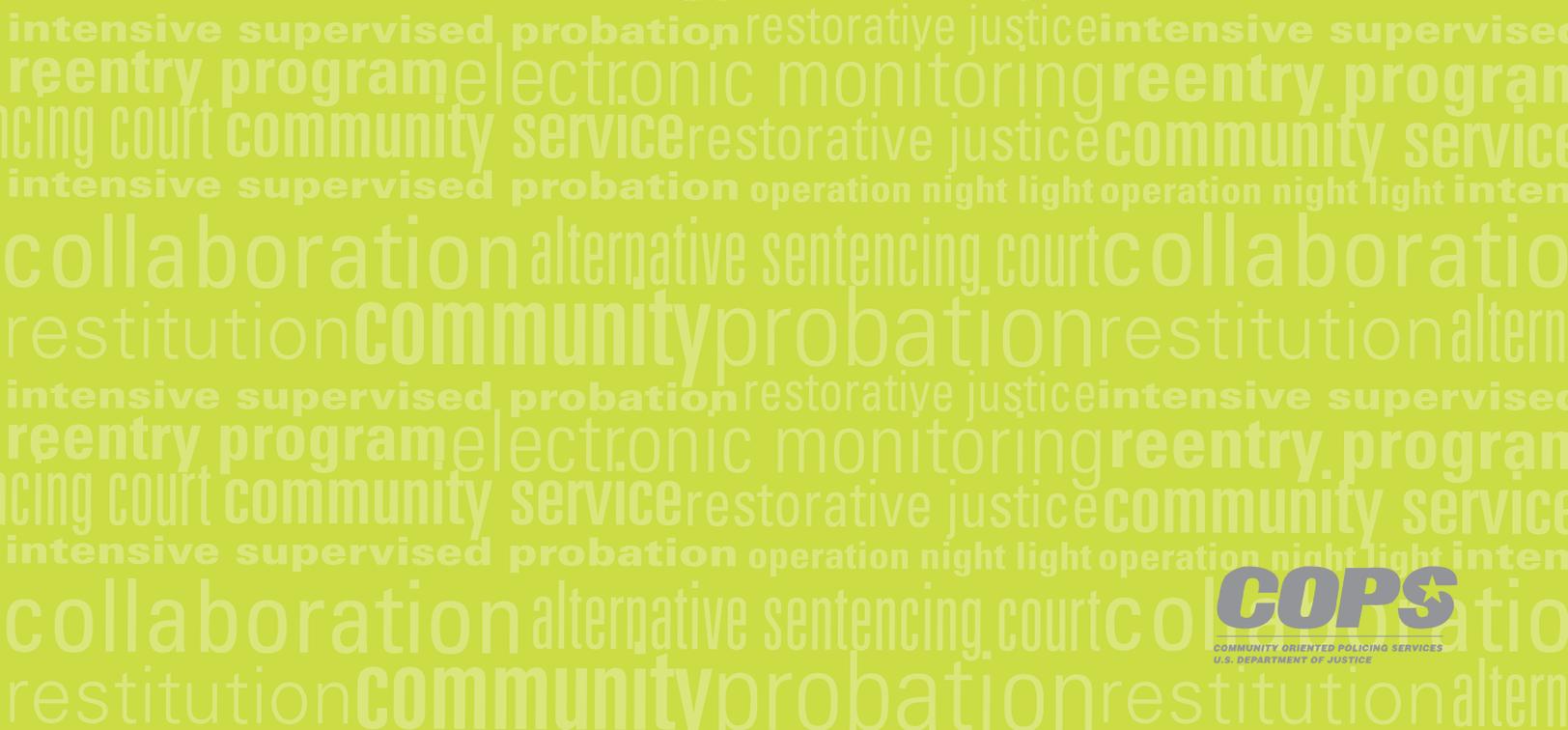




# Effective Alternatives to Incarceration: Police Collaborations with Corrections and Communities

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Finally to our amazing editor, Mary Beth Gordon, whose commitment to the written word keeps us honest and hard working, and forever expanding the quality of our work.

This publication was written during a new age of criminal justice reform. There are many humane ways to approach a future where we can no longer afford the present dependence on incarceration. Luckily, the programs profiled here, which already have effective applications in place, are the vanguard for the future.

Joanne Katz

Gene Bonham

March 2009

## Foreword

The criminal justice system operates along a very broad continuum that stretches throughout American society, with many points of intervention along the way to change the course of criminal behavior. Law enforcement plays very important roles across this continuum, in apprehension and investigation, of course, but certainly in the course of the judicial process, and in prevention efforts, as well. There are also many opportunities for police involvement in reducing recidivism through collaboration with community corrections operations toward the end of the continuum, shutting the revolving door of reincarceration.

Many and varied approaches to handling crime in more efficient and effective ways have evolved and been tested at all of the points along the criminal justice spectrum during the past 20 years. One of the most significant of these developments has been in the demonstration and proliferation of “problem-solving courts,” beginning with Mental Health Courts in Florida and expanding to encompass hundreds of drug courts and, more recently, reentry courts. The innovative team approach to jurisprudence exemplified by problem-solving courts enables judicial intervention to focus on the real source of a problem, bringing multiple resources to bear on the issue at hand, be it drug addiction, mental illness, or some other aspect of the defendant’s life for which treatment and stabilization represent the highest likelihood of stopping future criminal behavior in its tracks.

Meanwhile, innovations of comparable scope have arisen in the areas of juvenile justice, addiction treatment, assessment, and successful interventions such as cognitive behavioral therapy. Accompanying evaluation of new methods and techniques has created a strong body of research validating some practices while rejecting others. The criminal justice world now has an extensive body of evidence-based practices from which to draw that support our common goal of promoting public safety.

In this publication, *Effective Alternatives to Incarceration: Police Collaborations with Corrections and Communities*, Joanne Katz and Gene Bonham review the research literature and describe multiple real-life demonstrations of best practices, many of which detail the collaborative endeavors between police forces and community corrections to further reduce and prevent crime through timely and effective interventions.

Strategic placement of police resources can result in active engagement of the profession at all points of the criminal justice spectrum, broadening and strengthening the profession while achieving the best and most cost-effective results for all of society.

Jane Browning  
Executive Director  
International Community Corrections Association  
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collaboration alternative sentencing court collaboration  
restitution **community** probation restitution altern  
intensive supervised probation restorative justice intensive supervised  
reentry program electronic monitoring reentry program  
sentencing court community service restorative justice community service  
intensive supervised probation operation night light operation night light inten

Alternatives to Incarceration:  
**A New Role for Police**

## The Need for Viable Alternatives to Incarceration

The criminal justice system in the United States is primarily charged with protecting the public from crime, thus ensuring that residents have a safe place to live and work. This has traditionally been accomplished in part by incarcerating offenders considered to be the most harmful to society. In recent decades, however, proportionately more offenders—representing a continuum of crimes from serious to relatively minor—have been incarcerated, resulting in a meteoric rise in the U.S. prison and jail population.

In fact, between 1972 and 2008, the adult population in the American penal system soared nearly 600 percent from 330,000 to 2.3 million. What fueled this increase where more than one in every 100 American adults is confined to jail or prison (Pew, 2008)? There are multiple explanations. Only a relatively small part of this spike appears to be related to an increase in criminal violence. By far the largest share (88 percent) of the growth in the incarcerated population resulted from changes in sentencing policy, often fueled by concerns that the criminal justice system was too soft on crime (Mauer, 2004). A series of “get-tough” policies—such as three-strike laws, mandatory prison for drug offenses, and using prison as the response to probation/parole violations—were adopted nationwide. The impact has been that more so-called “low-risk” offenders are being incarcerated for nonviolent crimes and probation and parole violations. This same trend is also seen in the juvenile justice system, leading to a dramatic increase in short-term detention and long-term confinement of delinquent youth. Juveniles are sometimes housed with and influenced by more serious offenders, instead of remaining with their families and receiving counseling and other community services (Annie E. Casey, n/d).

Additionally, states increasingly have endorsed laws that move juveniles accused of certain serious offenses into the criminal courts and allow sentences to extend beyond their juvenile years into adulthood (Bishop, 2006).

The astronomical expansion in the number of adults incarcerated—and to a lesser extent the number of juveniles detained and confined—brings with it tremendous financial and human costs. But viable community-based alternatives to incarceration are available today.

### The Costs of Incarceration

The financial cost and human consequences of incarceration can be enormous; as can be the substantial collateral effects—the long-term impact on the offender, as well as on his or her family and the greater community.

**Financial Cost:** Twenty years ago, states spent a total of \$11 billion on corrections; today states are struggling with ballooning annual corrections costs of \$52 billion, by far the largest share involving incarceration expenses (Pew, 2009). Even adjusting for inflation, the corrections budget for states has risen 127 percent. In 2007, states on average invested nearly 7 percent of their general funds—or one in every 15 dollars—on corrections. This, of course, took a toll on the amount of money available for other vital state services, such as education and health care (Pew, 2008).

