progression of their implementation or why they chose a particular method of implementation. The independent or contracted research is where I was able to find the history, statistics for some courts, and some information on how far these courts have come. What all these reports lacked is consistency, personal experience, and statewide comparisons. My personal knowledge of the courts covers all of the collaborative courts discussed in this thesis. I am also able to fill in the gaps about how these courts can be implemented in medium courts and large courts. What I am lacking is this information outside of my two courts, and solid statistics of recidivism.

All in all, I was disappointed in the availability of data I was looking for. I had hoped to find more consistent data throughout California so that I could focus on comparing counties, versus analyzing each court independently. The missing data of recidivism throughout each collaborative court type, the missing progression on how implementation has changed, and the missing consistent data between counties has been

very disappointing. However, what reports and information I have been able to substitute in has been insightful to the topic.

Chapter Four

RESULTS

The central goal for developing collaborative courts is to provide people the opportunity to stay out of jail while participating in rehabilitation in their community. When collaborative courts are implemented successfully, jail overcrowding, and recidivism can be reduced. Attempting to measure reductions in jail population and recidivism are ways to determine the effectiveness of collaborative courts, and to assess whether anything can be done to improve this process. By reviewing collaborative courts throughout the state, and in different size courts, it appears that the intention of the collaborative courts is being carried out. I found that county courts are designing and implementing collaborative courts based on the needs of the community rather than following a prescriptive mandate. Due to this freedom, a significant number of collaborative courts are being created throughout the state. In order to assess their effectiveness, and continue to expand their services, California courts need to implement an approach to track their progress. In this chapter I will explore my findings and highlight missing data.

By reviewing reports from various county courts regarding their collaborative court statistics and progress, judicial council reports regarding implementation and progress, scholarly research surrounding the collaborative court topics discussed, and my personal experience in multiple counties, I have found the courtroom setting to be consistent in the collaborative courts. A traditional criminal court setting has a district

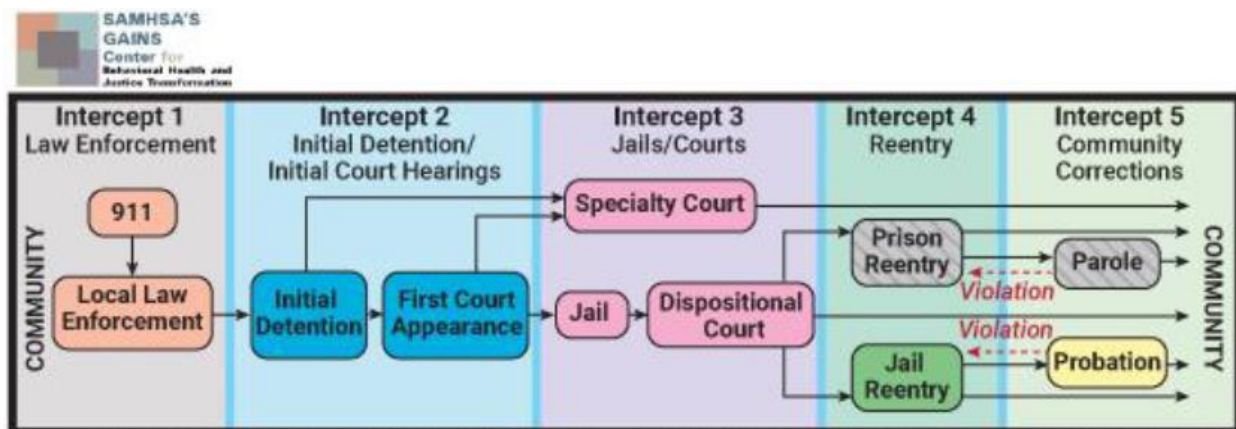
attorney, defense attorney, judge, and the defendant. Further, in this setting there are witnesses such as law enforcement, civilians, and victims. If the defendant pleads not guilty there could also be a jury. Due to the California Rules of Court, this pattern is typical in all courts throughout California. A collaborative courtroom has the same foundation of a traditional courtroom, but with additional players and resources. In addition to the traditional courtroom participants listed above, a collaborative courtroom may also have probation officers, counselors, volunteers, veterans, and people providing housing assistance, to name a few. Each court is designed to provide the necessary elements and services a person may need to be successful not only outside jail, but independently in the community. Each courtroom is designed to provide assistance with affordable housing, a job, drug treatment, and counseling. When all of these parts work together and the defendant is supported to find success, the chances of recidivism are reduced. All agencies work together to support the defendant and the community.

