

Home court advantage

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date gets a notice in the mail from California Community Dispute Services offering the option. There are four possible outcomes if the person chooses community court, according to a document from the D.A.'s office: "1) community service and/or a fine, 2) restitution to direct victims, if any 3) support services, and; 4) dismissal of the case."

Misdemeanor charges chosen for community court include first-time offenders who are accused of petty theft, vandalism, drunkenness and other quality-of-life crimes, with about 30% for shoplifting, Hallinan wrote in a December 2002 op-ed piece in the Examiner.

"The original purpose of the Community Court program was twofold: to address the social service needs of first-time offenders (often alcoholics are drug offenders in need of a program), and to make accountable the local knucklehead who breaks a store window or urinates on the street," he wrote.

Another important purpose of the community courts, said Petersen, is that perpetrators get to volunteer at local community programs, which she hopes creates a sense of belonging in that community, giving them a stake in keeping it healthy.

NEIGHBORHOOD JUSTICE

"Restorative justice is not to be sentence-driven but justice-driven," said Petersen. She said that from August 2002 to April, the Tenderloin Community Court handled 18 cases, referring half to counseling for drugs, jobs or mental health. Five cases were success-

fully completed and four were not. The other nine cases were sent to community service; two people did not complete the service. Eighty-two hours of community service, such as cleaning graffiti or serving meals at churches, were completed as a result.

Between June 17, 2002, and Jan. 21, 40 cases were handled in the SoMa court. Ten were referred to counseling and seven completed the counseling; 30 people were sent to community service, with 19 successfully completing their sentences. Community service hours completed: 396.

Unsuccessful cases are sent back to the district attorney as no-shows. No-shows caught committing a similar crime get that case "bundled" with their no-show case and he or she will receive a more serious sentence, said Petersen.

Last year 2,614 cases were referred to community courts citywide and 1,021 defendants appeared, said Mitchell Salazar, the D.A.'s director of community programs, who oversees all eight community courts. Next fiscal year, "Hallinan expects to refer 7,500 cases to the community courts and arbitration," Bateman said. He anticipates 3,500 defendants "will take advantage of" the offer. "And if we can process 4,000 cases, the cost will be even less than \$70."

The Tenderloin and South of Market courts get more than their share of cases. Salazar said 1,224 cases were referred to the SoMa and TL Community Courts from June 2002 through March 2003. Numbers on how many people showed up and what sentences they received are being compiled.

The community courts' show rate of 42%, said Bateman, is much higher than the 30% show rate at 850 Bryant. "And we have very little recidivism; 90% to 95% will do what they agreed to do," Bateman said.

Petersen cites a success story that exemplifies the community court approach. A young man had been caught stealing. He was obviously going in the wrong direction in his life, but it came out during the session that he had a dream of working with animals and becoming a veterinarian. He wasn't interested in following in the footsteps of his father, who owned an appliance store. The community court recommended that the man perform community service hours at the SPCA, where he still volunteers.

ADACHI'S APPROACH

San Francisco Public Defender Jeff Adachi sat in on some planning sessions for the community courts.

"At that time there was a very ambitious plan for community courts; we thought they would be fully funded," he said, "and that there would be wraparound services and they would create additional services for those that chose to participate. I understand now the funding never materialized and it's funded on

the good will of the people."

There are pitfalls inherent in underfunding, he said. With drug rehab, job counseling, mental health counseling, and other services being cut, relying on existing services for community court sentences can possibly further backlog the long waiting lists.

He supports the community court model that started in Manhattan with funded services, including a medical clinic and emergency beds, all housed together. "The primary difference is in addition to providing new services, you would have a real judge, real prosecutor and a real court," he said.

That the San Francisco court panelists are stakeholders and activists in their particular communities also has a downside, he said.

"There is an inherent conflict of interest when you have people judging the accused and they also hold a stake in that particular community's welfare — I saw early on that some of these activists were promoting an anti-homelessness agenda."

"To the extent that [the courts] include quality-of-life citations, which often have to do with the status of homelessness — we're opposed," said Paul Boden, executive director of the Coalition on Homelessness.

Some panelists are people who don't understand what it is to be homeless, yet they have the power to decide what is fair for a homeless person. That makes Boden concerned. "If you have five Leroy Loopers or five Glenda Hopes [on the panels] that's one thing, but leaving it up to the communities — quite likely if we did that in the South, Jim Crow laws would still be in effect," Boden said.

But, "if we decriminalized homelessness, our people would be all for it," Boden said.

NOT PERFECT, BUT WORKING ON IT

Of the 25,000 misdemeanor citations given out every year in San Francisco, only a few get processed through community courts, said Adachi. "But the community courts do advise first-time offenders without involving the criminal justice system, and it allows people to take an opportunity to volunteer in the community and to that extent it's a success," he said.

Since January, Petersen said, four or five homeless people have been through the SoMa and Tenderloin community courts. The \$25 processing fee is often waived for people without jobs or housing, said Petersen. One such case was for shoplifting food and the sentence was that the offender received a list of local food pantries. Two others were for public urination, but one man had a note from his doctor attesting to a bladder control problem caused by his medications. That case was dismissed.

Petersen believes the show rate might improve by changing the logo on the mailed notice of the community court date from the D.A.'s office logo to one that says "Community Court."

Salazar agreed that the community court show rate is only "slightly ahead" of the 850 Bryant rate, but because six of the eight community courts started within the last 14 months, he says, it still is too early to be discouraged. "We have great support from the police and neighbors to continue doing this," he said. "There's not a high turnout but for those that do, our purpose is to deal with the alternative [to 850 Bryant], getting people the help when they need it."

TENDERLOIN COURT IN ACTION

Of 15 people scheduled for the April Tenderloin Community Court, only five showed up. The last case of the day is for a "malicious mischief" citation. In other words, according to the police report: road rage.

The guilty party, a balding white man with a bulky cell phone hooked to his belt, explains that he was driving along O'Farrell Street and he got cut off by another driver.

The police report has him following the driver, honking and cussing and eventually

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