**Human Cost:** The ripple effect of incarceration expands well beyond the offender to his or her family and the community. Six kinds of collateral effects of incarceration have been identified by Tonry and Petersilia (2000). First, there is the impact of incarceration on the physical and mental health of the offender. Inmates tend to have higher than normal levels of communicable diseases, such as tuberculosis, sexually transmitted diseases, and HIV. Substance abuse and mental illness are also serious health concerns. Roughly 75 percent of jail and prison inmates deal with some level of substance abuse ([www.reentrypolicy.org](http://www.reentrypolicy.org)), and one comprehensive study found that more than half of all prison and jail inmates experienced at least some mental health problems, although less than a third were receiving treatment (James and Glaze, 2006).

The high incidence of physical and mental health problems among the incarcerated, exacerbated by the harsh reality of prison life, can erode an offender's self-confidence and ultimately his or her ability to maintain a relationship with family and other loved ones—a second collateral effect. Incarcerated offenders have limited contact with spouses or unmarried partners and even less contact with their children. They rarely pay child support. As a result, the families of incarcerated offenders struggle to survive both financially and emotionally. It is not uncommon for the children of imprisoned offenders, especially female offenders, to end up in foster care because there is no one to care for them.

A third collateral effect of incarceration involves the larger community, specifically on urban neighborhoods where so many offenders once resided. These are generally poor, heavily minority-populated areas. The absence of a large proportion of young males who are serving time in jails or prisons—and not available for employment, marriage, or active parenthood—disrupts the stability of these communities. Another concern for the wider community is maintaining the exploding prison and jail population. As explained in the Financial Cost section, the more money invested in keeping offenders confined, the less there is available for other much-needed community services.

Once released, it is often extremely difficult for ex-offenders to resume a normal role in society. A major fourth collateral effect involves employment. Recently released ex-offenders are lucky to find any work at all, much less a decent-paying job, due to the reluctance of employers to hire anyone with a criminal record.

A fifth collateral effect is that the physical and mental health problems experienced while incarcerated do not end upon release. Without treatment, which may not be initially sought, these problems tend to erode a person's ability to function and relate in a healthy way to family, co-workers, and the community.

A sixth and final possible collateral effect is that incarceration, coupled with the negative, post-release experiences of many offenders, can eventually lead to a return to crime. When an ex-offender can't find a job and is perhaps alienated from his family and/or at least his community, he may be likely to return to behaviors that led to his initial arrest.

### **Negative Collateral Effects of Incarceration Versus Public Safety**

The negative collateral effects of incarcerating offenders—and the subsequent impact on their lives as well as on their families and the community—must obviously be balanced against the need for public safety. While the safety of the community must be paramount, many offenders are incarcerated for nonviolent crimes, such as technical probation and parole violations, or nonviolent drug-related offenses. Additionally, many people are incarcerated for less serious crimes that are rooted in mental health or substance abuse problems. The research shows that removing such low-risk offenders from their families and neighborhoods has not proven to increase the safety of those areas. During the last 20 years, the recidivism rate—more than half of inmates released from prison will return within 3 years—has remained unchanged (Pew, 2008). This is true despite a significant increase in the number of offenders incarcerated with substance abuse and mental health issues, which are often exacerbated during confinement and perpetuate antisocial behavior after prison.

When a low-risk offender is sentenced to prison or jail, rather than pursuing alternative sanctions that would allow him or her to remain in the community, the repercussions can be staggering. The state, supported by taxpayer dollars, spends an average of nearly \$29,000 a year to keep someone in prison who might otherwise be served by less-costly corrections options (Pew, 2009). Unnecessary incarceration can damage families because the incarcerated offender provides little or no financial or emotional support to his or her spouse and children. This is particularly true in minority communities, where one in nine African-American males between the ages of 20 and 34 is in prison (Pew, 2008).

## **Viability Alternatives to Incarceration**

Many criminal justice experts feel that the growing level of incarceration in the United States has become both financially and socially untenable. As a result, numerous alternative, cost-effective approaches to incarceration have been developed and tested. This report will concentrate on model alternative approaches to incarceration that utilize law enforcement and can be implemented in ways that protect the safety of the greater community. It will focus on programs that divert low-risk offenders, both adults and juveniles, away from institutional confinement and into well-supervised community-based corrections programs. These are programs designed to change behaviors that lead to criminality and, in many cases, address the mental health and/or substance abuse issues underlying some of these behaviors. Each model program featured in this report involves police working in collaboration with community corrections professionals and other community partners. Each is rooted in the concept that the greater community—and not just law enforcement and corrections officials—has a stake in the way offenders are treated. This commitment to shared responsibility has given rise to the restorative justice movement and has the potential to transform both the criminal and juvenile justice systems so that those who offend get the help they need to permanently change their lives, at the same time ensuring the safety of the community.

The concept of collaborating to find alternatives to incarceration lies within the basic tenets of community policing. Community policing promotes collective problem solving—partnering with governmental, community, and faith-based resources—to find creative ways to deal with public safety issues. This collaborative approach is an excellent way to address the issues resulting from criminal justice policies that can create an overdependence on incarceration as a response to crime.

## **Overview of Current Alternatives to Incarceration**

### **Introduction**

Traditionally, sanctions or punishment for those who have committed crimes focused either on an institutional placement, such as prison, or on some form of community-based supervision, such as probation. Probation is considered a front-end approach—that is, community-based supervision in lieu of serving any time in prison. Parole, on the other hand, is considered a back-end approach—that is, community supervision after one has been released from prison or jail.

Incarceration is by far the most expensive form of correctional sanction in the United States. The average cost of keeping an offender in prison (\$78.95 per day or almost \$29,000 per year) pales by comparison to the per-offender cost of probation (\$3.42 per day or about \$1,250 per year) and parole (\$7.47 per day or about \$2,730 per year). The total bill for incarceration has been mounting fast. During the last 25 years, the adult population in American jails and prisons surged 274 percent to 2.3 million (Pew, 2009).

Of course, cost cannot be the only consideration where public safety is concerned. But research demonstrates that despite the rapid increase in the U.S. incarcerated population over the last 2 decades, recidivism rates have not changed. At least half of those released from prison will return within 3 years (Pew, 2008). It is in this environment of exploding incarceration costs, coupled with the fact that incarceration is not very effective in deterring criminal behavior, that more viable, community-based alternatives to incarceration have evolved.

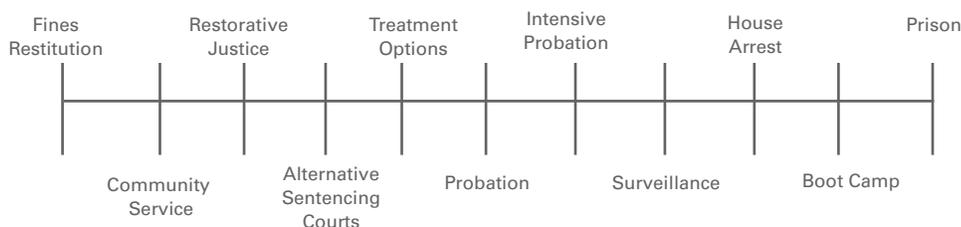
### **Community-Based Supervision: Components of Community-Based Sanctions**

Convicted offenders who are not incarcerated are typically sentenced to one or more sanctions or services to be delivered in the community under the supervision of corrections officials or representatives of other community agencies.

The continuum of community-based sanctions encompasses both sanctions and services. Sanctions range in severity from least severe to most severe. For example, a monetary fine would be at the lower end of the severity continuum and house arrest at the higher end. There are numerous other sanctions along the continuum, each with increasing levels of severity and supervision. In an effort to achieve important correctional goals, the courts will often mandate a combination of sanctions and services that together will help an offender achieve sentencing goals deemed important by the sentencing court.

A diagram of the continuum of sanctions is shown in Figure 1. Moving from left to right—beginning with “Fines/Restitution”—each new sanction provides an increasing level of severity as well as a growing level of offender restriction. Prison is listed as the final option, which takes the offender out of the community. (Treatment options are also included in the continuum.) For example, an offender sentenced to regular probation with treatment would experience much less restriction than an offender sentenced to boot camp. Space does not allow all the components of community-based sanctions to be shown here. Below are brief descriptions of many of the sanctions frequently utilized by the courts.

**Figure 1: Continuum of Community Sanctions**



### 1. **Fines, Costs, and Restitution**

At the least-restrictive end of the sanctions spectrum, there are fines, court costs, and restitution. The purpose of restitution is to compensate the offender's victims for their losses, while fines typically are paid to the state or judicial system as a form of punishment. In most criminal cases, the court will assess court costs and restitution to the victims, if there are any. It may also levy fines based on the statutory provisions relevant to the court's respective state criminal code. Monetary assessments are considered a less intrusive form of punishment in terms of restrictions and loss of freedom.

### 2. **Community Service**

The court has the option of ordering the offender to complete community service work as a form of punishment. Normally, the courts will assign a specific number of hours to be completed, usually between 40 and 200 hours, depending upon the state. This work is to be performed by the offender without financial compensation. It is one way for an offender to pay back the community for his or her crimes. Sponsors of community service work usually include nonprofit agencies or governmental entities.