So how do people get into a collaborative court? Entrance into a collaborative court may be driven by the judge, district attorney, or defense attorney. Generally, a defendant cannot come into the court and ask to be placed on a collaborative court calendar. Either an attorney makes a formal request to the court, or a defendant is referred there by a judge. This means that a person has to go to a traditional courtroom, be appointed an attorney, and potentially go through the beginning stages of a criminal court proceeding without additional services or support. In my experience this process can be difficult because defendants do not always provide information in open court due to being intimidated, or just not knowing there are resources available. The court needs

specific information to make the determination that the defendant is a candidate for a specific collaborative court. This is common in traffic courts where attorneys are not appointed due to a majority of the charge being classified as infractions. A defendant only has the right to an attorney for charges that have a degree of misdemeanor or felony. Commonly a judge will inquire further about a defendant's status, on charges that include trespassing or camping on private or public property. These are commonly cited violations for people who are homeless. Once their case is underway, and the judge agrees the defendant is the proper candidate, the judge will refer the defendant to the appropriate collaborative court.

The referral for a collaborative court can happen relatively early in the case process, or as the case proceeds. The common reason for non-participation is that defendants do not know that a collaborative court is an option (Burke,2001). Unfortunately, even though collaborative courts are available in every court I looked at, participants are not always aware that it was an option. For example, a defendant could be a veteran and therefore is eligible for veteran's court. If this information is not disclosed to the court or counsel, they may be overlooked for participation in a veterans' collaborative court. Figure 2 demonstrates the standard process for entrance and participation in a collaborative court, from arrest to community participation.

Figure 2 Developing a comprehensive plan for behavioral health and criminal justice collaboration



SAMHSA's GAINS Center. (2013). *Developing a comprehensive plan for behavioral health and criminal justice collaboration: The Sequential Intercept Model* (3rd ed.). Delmar, NY: Policy Research Associates, Inc.

The courts need to work with the attorneys to inquire if defendants are eligible for a collaborative so they know that there is an alternative and can assess whether that alternative is appropriate. If there was more knowledge of collaborative court services, it could lead to more initial appearances at the beginning of the case. Many defendants report feeling intimidated and fearful about having to appear in court. Regardless of the severity of the charge, people often are nervous about appearing before a judge. Even for something as simple as a traffic ticket, I have seen people get nervous, stutter, be at a loss for words, exhibit emotions of anger or fear, and even freeze up. Further, it is found that homeless defendants and those who suffer from mental health issues are more likely to appear when they have been referred to a collaborative court than a non-collaborative court (Burke, 2001). It is important to make the court a place people are not afraid of. Additional consequences and challenges result when a defendant does not appear for their

court date. For example, an additional charge can be added for a failure to appear, bench warrants or arrest warrants can be issued, and additional fines can be added to the case.

Mental Health Court

Since California's creation of mental health courts in 1999 (Wolf, 2005), mental health courts have become a common collaborative court staple. Mental health has become a hot topic in California society in the last decade, and through ongoing open discussion is also becoming less of a stigma. While many are still shy about admitting they have a mental illness, and others still choose to ignore it, it has continued to gain momentum since mental health courts were created in 1999.

The Center for Court Innovation embraces a new way of business to make mental health court successful. The key to mental health court is taking proper care of people with mental health issues both in custody and out of custody. For defendants who qualify to be out of custody, they are receiving the services they need in society pending their case. They are also being provided with alternative sentences, where charges can be dismissed if they complete the assigned problems, and/or do not reoffend within an agreed upon timeline. These options in conjunction with the medical support defendants need to stay medication compliant, assist with housing, and assist with job skills has made mental health court consistently successful since its inception.

When I was working in mental health court at a large court, I attended weekly meetings prior to each mental health court calendar. These meetings took place approximately an hour prior to the start of the calendar and consisted of many players.

The key players were the counselors, district attorney, public defender, probation, court collaborative court representative, and the judge. In these meetings we would review treatment plans, progress sheets, medication compliance, and any other information that was available or new from the prior hearing. These meetings gave the group the opportunity to discuss each participant and decide if they were making progress, if modifications to the program needed to occur, if there was a relapse, and anything else that may assist the participant with being successful. These meetings ensured that everyone was on the same page prior to calling the case. This also showed the participants that everyone was working “together” on the case, versus the typical district attorney versus the public defender attitude.

Veterans Court

Since the Vietnam war which left over 200,00 veterans with PTSD (Buckley, 2007), America has unfortunately been involved in several wars. Like the Vietnam war, history has repeated itself by leaving hundreds of thousands of veterans with PTSD. Along with PTSD, many veterans have been left homeless due to mental illness and the physical inability to gain and/or maintain employment. Veterans court is unique in that it combines the fundamentals of mental health court and homeless court in conjunction with specialized veterans’ services. It is standard to find this court set up in a more military like setup. This more formalized setup creates a relatability for veterans who are used to the hierarchy and structure the military provides.

Many veteran courts are fortunate to have judges who have served in the military. Through my time working and volunteering in veteran courts, I found that this can make

a significant impact on the success of the court. Since veteran courts are set up to emulate a more military like structure, having a judge who is also a veteran can set that court apart from those who do not have a veteran judge. I have found that the way the veteran judge speaks to the participant comes with more patience and understanding of what the participant has been through. A veteran judge is able to gain more trust, and have an easier time getting to the root of issues due to treating them like a peer. Further, the next key part to these courts is the military volunteers that assist the veterans with services. Not only are the veterans affording the same services as mental health and homeless court, they are also given special services to aid in dealing with PTSD, and how to use military experience to be successful in civilian society.

An important veteran event that courts are continuing to engage in more is Veterans Stand Down. Veterans Stand down is an event that provides wrap around services to veterans to assist them with exiting homelessness (<https://www.va.gov>). Over time courts are finding more ways to participate in this event and assist veterans with their legal woes. This is being accomplished by courts' self-help legal assistance departments volunteering their legal services to veterans who need assistance in a variety of legal help and/or advice. Courts are also creating on site fully staffed courtrooms for veterans to handle matters at the event without the need to appear in a traditional courthouse. This format is currently being used for infraction type cases and assess community service at the Stand Down Event in lieu of the fines. If done properly, veterans can clear up all of their infraction violations and complete their community service hours at the three-day event. Those who do not complete their hours at the event are given a future court date to

appear and provide proof of completion of those hours. I was not able to find a court who processed any violation higher than an infraction in my research. However, some courts are already planning for the future and trying to figure out the logistics to get the district attorney and public defender officer involved to make this a reality.

Homeless Court

With the success of Stand Down, homeless courts were created for non-military defendants and have consistently been more successful since their implementation. Based on the veteran's court model, San Diego Superior Court was the first court to implement homeless court (Judicial Council, 2018). Participants in homeless court can oftentimes receive services that they would not be able to obtain on their own. Due to the service providers that are involved, it is easier for participants to get on waiting lists, and sometimes are given preference due to the services they are engaged in. Further by being involved in homeless court, there are service providers that can walk participants through the process of services, and help them figure out, and sign up for, the types of aid they need, and qualify for.

In addition to housing and food needs, the homeless court also addresses mental health and medical needs when needed. This can consist of psychiatric services, basic services for blood pressure, cholesterol, and infections. Defendants are provided the physical health needs, not just mental health. They can also be signed up for continuing medical care, as long as they continue to follow up and make the necessary appointments.