### 3. **Restorative Justice**

Restorative justice is a philosophy that focuses on the harm that comes to the victim as a result of a criminal act. It holds the offender accountable and seeks to involve him or her in repairing the damage caused to victims. This relatively new approach to dealing with offenders is used most often with juvenile offenders who, due to their youth, are more likely to feel remorse for the pain and suffering they inflicted on their victims, and, as a result, change their future behavior.

Within the various restorative justice models, the victims include not only the people directly harmed, but also the wider community, whose sense of safety is compromised when a crime occurs in the neighborhood. Thus, both the primary victim and members of the community are encouraged to become part of the healing process. Examples of restorative approaches include victim-offender dialog; family group conferencing;

and community restorative boards. Agreements that are reached during these interventions often include restitution and community service. Community restorative boards, which will be described in detail in this report, represent a unique opportunity for police/community-based corrections collaboration.

#### 4. **Alternative Sentencing Courts**

Alternative sentencing courts, sometimes referred to as special needs courts, evolved out of the recognition that certain defendants in criminal cases may have significant needs that can best be addressed outside of prison without undue risk to public safety. One example is the drug court, where offenders may avail themselves of substance abuse treatment for a period of time in return for a dismissal of their case—if they successfully complete treatment. The typical drug court may last up to 1 year. In addition to attending treatment, the offender must meet with the judge weekly in open court to discuss the progress of his or her treatment.

Another example of an alternative sentencing court that will be highlighted in this report is the mental health court. This type of alternative court attempts to address the growing number of offenders in the criminal justice system with serious mental health problems that in some way contribute to their inability to remain law-abiding citizens. If offenders meet specific mental health criteria, they may avoid being processed through the normal court system. Instead, they may be sentenced through a mental health court where the focus will be on treatment and the monitoring of medications rather than on prison or other more traditional sanctions. These alternative courts are not available in all jurisdictions and may depend in part on grants and other external funding.

#### 5. **Treatment Options**

Next along the continuum of sanctions are a variety of treatment options for offenders. For example, if there is a documented history of drug or alcohol abuse, the court may order either in-patient or out-patient substance abuse treatment. The idea is that the criminogenic needs of offenders, that is, those needs or factors that contribute to criminal behavior, be addressed through some type of therapeutic intervention designed to reduce the risk of reoffending. There are a growing number of offenders with mental illness who require treatment, as well as other special needs groups, such as sex offenders. Therefore, treatment is frequently a sanction ordered by the court to assist offenders in becoming law-abiding citizens.

## 6. **Regular Probation**

Regular probation is a common form of community-based supervision. Probation officers monitor the offenders assigned to them to assure compliance with orders of the court. They also attempt to refer offenders to appropriate resources, which might include social service agencies or substance abuse treatment. Offenders on regular probation would normally be required to report to their probation officer once or twice each month. They must also comply with a set of standard probation conditions, such as abiding by the law, refraining from use of alcohol or drugs, and not possessing a firearm, to name a few. Each court of jurisdiction determines what the standard conditions of probation will be. Additionally, the sentencing court may order special probation conditions related to the specific needs of the offender. For example, if an offender has a documented history of substance abuse, the court might very well order substance abuse treatment. Or, if the offender had a codefendant, the court might order that the offender have no contact with his or her codefendant. It is the job of the probation officer to monitor and assure that all standard and special conditions of probation are followed.

Diversion is another option similar to probation, except diversion is usually used for minor charges. The offender still must abide by rules and meet obligations similar to those of probation. However, this is usually done before there is court involvement. It can be a referral from the prosecutor's office, or in some jurisdictions police can make direct referrals to diversion programs. Examples include anger management or restorative justice programming. In most cases, successful completion of a diversion program allows an offender to avoid the imposition of a formal sentence as well as a conviction being placed on his or her record.

## 7. **Intensive Supervised Probation**

Intensive supervised probation is a more heavily supervised and restrictive form of probation, as explained earlier. The intensity of supervision is frequently dependent on an assessment of risk and needs completed by the intensive supervision officer. It is not unusual for other forms of control, such as surveillance, house arrest, or electronic monitoring, to be imposed in conjunction with increased supervision levels. Sometimes called an intermediate sanction, intensive supervised probation is targeted toward offenders who, without this option, might otherwise be sentenced to prison.

## 8. **Surveillance**

Surveillance is a sanction designed to assure that offenders comply with the conditions of their community-based supervision. In some instances, a surveillance officer may visit an offender unannounced at a place he is expected to be, such as work, home, or even a treatment center. The officer monitors not only the offender's required presence at a specific location but also ensures that offender is, for example, performing required work

duties or receiving court-ordered treatment. Surveillance may occur during the traditional 8 a.m. to 5 p.m. work week or after hours as well as on weekends. An important objective of after-hours surveillance is to document that the probationer indeed lives where he says he lives and that he is not involved in prohibited behaviors, such as drinking or drug use. Surveillance, of course, is a more restrictive form of community supervision.

#### **9. House Arrest and Electronic Monitoring**

Yet another step up along the continuum of sanctions is house arrest. The offender is required to remain in his home except for certain approved periods when he is permitted to leave to attend counseling, report to a probation officer, or go to work or school. An approved schedule of home confinement is usually developed for the probationer. Leaving home at a time that is not approved constitutes a violation of house arrest and could result in revocation of probation or parole.

One problem with house arrest is monitoring offender compliance. Random telephone checks as well as surveillance officers visiting the home unannounced are strategies sometimes used in an attempt to monitor compliance. To better monitor compliance, house arrest is frequently combined with electronic monitoring. This involves the use of an electronic bracelet—placed either on the ankle or the wrist of the offender—which works in conjunction with a receiver/transmitter set up in the offender’s home.

#### **10. Day Reporting Centers**

Day reporting centers represent yet another sanction along the continuum. The court may order an offender to report daily to a specified day reporting center, where he will be required to participate in vocational, educational, or treatment services provided at the center as well as keep daily/weekly itineraries outlining the entire week’s activities. The supervising officer may then utilize surveillance officers to check and verify compliance with the approved center schedule. This type of sanction allows the offender to remain in the community while receiving a good deal of support and structure to assure compliance with the law and the court-ordered conditions of probation.

#### **11. Residential Treatment Centers**

These centers provide a form of treatment, usually related to substance abuse, that requires the offender to become a patient in a treatment facility. Some of these facilities may offer what are called therapeutic communities, which are designed to deal with long-standing and severe addiction to alcohol or drugs. Residential treatment typically lasts between 30 days and 6 months. Those involved in therapeutic communities may be in residential treatment for longer periods.

## 12. **Boot Camps**

Boot camps, which provide offenders a high degree of military-type discipline and structure, are another increasingly restrictive sanction. They are patterned after military boot camps and are most frequently used as a sanction for juvenile offenders. While in boot camp, an offender lives in a dormitory-style residence. He participates in a variety of activities designed to instill discipline and a strong work ethic. He also has access to educational, vocational, and treatment opportunities. An offender usually spends between 90 days and 6 months in a boot camp.

## 13. **Shock Incarceration**

This is an intermediate sanction designed to shock the offender into recognizing where he might be headed if he does not change his ways. It is a form of probation in which the offender must serve a brief time in jail prior to beginning the probation supervision. With shock incarceration, the offender gets a taste of what incarceration is like. It is hoped that this experience will motivate him to comply with the conditions of his probation and remain law abiding in order to avoid imprisonment.

## 14. **Work-Release Programs**

Work- or day-release programs are usually created as a way to allow inmates to maintain employment in the community. Some of these programs are part of reentry processes, while others are offered for those who are deemed not to be a threat to the community while incarcerated. Most of the work-release programs move inmates to a residential center where they are required to work during the day and return at night. Inmates usually pay a portion of their salary for their room and board, and court costs, restitution, and other court-ordered payments are taken from their paychecks. Inmates typically can save money or send it to their families while they complete their sentence.

## 15. **Prison**

Prison is the most restrictive sanction available to the court. In some states, the length of a prison sentence depends upon sentencing guidelines; in other states, the judge has more sentencing discretion within certain parameters set by statute. While programs and services are available to inmates in prison, the primary focus is on punishing the offender and separating him from the community in order to protect the public from harm.

## Benefits of Community-Based Sanctions

The benefits of community-based sanctions (CBS) are many and varied. Among their primary benefits, CBSs:

- » Help to alleviate jail and prison overcrowding
- » Offer a realistic way to rehabilitate offenders
- » Support increased monitoring and intensive supervision of targeted offenders—much more than would ever be available through regular probation
- » Provide the courts with a much wider range of sanctions and services than are available through regular probation.

### Growing Support for Community-Based Alternatives to Incarceration

This report examines programs that serve as safe and effective alternatives to incarceration. These programs may become more popular, as studies show the potential flaws in the practice of incarcerating low-risk offenders.

One example of that is a recent report by the Pew Center on the States, *One in 31: The Long Reach of American Corrections*. The report, utilizing data from all 50 states, indicates that while traditional incarceration is extremely expensive, it has not measurably improved public safety.