Once defendants have their health and housing in order, the last piece to their success is the ability to support themselves off the streets. The specialized services and setup of homeless court does make it less intimidating to attend court hearings. Homeless court has shown that defendants are more likely to appear than if they were in a traditional setting. Their opinions of the court, law enforcement, and people providing services are generally more positive as well.

Drug Court

The aforementioned courts all have one dependency that crosses through them, drug abuse. The drug court services overlap with veteran's court, mental health court, and homeless court, but are more inclusive. The aforementioned courts, all have a very specific criteria in order to participate in the court. The only criteria that drug court requires is that there is a drug dependence or abuse involved in the offense. Participants in this program range from poor to wealthy candidates. It also ranges in age from drug court for minors, drug courts for adults, and drug courts within other collaborative courts. An example of this is in dependency cases, when children are taken away from their parent's custody due to drug and/or alcohol abuse, these courts will sometimes create drug courts specifically for those parents to help them in the reunification process.

In drug courts participants are held accountable for their sobriety. They keep track of how many days sober they are, how many meetings they attended, and what they are struggling with. During their court hearings they may be required to share this information with the court and the other participants. In some court's participants keep

journals to write about their feelings, what they are experiencing in sobriety, and what their goals are among other topics. This is done voluntarily, and sometimes it is assigned by the judge as part of the process. Although sometimes this process can seem like a punishment, it is meant to hold participants accountable for their actions out loud to others.

One thing that I found to be consistent was the opinion that retention and completion of treatment programs have a positive effect in reducing drug use and criminal behavior overall (Carey, 2006). This opinion has been supported by court reports on drug court, independent research, and opinions of those working in the courts. This opinion is especially important because drug courts have historically been the foundation for other courts to be created, and to garnish community support in the expansion of collaborative courts.

Domestic Violence Court

Domestic violence court has shown to be a very sensitive collaborative court. Due to the nature of this court, each case has an aggressor and a victim. What sets this court apart from other violence cases is that the parties have to be in a relationship, or related. Having an intimate relationship with someone adds another layer of emotions that the court has to mitigate. One major change that has taken place over the years, is the development of the district attorney taking on the responsibility of making the prosecution decision. At one time the victim had the power to retract the charges, but this was found to increase the amount of intimidation from the aggressor to the victim. By the

district attorney taking back the power of charging the aggressor, the pressure is taken off the victim.

Common in the domestic violence collaborative court, aggressors are required to attend a 52-week batterers treatment course, in addition to their jail sentence, and probation. Further, services like alcohol and substance abuse are also imposed as part of the sentence. Many people who end up in domestic violence court have an underlying issue that needs to be addressed along with the aggression. Unlike other collaborative courts, there are services that are tailored for the victim in the case as well. The services for victims are being handled by the district attorney office and include but are not limited to, dependency counseling, abuse counseling, compensation to relocate, counselors who will accompany the victim to hearings when they have to testify.

Common misconceptions in domestic violence is that the aggressor is the man and the victim is the woman. Not only does domestic violence go beyond the parents, it goes beyond gender roles (Chien, 2018). The laws and services have grown to encompass all possible scenarios, including man on man, woman on woman, woman on man, man on woman, and adult on child.

Elder Abuse Court

Last but not least I looked at Elder Abuse courts. This court is still quite new in the collaborative court world. According to the Judicial Council (2018), there has been a steady increase in this type of case, but courts are still catching up to the creation of these courts in all courthouses. These calendars are some of the smaller workloads for the

courts, but also some of the most labor intensive. These cases have Adult Protective Services (APS) involved in almost every case due to the level of involvement the state takes in each case. Adult Protective Services is a specialized agency created for the sole purpose of assisting in protecting adults who are incapable of helping themselves. What is different about this collaborative court is that it covers a variety of crimes, unlike the others who each specialize in one specific goal. The crimes that are handled for elders range from physical violence to financial abuse.

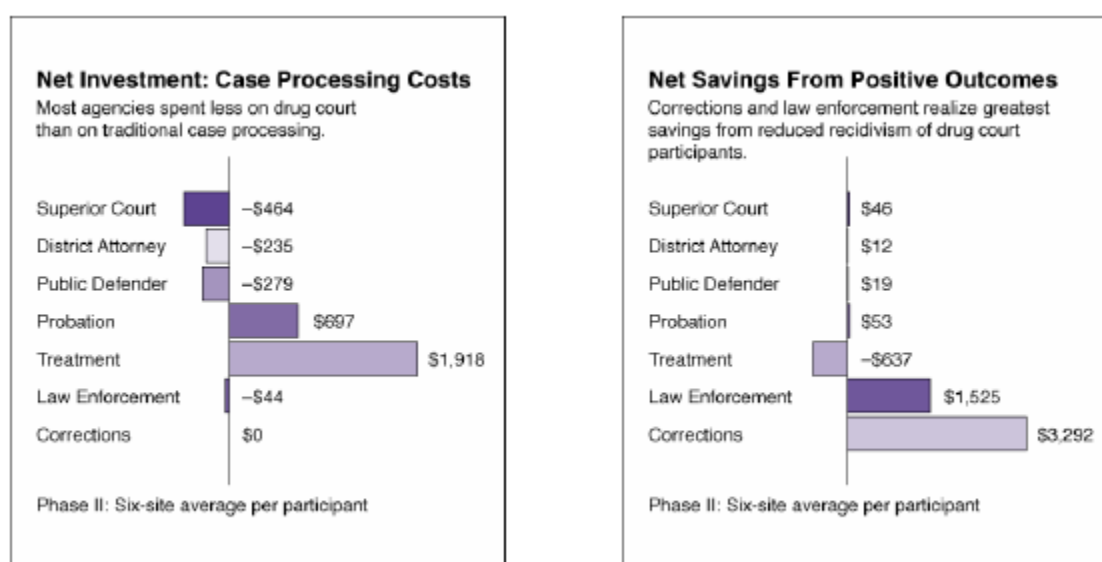
The goal would obviously be to not have these courts grow throughout the state. Unfortunately, even though they are not heavily prevalent in all courts, each court needs to have a workflow in place to address this case type as the number in filings rise (Banks et al., 2014). The services in these cases include counseling for verbal abuse, physical abuse, and neglect. There are also cases where the county has to be involved in providing guardianship or conservators to aid the elderly who either do not have family or friends that can be trusted or have been left on their own. In my experience these cases can be treated similar to standard conservator cases where a public guardian or conservator is appointed. The court then conducts annual and bi-annual court hearing dates to review the case, any changes that have been made, and ultimately ensure that the elder is being taken care of properly while in the custody of the county.

Statewide Issues

There are currently no performance measures in place that each court must abide by in collaborative courts. This makes the process of creating consistency difficult, and

harder to determine what proper funding is needed for these courts to run efficiently. Overall, each county is responsible for the implementation, coordination, and success measurement. However, since there is not a set mandate for these responsibilities, there is no requirement for the information to be posted for the public to view. This does not help collaborative courts as a whole gain more support from the public. This is very reminiscent of the Not In My Back Yard (NIMBY) opposition of residents who do not want certain developments in their local areas. A prime example of this exclusion is when prisons are being built. Everyone may agree that they are needed, but no one wants them near their home. Figure 3 shows a net investment and net savings comparison between traditional case processing, and a positive outcome collaborative court in 2006 California Drug Courts.

Figure 3 California Drug Court Cost Analysis Study



(CFCC Research Update: https://www.courts.ca.gov/documents/cost_study_research_summary.pdf, May 2006)

When dealing with collaborative courts, there is “buy-in” from the key players that are required for these courts to run. The key players being the district attorney, public defender, and probation. It is through these agencies that service providers are brought in to make the court more successful. The public however is not as supportive when a criminal commits a crime while they are out of custody by way of participating in a collaborative court. It is hard to get public buy-in that reoffending, lapsing with alcohol or drugs, or not being medication compliant is part of the process that participants have to work through. It is even harder to justify when the public appears in the courtroom and has firsthand knowledge of how these issues are being addressed. To many victims, writing an essay, or attending more counseling does not make up for them becoming a victim so someone can “work through it”.