According to the 2009 report, the adult population in U.S. jails and prisons has ballooned 274 percent to 2.3 million during the last 25 years. Today, 1 in 100 American adults is incarcerated. States are paying a huge price for the rapid expansion of their prison and jail populations, spending an estimated total of \$52 billion on corrections in fiscal 2008—88 percent or roughly \$46 billion tied directly to incarceration costs. This represents a 300 percent increase in state corrections costs since 1988, outpacing the growth in state general funding of other essential services during the same period, including public assistance, (up 9 percent), transportation (up 82 percent), and elementary and secondary education (up 205 percent).

At the same time we have seen increased levels of incarceration, the 50 percent recidivism rate for released prisoners has not changed in 2 decades: more than half of those who leave prison will return within 3 years.

The Pew study also found that it was far cheaper to put a low-risk offender on probation or parole—at an average annual cost of \$1,250 and \$2,730, respectively—than to sentence him or her to prison at an average annual cost of \$29,000. Besides the tremendous savings, probation, parole, and other well-designed studies have found that many community-based alternatives to incarceration have proven to be more successful in preventing future crimes than confinement in a penal institution. The Pew report provides a detailed framework for effective, community-based alternatives. Although states will likely have to beef up their probation, parole, and other community-based alternative programming, the cost-per-offender will still be far less than states spend on incarceration (Pew, 2009).

Our report, *Effective Alternatives to Incarceration*, provides a detailed explanation of the various community-based sanction options available to states. It also profiles specific alternative programs nationwide that have successfully deterred offenders from crime and, at the same time, saved individual states millions of dollars annually.

## The Role of Law Enforcement in Collaborations That Support Alternatives to Incarceration

Law enforcement has good reason to participate in collaborations that support viable alternatives to incarceration that are designed to aggressively address some of the root causes of criminal behavior. Such collaborations with community corrections groups and others who have a stake in protecting their communities from crime represent a proactive approach to crime control, a concept which the COPS Office (see sidebar on page 24) has been promoting since the mid-1990s.

The COPS Office has long recognized the need for partnerships between law enforcement and stakeholders in the community to maximize its effectiveness in crime prevention and expand the resources available to do so. Partnerships with faith-based organizations resulted in the COPS Value-Based Initiative, which successfully engaged the faith community to work closely with law enforcement in dealing with some of the socioeconomic issues underlying crime (Gordon, 2004). Partnerships with probation and parole officials have led to the establishment of reentry programs that work in concert with local and regional law enforcement (La Vigne, Solomon, Beckman, and Dedel, 2006).

Community-based corrections offers yet another opportunity at collaboration, one that assists law enforcement in their efforts to maintain safe communities. (For juveniles, most “community corrections” occur in the form of juvenile court services.) Keeping low-risk offenders out of prison and in the community, actively involved in jobs and families, can avert many of the social and emotional problems caused or exacerbated by incarceration. In addition, police have much to offer community corrections organizations beyond their usual enforcement role. They often know people and neighborhoods better than corrections and/or rehabilitation groups do. Because police are so strongly invested in maintaining the peace of a community, they readily transmit their enthusiasm and commitment to outside groups. And finally, by collaborating with established programs, the resources of law enforcement can be greatly expanded.

Detailed information about developing and maximizing effective collaborations between and among law enforcement and other community groups is presented in the next section.

## About the COPS Office

The COPS Office was created through the Violent Crime Control and Law Enforcement Act of 1994. As a component of the U.S. Department of Justice, the mission of the COPS Office is to advance the practice of community policing as an effective strategy to improve public safety. Moving from a reactive to proactive role, community policing represents a shift from more traditional law enforcement practices. By addressing the root causes of criminal and disorderly behavior in the community, rather than simply responding to crimes once they have been committed, community policing

concentrates on both preventing crime and alleviating the atmosphere of fear it creates. Additionally, community policing encourages the use of crime-fighting technology, operational strategies, and the development of mutually beneficial relationships between law enforcement and the community. By earning the trust of the members of their communities and making those individuals stakeholders in their own safety, law enforcement can better understand and address the community's needs as well as the factors that contribute to crime.

## Model for Police/Community Corrections Collaborations

### Why Collaborate

Collaboration gives groups with at least some shared interests greater ability to accomplish common goals by combining their skills and resources. It allows collaborating organizations—in most instances, natural community partners—to maximize their resources and avoid duplication of efforts. For example, if two groups want to stem auto thefts in a neighborhood, they can come together and make a plan that identifies and assigns responsibility for all the tasks involved in their joint project. Whatever resources they have can be used in a strategic way to achieve their common goal of reducing car thefts.

When police participate in collaborations that strategically utilize skills and resources, they are supporting a systematic, comprehensive approach to addressing community crime and protection. At the same time, they become more visible to stakeholders throughout the community and thus gain greater acceptance.

### Collaboration: A Definition

The COPS Office has developed models to maximize the ability of law enforcement to create partnerships with different community and stakeholder groups. Collaboration within community oriented policing has been defined as follows:

Collaboration occurs when a number of agencies and individuals make a commitment to work together and contribute resources to obtain a common, long-term goal. Collaboration is the most intense type of working relationship, and the one that is most frequently required when implementing community policing. Building and sustaining an effective community policing collaboration requires much more than a decision

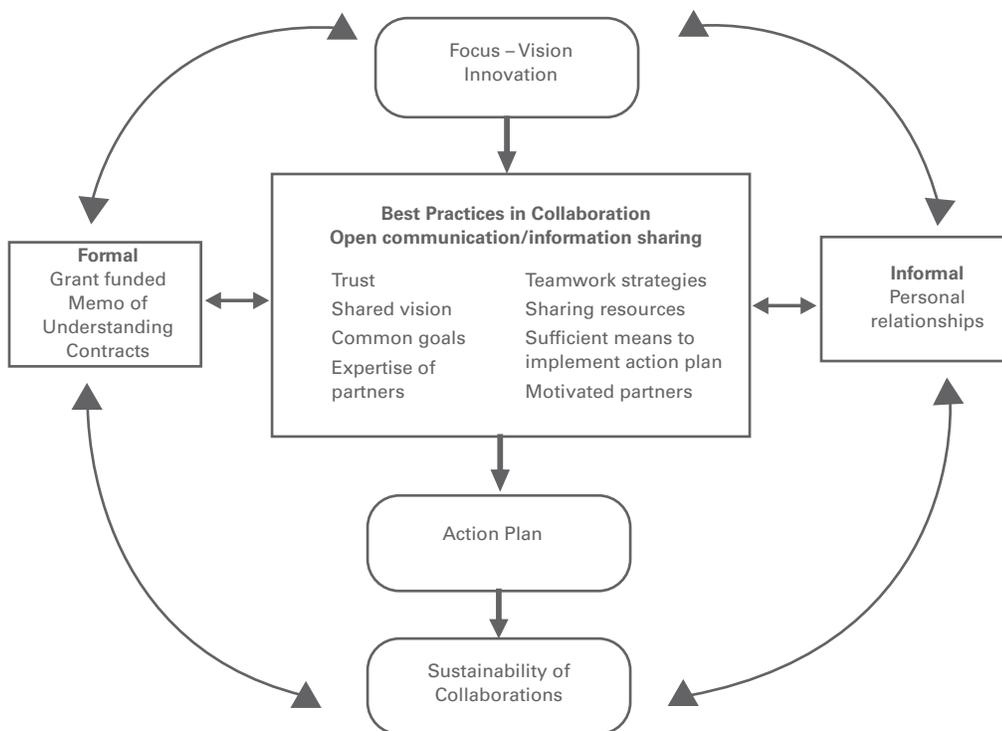
to merely work together. Effective collaborations promote team building, a sense of ownership, enthusiasm, and an environment that maximizes the chance of collaborative partnerships succeeding (Rhinehart, Laszlo, and Briscoe, 2001, p. 5–6).

The following are components of an effective collaboration:

- ▶ Stakeholders develop a vested interest in the collaboration.
- ▶ Trusting relationships develop among and between the partners.
- ▶ A shared vision and common goals emerge for the collaboration.

### Building and Sustaining Collaborations

The process of building and sustaining collaboration is ongoing and circular in nature. The process begins with developing a shared vision, or sometimes simply a shared concern, and ends with developing, implementing, and assessing an action plan to accomplish the vision or concern. Throughout the life of the collaborative effort, however, the partnership will attract new expertise, decide on additional motivators, and identify and access new means and resources. Partners must continually reassess the collaboration and, if necessary, determine what actions should be taken to strengthen one or a number of these components. Routinely examining “what’s working” and “what’s not working” is essential to building, motivating, and sustaining a collaboration that can achieve results.



**Figure 2: Model: Building & Sustaining Innovative Police/Community Corrections Collaborations**

## Unique Nature of Police/Community Corrections Collaborations

This report will examine different ways that law enforcement agencies have combined their talents with community-based corrections groups to create powerful collaborations. Before studying specific partnerships, however, it is important to understand the unique characteristics of these relationships.

### 1. Nature of Collaborations

Because police and sheriffs are the enforcers of the law, most connections between community-based corrections and police and sheriffs have traditionally involved some form of enforcement. If probationers violate the terms of their probation, it is the police who will arrest them and move them back into the criminal justice system. Police are often given lists of names of those in the community who are on probation, and they work with corrections agencies to keep an eye on their charges.

Today, however, protecting the public from crime requires approaches beyond merely enforcing the law. The prison population is exploding in part because many low-risk, nonviolent offenders are incarcerated for technical probation violations. Both police and community-based corrections groups have a vested interest in finding ways to acknowledge and punish the violation without imprisoning the violator. Numerous collaborations have evolved around this and similar issues related to finding the most appropriate way to sanction offenders. For example, law enforcement is part of restorative justice programs involving juveniles, where offenders are required to face members of their community at community restorative boards. Police and sheriffs are also working with mental health courts, where probationers are given the opportunity to benefit from treatment instead of being incarcerated.

### 2. Types of Collaborations

The police/corrections collaborations that exist run the gamut of types. Although they traditionally revolve around enforcement issues, many police/corrections collaborations focus on other concerns. Police are involved with community efforts to deal with issues of public safety. For example, in the Juvenile Detention Alternatives Initiative—an alternative to detention for juveniles covered in detail in this publication—police involvement has included the development of a risk-assessment instrument where law enforcement concerns are addressed. Police become partners in dealing with the issues of offenders in mental health courts and also serve on community restorative boards working with juvenile offenders. Their role helps create interventions that are successful because they include the knowledge developed as a result of their traditional enforcement background combined with newer approaches.

### 3. Sustainability of Collaborations

Stakeholders associated with both law enforcement and community-based corrections might work together, and sometimes this is based on the personal and professional relationships of the people involved. This tends to occur within enforcement types of partnerships and collaborations, such as those concerning probation violation issues.

While mutually helpful, there are problems with “informal” collaborations between law enforcement and community-based corrections. Because many informal collaborations are unique to the individuals involved, they may last only as long as the tenure of those individuals. Formal collaborations are usually developed in response to a particular need shared by two or more different agencies. These collaborations are often formalized through an agreement between the agencies, sometimes negotiated by the principal parties. These agreements are more often specific to agencies rather than to the key individuals involved.

The sustainability of formal collaborations can be more secure than informal ones; however, many of these collaborations are built around grants or other temporary funding, and, therefore, their sustainability may be unreliable.

## Model for Police/Community Corrections Collaborations

This section concludes with a discussion of the model for police/community corrections collaborations (see the Figure 2 diagram on page 25). It focuses on the key concerns, outlined below, that must be addressed in developing and implementing this innovative model for viable collaborations.

### 1. Best Practices in Collaboration

When possible, every stage of the collaboration should be part of a joint effort that includes the active participation of all agencies. These stakeholder groups should voice their individual agency goals as it relates to the partnership and then work to develop a group goal for their collaboration. All parties involved should see participation as a win-win situation, meaning that both groups and the community will benefit from the execution of their joint plan. Indicators of strong collaborations include the following:

- ▶▶ Open communication and information sharing
- ▶▶ Shared vision and common goals
- ▶▶ Experienced and motivated partners willing to share resources
- ▶▶ Collective efforts to find the means to implement the developed plan.

## 2. **Sustainability**

It is common for the beginning stages of a police/community-based corrections partnership to be initiated by friends from two different agencies. For the partnership to survive and flourish long term in the event one of the key initiators leaves his or her agency, it eventually must become agency-focused rather than individual-focused. This is most likely to occur through true collaboration, where the needs of all of the stakeholders involved are met. Such partnerships can also be maintained through formalized agreements. If the partnership is initiated through a grant or other outside funding, sustaining the funding should be a paramount issue when developing program plans.

## 3. **Innovation**

With 1 in 100 adults now incarcerated (Pew, 2008), new methods and collaborations are being examined. Collaboration with community-based corrections gives police an opportunity to move beyond their typical enforcement roles to help develop and support alternatives to incarceration. Some of these efforts will focus on offender accountability and others on rehabilitation.

## 4. **Ability to Duplicate**

While every collaboration is unique and reflects the place and circumstances of its creation, this report gives examples of model partnerships that have succeeded beyond the confines of the communities/agencies for which they were designed. The leaders of the model partnerships featured herein have learned by trial and error the best ways to share the skills and resources of their agencies in order to find viable alternatives to incarceration. These models—which represent collaborations throughout the country—provide a wealth of proven ideas for developing strong partnerships and establishing effective programs.

## 5. **Measurable Results**

Finding a way to measure the effectiveness of any program created by a police/corrections collaboration is an essential element of success. All programs should be evaluated to determine if they are in fact meeting the objectives of their respective partners. For example, was the recidivism rate among mentally ill offenders sentenced to treatment programs lower than that of similar offenders sentenced to prison or jail? Did each of the agencies involved in a collaboration complete all the tasks assigned and contribute all the agreed resources?

## The Community: An Essential Partner in Supporting Alternatives to Incarceration

The success of the alternatives to incarceration examined in this publication relies to a large extent on collaboration and cooperation between and among law enforcement, the courts, and the corrections system. Yet the greater community, be it in the form of public and private agencies or individual citizens, increasingly plays a vital role in the long-term effectiveness of many alternative and related support programs. A primary reason is that the community is perhaps the most important stakeholder in the criminal justice system.

- ▶ As victims of crime, the community, through residents who live there and the businesses and organizations that operate there, bear the brunt of the harm caused by crime. If, for example, a home is burglarized, the homeowner and his or her family are not the only ones affected. The people in the neighborhood—such as other homeowners, renters, as well as those who work or own businesses in the area—experience a heightened sense of fear that ultimately erodes their quality of life.
- ▶ As citizens, the community pays the huge financial and social costs of incarceration (as documented elsewhere in this publication). The skyrocketing expense of building and operating prisons often means less money for other essential community services, such as education, police, and fire protection.

Because crime—and the subsequent punishment meted out by the criminal justice system—so strongly affects the greater community, it is not surprising that community organizations as well as individual community members directly or indirectly partner with the criminal justice system in supporting alternatives to incarceration.

The most obvious community partnership represents agencies outside the criminal justice system operating programs that function as alternatives to incarceration. For example, the Community Justice Centers in the state of Vermont offer many restorative justice programs that serve as viable alternatives to incarceration. One such program, known as the Reparative Board (see page 62), focuses on diverting from incarceration primarily young, first-time offenders. The Reparative Board is composed of police and volunteer private citizens who work together to find a meaningful way to hold the offender accountable, which includes making amends to the victim and accessing the services that will help him/her avoid future criminal activity.

Other government or privately funded community agencies offer a wide range of support services that those who are being diverted from prison or jail may need to turn their lives around. These include mental health services, substance abuse services, housing assistance, job counseling, training, and many others.

Additionally, churches and other community groups provide services and address issues related to crime, such as operating/volunteering at shelters for battered women or offender reentry programs. One example of a volunteer community group that has partnered with the criminal justice system is the National Alliance on Mental Illness (NAMI), an organization representing the mentally ill, their families and friends as well as mental health professionals. NAMI has consistently supported the development of mental health courts (see page 76), which seek to find treatment and other appropriate alternatives to incarceration for mentally ill offenders who commit minor crimes. NAMI has also collaborated with the police in the development of crisis intervention teams (see page 73), which in some cases are composed of specially trained police who are on call to respond appropriately to suspects who exhibit signs of mental illness.

Virtually all groups that operate alternatives-to-incarceration programming, as well as related support services, depend on volunteers from the community. As a group, these volunteers feel more empowered by their participation. They believe they are playing a vital role in controlling crime and punishment and, as a result, become more invested in the life of their community. A 2000 study of 293 volunteer Reparative Board members in Vermont documented that more than nine in 10 found personal satisfaction with their Reparative Board participation and nearly 8 in 10 felt an increased sense of membership in the community (Karp, Bazemore, and Chesire, 2004).

collaboration alternative sentencing court collaboration  
restitution **community** probation restitution altern  
intensive supervised probation restorative justice intensive supervised  
reentry program electronic monitoring reentry program  
sentencing court community service restorative justice community service  
intensive supervised probation operation night light operation night light inten

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A Model Program for Juveniles:  
**Juvenile Detention Alternatives Initiative**

## Overview of the Juvenile Detention Alternatives Initiative

### The Problem: Unnecessary Detention of Nonviolent Juveniles

The old-fashioned strategy of turning juveniles who commit petty crimes over to their parents for punishment has been replaced in recent decades by a growing tendency to confine juveniles arrested for relatively minor offenses in locked facilities. Of the estimated 100,000 juveniles residing in U.S. juvenile detention centers each day, less than a third have been arrested for violent crimes. Approximately two in three juveniles have been detained for nonviolent and nonserious offenses, at least in terms of public safety, such as status offenses (runaways and truants), property damage, and nonviolent drug or alcohol violations.

Research shows that this “get-tough” approach to juvenile delinquency has had unexpected consequences. First, it is extremely costly, both in financial and human terms. Communities spend \$200–\$300 per day to keep a youth in a juvenile facility. Despite this substantial investment, too often it seems that none of the primary objectives of confinement—rehabilitate the offending juvenile and protect the community from harm—is achieved. An estimated 50 to 80 percent of youth released from juvenile facilities are rearrested within 3 years. Additionally, the long-term repercussions for the confined juvenile can be devastating. Compared to other youth, he or she is more likely to leave school without a diploma, work in low-wage jobs, struggle with substance abuse and other health problems, and end up in jail or prison as an adult (Annie E. Casey, n/d).