Even though I found that the collaborative court model is similar across the state, there is still a lot of information that is unclear. I found that not all courts have collaborative court information and reports available to the public on the public court website. It would be very helpful going forward if the judicial council would implement data mandates. Not only would proper data tracking make information more readily available for the public, it could also provide insight for funding, and it would provide as a foundation to courts who want to expand their collaborative courts.

California Collaborative Courts do not mandate data results consistently or provide a model in which all courts must follow. The lack of reporting guidelines leaves a lot of information uncollected and/or unavailable for the public and the state. This is an

issue that could be corrected by adopting a reporting model for all collaborative courts in California. By adopting a model that would be mandated in all courts, it would make information easily accessible to report individual court statistics along with state-wide performance. This approach would supply information for funding requests and provide transparency for the public information.

The Judicial Council uses a data driven model for other areas of data collection for the branch. Currently, a data driven approach is being used by the Judicial Council in the Workload Assessment Funding Model (WAFM) in conjunction with the Resource Assessment Study (RAS), and the Strategic Plan for Technology (2019-2022 proposal).

The Workload Assessment Funding Model determines how much funding each court requires to function at a baseline. The baseline is defined as the amount of money a court requires to open the doors and provide basic court functions. This number does not reflect things like public legal service, and technology upgrades. This model was created as a result of the significant structural changes California made to court funding, moving from a county funded system to a state funded system. In making this change it was determined that the Judicial Council would receive all funding, and distribute the money as needed to the individual courts. This change was made to ensure that each court was funded properly, and discontinue courts being over-funded and/or being under-funded. This model functions based on two major factors: The Resource Assessment Study (RAS) and case filings.

The Resource Assessment Study is a time and motion study that was conducted in courts throughout California by judicial council personnel and in coordination with court employees. The study took into account all case types, common practices, procedures and processing times. The data was collected from small, medium, and large courts. Once all of the data was collected, averages were taken from the data to create a consistent time and motion for all of the tested processes. This information assisted the researchers in determining an average time for all of the processes that were taken into consideration. The information collected is used with different filings to determine approximately how long it takes to process a case from start to finish. This process also takes into consideration the time for processing appeals, trial de novo hearings, the collection process, and the enforcement of sentences.

With the time and motion information, the Workload Assessment Funding Model uses this formula to determine how many employees are needed to run a courthouse. This is determined by using the number of case filings in conjunction with the time and motion study determining how long it takes on average to process the case. This model provides for the courts in larger, and more affluent counties to be “contributing” courts, and those courts in less affluent counties to be “receiving” courts. To ensure the courts are funded properly each year, this model is used every year to reassess the amount of funding required to distribute to properly fund each court. Once all of the courts have been funded properly, the Judicial Council can then prioritize the rest of the budget for innovation grants, courthouse remodeling or building, and technology improvements. After this has been assessed, the Judicial Council is able to assess courts who have needs

versus wants and allocate funding in a fair manner that utilizes public funding in the most efficient way possible.

Overall, finding the data I was looking for was a difficult task. I ran into multiple roadblocks in obtaining specific information from participants, courts, statewide reports, and statistics. It was disappointing the information I was looking for was not readily available, and in some instances, not available at all. I expected when I started my research that there would be data mandates in place by the judicial council, and by individual courts based on the types of collaborative courts that they were running. Unfortunately, at this time there are no data mandates in place by the state. The lack of mandates has created a lack of reporting and reporting guidelines for the different courts.

In the larger courts I was able to find limited public reporting, which mainly consisted on drug court reform. There was less to be found in medium sized courts, and even less in small courts. I also found that those courts who did report, did not do so consistently, and many of the reports I found were dated. On the other hand, the reports that I did find were well put together and provided good information. What I found frustrating is the judicial council readily uses data driven data models for other areas of the court, as described with the workload allocation funding methodology, yet there are no reporting mandates in place for collaborative courts. With the growth of these courts, the courts need to adopt a uniform reporting model that allows courts to also customize it to meet the collaborative court needs of their county.