### Juvenile Detention Alternatives Initiative: An Alternative to Confining Juveniles

The literature documents that there are more effective and less harsh approaches to dealing with nonviolent juvenile delinquents who are, by nature of their youth, less culpable for their acts and more amenable to rehabilitation.

In 1992, the Annie E. Casey Foundation—which during the last 60 years has developed a variety of national programs to help vulnerable youth—utilized this and other research to establish the Juvenile Detention Alternatives Initiative (JDAI). This pilot project focused on diverting low-risk youth arrested for relatively minor offenses away from juvenile detention centers and into more developmentally appropriate community programs and services. The primary objectives of JDAI were to save jurisdictions millions of dollars in detention costs and, at the same time, protect the public safety and produce better outcomes for youth involved in relatively minor offenses. (See sidebar about core JDAI strategies on page 36.)

## Basic Components of JDAI

### Objective Screening Instrument

The first step in reducing unnecessary confinements in juvenile detention centers was to find a way to quickly determine who among recently arrested juveniles belonged in locked facilities and who would benefit from less costly, community-based alternatives *without jeopardizing public safety*. JDAI helped participating jurisdictions develop objective screening instruments—based on data related to each youth’s risk factors—that would separate low-risk youth from higher-risk delinquents who required confinement. Because police have a frontline role in arresting offending juveniles and developing the initial case record, they will typically play a key role in developing the screening instrument.

One important outcome of the screening tool is that it strives, as much as possible, to be color-blind and not discriminate on the basis of race or ethnicity. This is critical because juveniles of color are disproportionately confined in juvenile facilities. For example, although African-American youth represent roughly 16 percent of the youth population, they account for 38 percent of the population in juvenile correctional facilities.

### Alternatives to Juvenile Detention

But what do you do with all the low-risk kids who have broken the law? JDAI assists jurisdictions in identifying—and creating when necessary—viable community-based alternatives to detention. The most obvious and frequently used alternative is some form of home detention under the direct supervision of parents and, when necessary, with additional monitoring on the part of the juvenile court. Low-risk juveniles without a reliable home base are sometimes assigned to 24-hour shelters that specialize in dealing with delinquent youth.

Another alternative to confinement is day or evening reporting centers. Such centers, usually open between 3 p.m. to 9 p.m. when youth are most likely to get into trouble, provide a rich variety of supervised educational and recreational activities. Some juvenile offenders may be diverted to both home detention and a reporting center.

## Effective Collaboration: Key to Success of JDAI

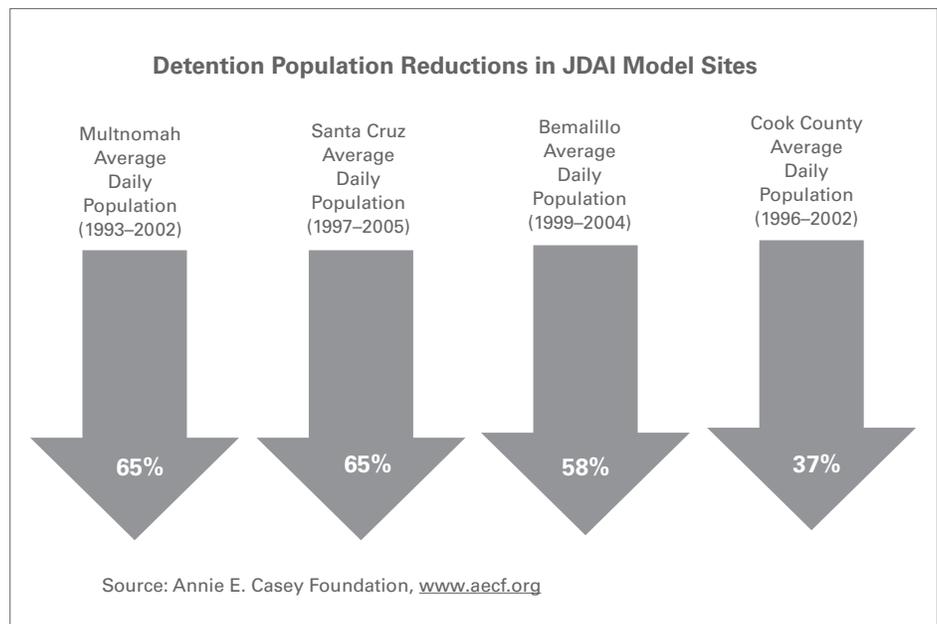
At the core of JDAI is a different strategy—a switch in focus from “fixing” delinquents to changing the attitudes and behaviors of the adults who deal with them. This change in approach must encompass all the agencies that have meaningful contact with juvenile offenders, from the police who arrest them and the juvenile justice system that handles their cases to the myriad of community agencies that provide youth services. To achieve this level of systemic change requires the intense cooperation and collaboration of all relevant agencies. Police and other law enforcement officials must be key players in any such collaboration. As first responders to criminal activity in the community, they often possess a great deal of insight about the nature of juvenile crime and why some kids get into trouble.

Under JDAI, the necessary collaboration among agencies is established via a so-called central coordinating group that must find ways to garner a “buy-in” among key participants and develop a plan of action for diverting low-risk delinquents to alternative community-based programs. Forging such collaborations can be challenging as will be demonstrated in the example profiles discussed later in this section.

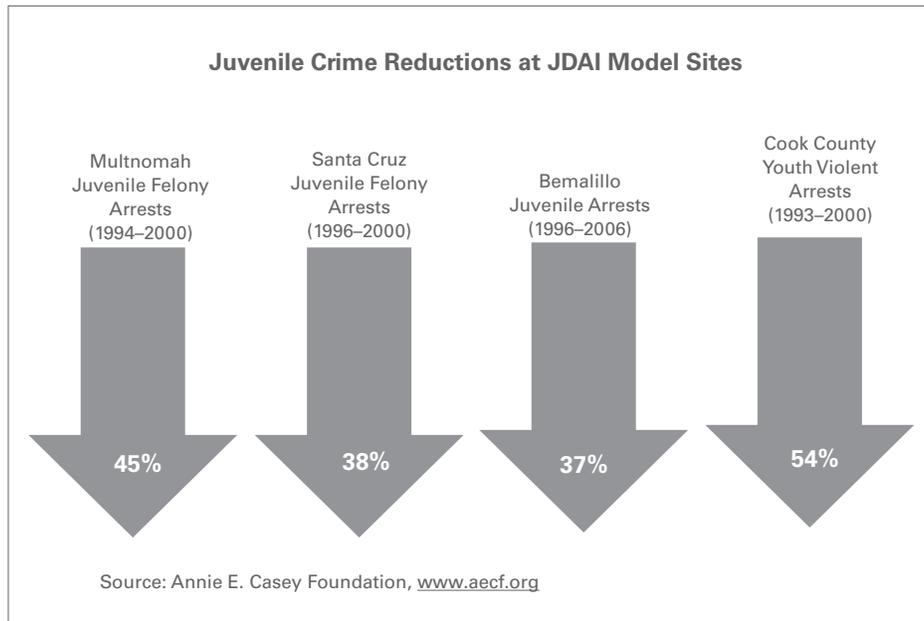
### The Success of the JDAI Model

Juvenile court systems that have embraced the JDAI model are experiencing outstanding results. The average daily population in juvenile detention centers is down considerably as is juvenile crime. Below is a sampling of outcomes experienced by some of the earliest model JDAI sites.

#### Substantial Reduction in Average Daily Juvenile Detention Population



## Substantial Reduction in Juvenile Crime



Notes: 1. Although the dates covered in the two graphs are not identical for each JDAI site, there is nonetheless a clear trend indicating a substantial reduction in both juvenile detention and crime. 2. The reduction in detention represents nonviolent offenders, while the reduction in crime represents both violent and nonviolent offenders.

### Other Positive Outcomes

- ▶ The substantial disparity in the detention of youths of color, especially African-Americans, has been greatly reduced in most model JDAI programs. For example, in Multnomah County, Oregon, (Portland and surrounding suburbs) the share of minority youth confined in detention centers fell from 70 percent in 1993 to 50 percent in 2003.
- ▶ The success of JDAI has generated a growing awareness of the need for juvenile detention reform. Numerous states, counties, and other jurisdictions have already or are in the process of changing their juvenile detention policies in line with JDAI principles. Three JDAI model sites were selected to participate in the Robert Wood Johnson Foundation's *Reclaiming Futures*, an initiative that seeks to increase the prevention and treatment services available to drug-involved youth in the juvenile justice system.
- ▶ JDAI sites have substantially reduced their detention budgets and redeployed resources into more productive, cost-effective uses. For example, Pierce County, Washington, closed a 50-bed unit in its juvenile detention center and used the approximately \$800,000 in reduced operating costs to support community-based alternatives to detention for delinquent youth.