Chapter Five

KEY FINDINGS AND RECOMMENDATIONS

California has continued to implement laws to address crime, while also attempting to lower our prison and jail populations. One of the biggest contributors to achieving this goal has been the implementation of collaborative courts, and the continued expansion of collaborative courts throughout California. The purpose of this thesis was to determine if collaborative courts are working in California, and also to review how the expansion of collaborative courts is progressing. To accomplish this goal my original plan was to look at collaborative court data from small, medium, and large courts, independent reports, and judicial council reports. My intent was to compare and contrast recidivism rates for participants in a variety of collaborative court programs. To maintain consistency, I selected collaborative courts that are commonly used in small, medium, and large courts. Based on this process I focused on the following adult collaborative courts: mental health, veteran's court, homeless court, drug court, domestic violence, and elder abuse.

I found the information I was seeking very difficult to acquire. First, I found that the Judicial Council has not implemented any reporting mandates for collaborative courts. This means there is no requirement for courts to track or collect data on a regular basis regarding the management, outcomes, enrollment, or recidivism rates of participants engaged in the programs. This also means there is no comparable data between court of like size or unlike size to compare. In a few of the large courts, I was

able to find data collecting reports, but these were mainly focused on drug court, and many of them were outdated with no follow up available to the public. I was able to find a lot of independent articles that discussed collaborative courts, the history of collaborate courts, and the evolution of collaborative courts. The problem with the independent reports was that these also focused on big collaborate courts such as drug courts and homeless courts. In contacting multiple courts, I was often directed to the court website for information or told there was no public data available.

Although this process was very frustrating, it provided a good foundation for assessing what data is missing to fully analyze if collaborative courts are progressing and/or working. This is an important fact given the state of our jails, prisons, and courts. We are still facing a large prison and jail overcrowding problem, while courts are working hard to run collaborative courts despite budget shortfalls. In the last few months, California has resorted to letting inmates out of custody early due to overcrowding. This solution to reduce prison and jail populations has been done without additional resources. This tactic is not good for the person being released or the community.

On the other hand, the early reports on collaborative courts from the Judicial Council provided a lot of information about the different types of collaborative courts, and the goals that were set. These reports provided background for collaborative courts in other states, what changes were being made to accommodate the needs of California courts, what services would be included, what the goal of each collaborative court was, and any statistics that were currently being tracked. Along with these early reports, I was

also able to find lots of independent reports about collaborative courts. Many of the independent reports focused on the individual collaborative courts, the history, why they are needed, and feedback on studies. While the studies were limited, they set forth a strong foundation to build on for future research.

Recommendations

To fix the lack and data regarding collaborate courts, I propose the Judicial Council create data driven mandates for collaborative court reporting. This approach would provide a statewide model for collecting data, tracking data, and provide recidivism rates to assess if these courts are successful. The data mandate should start with drug court, since this is the most commonly used collaborative court throughout the state. In my research, I did not find a court that had collaborate courts and did not have a drug court. Once the precedent is set, the reporting should expand to mental health, veterans' court, homeless court, domestic violence court, and elder abuse court. Courts would then have the tools available to apply the model to other county driven collaborate courts. By relying on standard data reports, court could really assess what is working, what is not working, where funding is lacking, and where over funding may be taking place.

Collaborative courts could create a similar data driven two-part model by mirroring the Resource Assessment Study and creating a time and motion study for collaborative court processing and procedures. To further the data collection process, cases would be tracked to obtain accurate recidivism rates. This information could make

funding more efficient by closing any gaps in under and/or over funding of programs. There would be the ability to compare similar programs across counties to make them more efficient and create models for courts that are expanding on how to properly set up a new program. This would also provide a platform for sharing information with the public. The average person does not understand the intricacies of collaborative courts. What they see are people who commit crimes, being released as part of a program. Providing program details such as recidivism rates would allow the public to be more educated when making decisions in the community.