## Juvenile Detention Alternatives Initiative Core Strategies

JDAI is based on interconnected strategies and approaches to promote smarter, fairer, more efficient, and more effective systems. They include the following:

**Collaboration** between major juvenile justice agencies and community organizations.

**Use of accurate data** to diagnose the system's problems and identify real solutions.

**Objective admissions criteria and instruments** to replace subjective decisions that inappropriately place children in custody.

**Alternatives to detention** to increase the options available for arrested youth.

**Reforms** to speed up case processing so that youth don't languish in detention.

**Reducing the use of secure confinement for special cases** like technical probation violations.

**Improving conditions of confinement** through routine inspections.

Source: Annie E. Casey Foundation, [www.aecf.org](http://www.aecf.org)

## JDAI in Multnomah County, Oregon

In the early 1990s, the juvenile justice system in Multnomah County, Oregon, was under siege. A federal consent degree had been issued because of overcrowding and a host of other unacceptable conditions in the county's juvenile detention facility.

### The Problem

In practice if not in policy, the vast majority of juveniles arrested, no matter how insignificant the offense, were detained for adjudication. The county's "lock them up" stance was not improving public safety. Both juvenile crime and recidivism rates were rising. And county expenditures for incarcerating offending juveniles were escalating out of control. Something had to be done.

### JDAI as a Solution

In the early 1990s, officials in the county's Department of Community Justice (DCJ) had begun investigating the Juvenile Detention Alternatives Initiative (JDAI) established by the Annie E. Casey Foundation. JDAI focuses on channeling juveniles accused or convicted of relatively minor crimes away from detention and into more developmentally appropriate settings. More than a decade after adopting a JDAI-like approach, things have changed dramatically. Detentions are down from 96 per day in 1993 to an average of 20 per day in 2008. Less than 2 in 10 juveniles arrested are put in a detention facility. The rest end up in a variety of settings, from home with parents to supervised shelters and treatment programs—all with intensive social service support. "It has been amazing," says Rick Jensen, systems reform project manager for the Multnomah County Department of Community Justice. "The more we pushed kids out of the system, the more crime went down."

## Transformation Through Collaboration

The fact is that the county's DCJ transformed its juvenile justice system. But the transformation did not happen all at once. It occurred during the course of several years and was spearheaded by a coordinating committee, known as the Detention Reform Committee (DRC). The role of the DRC was to find a way to reduce the number of juveniles confined by the county *without* putting the public at risk. The DRC included every group involved in any aspect of the juvenile justice system, from the police who arrest and the attorneys who prosecute juvenile delinquents to judges and other officials in the juvenile court system to social workers, educators, and others who understand the needs of troubled youth.

Initially, there was considerable skepticism among many of those participating in the DRC. Representatives from the Portland Police Bureau, for example, did not immediately embrace the idea of releasing a substantial portion of the delinquents they arrested. Their stance: *we'll just arrest these same kids again within the month for another offense*. They had to be convinced by experts and research that putting youngsters considered to be relatively criminally naive in facilities with hard core delinquents did nothing to rehabilitate them. In fact, seasoned delinquents taught them to be better criminals.

## High-Risk versus High-Need Formula

After many meetings and animated discussions, the DRC came to a consensus around detaining juveniles. Their formula: detain only so-called high-risk juveniles (those accused of felonies or misdemeanors involving violence). The remaining juveniles—officially labeled high-need youth—were to be channeled into programs and services to address the underlying problems, such as homelessness or substance abuse—that tend to be the root cause of the low-level crimes they commit.

Agreeing on definitions for high-need and high-risk juveniles was just the beginning for DRC members. The next step was more formidable: what to do with all the high-need kids, many of whom were homeless or living with dysfunctional families. Initially, a social worker was placed in the downtown police precinct where the majority of juveniles were arrested; however, the task of finding appropriate placements for so many high-need youngsters proved overwhelming. The DRC eventually worked with an area youth organization to establish a processing entity, known as the Reception Center, for all high-need youth.

## The Reception Center: A Unique Approach to Dealing with Low-Risk, High-Need Juveniles

The Reception Center, which is operated under the umbrella of New Avenues for Youth, a local nonprofit program, is where police take the high-need juveniles they arrest. There, the juveniles are fed, given a chance to calm down, and then assessed to determine the best placement. Those juveniles with families willing and able to take responsibility for them are released into the

care of parents or guardians. The rest are assigned to youth shelters skilled in working with delinquent young people. A case manager assigned to each juvenile ensures that the child receives all the health and social services required to get his or her life on track. This includes family reunification, if possible.

*It is the police who decide which arrested juveniles are high-risk and which ones are high-need.* This determination is made on the basis of known facts rather than a risk assessment tool. If the juvenile has been arrested for a felony or even a misdemeanor involving violence or a weapon, he or she is taken to the juvenile detention center for further assessment. If the arrested youth has committed a less serious crime—or a nondetainable act, such as truancy, running away from home or other status offense—he or she is automatically taken to the Reception Center. Police officers routinely receive special training in separating high-risk juveniles from high-need juveniles.

### **The Fate of High-Risk Juveniles**

Today, approximately two-thirds of juveniles arrested in Multnomah County are considered high-need and are taken to the Reception Center. The remaining high-risk juveniles are transported to the county's detention center. However, they are not automatically incarcerated. Instead, detention officials further evaluate each youngster, using an objective risk-assessment tool to determine who is a candidate for release via Multnomah County's various supervised informal diversion programs and who should be confined because his or her release would pose a significant threat to the public.

### **Risk-Assessment Instrument**

The risk-assessment instrument (RAI) used today was developed during a period of 2 years by a subcommittee of the Detention Reform Committee. It included representatives from law enforcement, juvenile prosecutors, the juvenile court system, and other youth-serving organizations. It was designed to be very objective so that detention center staff would not be influenced by race, gender, or other considerations that did not directly affect the likelihood that a juvenile would commit another crime if released. The county's juvenile RAI assigns point values for a range of indicators associated with the arrested youth: the nature of current offense, previous history in the juvenile justice system, family support, school attendance and performance, etc. The finding of the RAI, either for supervised informal release or detention, is subject to override by the arresting police officer or the detention intake worker who implements the RAI. One or both may have additional information, based on personal contact with the juvenile, that would change a release or confinement finding by the RAI.

The initial RAI was revised within a few months when too many juveniles released due to low RAI scores reoffended or did not show up for court. The current RAI, however, seems to be hitting the mark. Among the high-risk juveniles released into the county's biggest supervised informal diversion program in 2007 (the most current year for which data was available), only 3 percent reoffended before the disposition of their initial case and only 4 percent failed to appear for their court hearing.

### **The Multiple Benefits of the JDAI**

Confining juveniles in detention facilities is not a cost-effective option for the county and, research shows, is the least likely option to produce positive outcomes for juveniles. Multnomah County pays about \$300 a day to keep a juvenile in a detention center compared with about \$50 a day for supervised release. Plus, the county no longer has to invest much in the two-thirds of all juveniles arrested who are determined to be high-need youth who pose little if any risk to the public. They are now diverted to the Reception Center. Of the many social services and treatment programs subsequently available to these troubled youngsters and their families, most already existed in some form. Although some expanded to accommodate delinquent youth who previously would have been incarcerated, the juvenile justice system does not pay for these community services.

### **Essential Elements of the Multnomah County's JDAI**

To responsibly reduce juvenile detention, communities need to do several things, according Rick Jensen, who oversaw the implementation of one of the first and most successful JDAIs in the country.

- ▶▶ Collaborate with partners. It is imperative that every group that has anything to do with the juvenile justice system come to the table. The police represent an essential partner because they are the first point of contact with juvenile offenders.
- ▶▶ Create a predictable RAI. There is a need for an RAI that separates the relatively few true bad guys, who need to be locked up, from kids who are just troublesome and, with time and appropriate intervention, will turn out fine.
- ▶▶ Provide a broad range of intervention services. These include substance abuse treatment, mental health services, health care, and other support services for children and their families.

## JDAI in New Jersey

New Jersey is the first state to be named a model for implementing the JDAI on a statewide basis.

### The Problem

The reason: many juvenile courts throughout the state were facing crisis situations that had been escalating for years. In the late 1980s, Essex County was placed under a federal consent decree to ease overcrowding and improve other unsanitary and unsafe conditions in their juvenile detention facilities. Additionally, in Camden County, where the official capacity for juveniles in its detention facility was 37, the daily population was frequently as high as 90.

Juvenile detention problems in Camden and Essex counties were reflected to a greater or lesser extent in most of the juvenile facilities throughout the state. In 1996, New Jersey took bold action by forming a statewide Detention Reform Task Force to study and develop solutions to the growing use of secure detention in the juvenile justice system. In time, members of the task force, which included police, prosecutors, judges, juvenile justice staff, and others associated with the juvenile justice system, came to consensus on several issues. They agreed that many juveniles currently confined in detention facilities did not necessarily need to be there. Comprehensive research from the Annie E. Casey Foundation, which develops and supports programs to help vulnerable youth, indicated that incarcerating juveniles who commit low-level crimes neither improves public safety nor rehabilitates the errant youth.