The next example from the Judicial Council is its Strategic Plan for Technology (2019-2022 proposal). This proposal outlines the technology goals for the branch over a four-year term. It consists of business goals and guiding documents. The business goals target the main goals of the proposal, and outlines which committees are responsible for each goal. The guiding documents are laid out plans to achieve the goals over the four-year time frame. These documents are The Governance and Funding Model, The Strategic Plan for Technology, and The Tactical Plan for Technology. Each of these documents are based on a data driven approach that assesses the needs of the court and the public. Using a data driven approach for each goal keeps the information consistent and provides a foundation to ensure the goals are measurable.

The Judicial Council proposal is laid out by vision, principles, goals, access, reliability, and innovation. Each of these sections are then broken down further to make the goal of each section clear, and the desired outcomes measurable. The proposal goes

on to outline the four main goals of the project in depth. Each of the main goals is broken down by the statement of the goal, business/driver needed, objectives (prioritized), benefits and outcomes, and measures of success. This layout provides consistency in how each goal is approached and how success and/or failure is measured.

The last section of the proposal is entitled the Alignment of Technology Goals. This section does an excellent job of charting out parts of the proposal that overlap within the four main goals. For example, the line item for “access, fairness, and diversity” is checked for each goal. This shows that each goal needs to demonstrate that it complies with “access, fairness, and diversity”, in order for the goal to be reached. Overall, this proposal lays out a clear roadmap that outlines what the vision is, what the goals are, why they are necessary moving forward, how to implement successfully, and how to measure the success.

The Judicial Council can use this proposal as a model to outline how to create a collaborative court, and how to measure its success and/or failure. I would recommend recreating this proposal with collaborative courts to create a clear roadmap for courts to follow regarding how to plan, implement, and measure a collaborative courts success. By following a data driven proposal, clear guidelines would be set for courts to follow, and they would also be measurable on a county level and on a statewide level. The ability to measure the success of collaborative courts, both on the county level and state level, would create more opportunities for public support and funding. This model would also

have the ability to ensure that the goals of collaborative courts, as set by the Judicial Council, were being met regardless of the size of the court.

The approach of using data driven methods is currently being used by many organizations both in California and around the United States. Given the Judicial Council is already using this approach for other projects, it would not be hard to modify their existing plans to adhere to the requirements for collaborative courts. This would provide essential data regarding the rehabilitation process, what programs are working, what counseling is essential, what jobs skills are practical. It would also allow for compilation of a list of tools that can be used moving forward to not just reduce prison and jail overcrowding, but really rehabilitate people.

Conclusion

This thesis pointed out the lack in information in an area of our courts that is growing at a rapid pace. We are continuing to spend money on collaborative courts, grow these courts, and push these courts to take on more responsibility. We are relying on these courts to help reduce a very overcrowded system. Given the importance of these courts, we owe it to our courts and our community to do the work and implement a way to measure the successes and the failures. We cannot go back in time and undo the deinstitutionalization of state hospitals, we cannot undo the trauma of our veterans, we cannot undo the past practice of locking people up and throwing away the key. What we can do is take the great tools we have at our fingertips and make them better. We can

focus on an opportunity to rehabilitate people and minimize prison and jail sentences. We can make better use of our taxpayer money and make our communities safer.

From the original establishment of collaborative courts in the 1980s, we have watched collaborative courts grow and expand throughout the United States. California has taken models from other states and run with the idea, creating some of the most diverse collaborate courts, and providing a second change to many people who would have just been locked up. The promise of rehabilitation can only be fulfilled through the commitment of our Judicial Council, our courts, and our justice partners. Improving our data collection will not only pave the way for more collaborate courts, but more effective use of collaborative courts. Participation by all parties will not only provide people with a second chance at life but could reduce jail/prison population in the process and allow that money to be spent on making our state a safer place for the future.

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