### Looking to JDAI for Solutions

New Jersey already had a successful program, known as Stationhouse Adjustments, that gave police and other law enforcement agencies the discretion to deal directly with juveniles involved in minor offenses, a strategy that keeps them out of the court system. (See sidebar on page 43.) The success of Stationhouse Adjustments, which began in 1990, seemed to sustain the notion that diversion strategies for juveniles who commit minor offenses do not put the public at risk. By the early 2000s, juvenile crime in the state was also declining. At the same time, however, New Jersey's juvenile detention population was growing, as was the cost of confinement. Additionally, minority juveniles were proportionately overrepresented in state detention facilities. The New Jersey Juvenile Justice Commission (JJJ), the state's youth correctional agency and the agency with a legislative mandate to lead juvenile justice reform, recognized that fewer juveniles could be placed in detention facilities if there were viable alternative programs in the community to serve lower-risk delinquents. Through a partnership with the Coalition for Juvenile Justice, a national nonprofit organization, the JJJ decided to apply to the Annie E. Casey Foundation to implement its Juvenile Detention Alternatives Initiative statewide. The application was approved in 2003.

## Collaboration

New Jersey's JDAI State Steering Committee—the official planning body under the JDAI model—included representatives from police, juvenile judges and prosecutors, public defenders, probation officials, juvenile court staff, human service agencies as well as other groups with a stake in issues related to juvenile crime. Each of New Jersey's JDAI counties has a local Steering Committee that mirrors the state committee's membership. Key among the original JDAI State Steering Committee members was Bob Sarnecki, the president of the statewide Juvenile Officers Association, which is composed of police officers assigned to oversee juvenile crime matters in every police department in the state. These are officers who work directly with juvenile delinquents accused of everything from skipping school to murder. They handle Stationhouse Adjustments and have considerable insight into the types of juveniles who will respond positively to community-based alternatives to incarceration.

It was the collaboration of these groups of key participants at both the state and county level that led to the success of the JDAI project, but it took time and patience. Each group was representing its own stakeholders, and it was imperative that there was much listening during these meetings. Everyone had a similar goal, that of protecting the public safety. According to Sarnecki, there were “spirited discussions” but in the end, they were able to find a common goal.

## Risk-Assessment Instrument

This diverse group of JDAI stakeholders had a variety of interests and priorities. As a result, it took them more than 2 years of quarterly meetings to create and build consensus around a plan to implement a RAI for New Jersey. The Juvenile Officers Association was an integral part of the subcommittee that developed the RAI. The RAI would eventually be used to determine which arrested juveniles would be detained in a juvenile facility until his or her case was adjudicated and which ones would be diverted into alternative community programming. The RAI was designed to be objective and racially and ethnically blind, taking into consideration only the criminal behavior and history of the juvenile. Specific points are assigned to the different levels of response to the various questions on the RAI, such as the severity of the offense, history of past juvenile adjudications, and failure to appear in court to answer to previous charges. If the RAI score is below a preset number, the juvenile is eligible for release to parents/guardians or a community-based, alternative program. Otherwise, he or she will be detained.

Although the RAI was to be implemented by juvenile intake officers at the court, it was imperative that police accept the RAI as a legitimate measure of risk. It needed to effectively identify and separate so-called high-risk delinquents, who pose a considerable risk to society, from those who are unlikely to commit any serious crime if released. It was agreed that the RAI was a working document that could be adjusted if police or other members of

the RAI subcommittee found it wanting. Finally, since the RAI is implemented by court officials and not by police officers, it does not impede the discretion of the police in determining whether to request detention for a given juvenile.

### Alternatives to Detention

Another hurdle for the JDAI Steering Committee was the lack of alternative programming for juveniles who were deemed by the RAI to be eligible for some kind supervised release. The purpose of supervised release is to ensure that the accused juvenile, during the 30 to 60 days before the final disposition of his or her case, 1. does not reoffend and 2. shows up for the court hearing. Most JDAI jurisdictions already had at least one alternative program, usually some form of electronic monitoring, that enabled juvenile officials to keep tabs on the whereabouts of juveniles under supervision of the court.

By reallocating existing funding streams (juvenile funds, county funds, and state budget allocations), New Jersey was able to significantly increase the level of alternative programming available to juveniles. Two major initiatives were added or enhanced. The first was the home detention program, already available in several communities, with juvenile staff making both announced and unannounced home visits and calls to confirm that a youth was where he or she is supposed to be. The second was the Evening Reporting Center, new to New Jersey but part of the JDAI complement of supervised alternative programming. The reporting center keeps juveniles occupied after school and in the early evening hours, times when research shows they are most likely to get into trouble. Participating juveniles are picked up at home or school and transported to the local reporting center, where they are engaged in a variety of recreational, tutoring, and skill-building activities. In New Jersey, it costs an average of about \$150,000 per year to operate an Evening Reporting Center.

### Progress to Date

New Jersey began formally implementing JDAI in 2004, and to date it has been fully incorporated in 11 of the state's 21 counties. It will be implemented in the remaining 10 counties by 2011.

But even partial JDAI implementation is producing outstanding results. Juvenile detention rates fell 25 percent statewide from 2002, when the JDAI planning process began, to 2006 (New Jersey Kids Count, 2006). This cannot be attributed to dramatically declining arrest rates, which fell only 2 percent during the same period. Another testament to the efficacy of JDAI is that the juvenile detention numbers in some counties where JDAI has yet to be implemented soared by as much as 50 percent (*The Press of Atlantic City*, 6-12-08).

Based on these data, it seems reasonable to anticipate that once JDAI—with its RAI and the development of alternative placement programming—is fully implemented in every New Jersey county, juvenile detention and the high costs associated with it will continue to fall. While the state is saving money, outcomes for lower-risk youth diverted into alternative programs should continue to improve.

### **Stationhouse Adjustments**

Adapted from the New Jersey Attorney General's Stationhouse Adjustments Guidelines  
March 31, 2008

The Stationhouse Adjustment is an alternative method for handling juvenile offenders who have committed minor juvenile offenses and is now used by every police department in New Jersey. The intent is to provide the juvenile with an opportunity to avoid the stigma of a formal juvenile delinquency record. It is not, however, a “get out of jail free” ticket. Stationhouse Adjustments impose fast and specific consequences on the offending juvenile and provide prompt and convenient resolution for the victim.

Stationhouse Adjustments are generally implemented by the police officer (also known as the juvenile officer) assigned to oversee juvenile crime matters in each precinct. If all involved parties agree to participate, the

juvenile, his or her parent/guardian, and the victim each meet with the juvenile officer to discuss the offense. Restitution on the part of the juvenile is essential. If property has been stolen or damaged, the juvenile will be required to make restitution in some form that is acceptable to the victim. This may include performing community service as an alternative to financial restitution. If appropriate, the juvenile and his family may be referred to needed social services.

This process allows juvenile officers to resolve minor incidents without filing a formal complaint and overloading the court with problems best resolved outside the courtroom. If the victim is not satisfied with the Stationhouse Adjustment process, he or she retains the right to file a formal complaint against the offending juvenile.



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New Approaches to  
**Traditional Collaborations**

## Collaboration Trends

### Rationale for Interagency Information Sharing

Law enforcement and community corrections agencies have always shared information, in part because the two groups have a common interest. Police and sheriffs arrest criminals, many of whom eventually end up on probation or parole. Both the police and corrections officials have a stake in ensuring that probationers and parolees adhere to the terms of their court-ordered supervision because doing so substantially reduces that likelihood that they will re-offend.

Historically, the sharing of information about criminals and potential criminal behavior has been informal and based on personal and professional relationships between law enforcement officials and probation and parole officers. For example, police may know that John, whom they arrested last year for breaking into a stereo store, is currently on probation for a first-time offense. But they see John on the street loitering with known gang members in clear violation of his probation. By contacting John's probation officer, the police are conveying vital information that could be used to intervene—such as by threatening to send John to prison if he is ever caught again associating with gang members—and hopefully prevent what has been for some an endless cycle of crime, arrest, punishment, and recidivism.

For the most part, this sharing of information between agencies that had mutual interests was informal and based on the whims of the people involved. Since the 1990s, however, there has been a growing trend toward more formal police/probation or parole partnerships—something less casual and more official specifically designed to reduce violent crime as well as to better monitor probationers and parolees (Condon, 2003). This chapter will describe several formal partnerships between law enforcement agencies and corrections officials that played an important role in quelling gang activity and violent crime in urban areas. The last section of this chapter will focus on a variety of informal but very effective federal probation collaborations with local, state, and federal law enforcement agencies.

## Operation Night Light

Operation Night Light began as an informal partnership between police and probation officers in Boston in 1992, during a period when youth gang violence was undermining the safety in the city's urban neighborhoods. The problem that led to Operation Night Light was that many young probationers were violating the terms of their probation—such as leaving their homes after dark—because probation officers were not monitoring them during evening hours, when they were most likely to get into trouble. Probation officers avoided night visits for good reason: most probationers lived in high-crime neighborhoods, and probation officers did not feel safe in those areas at night. With little or no supervision, many probationers felt free to do as they pleased, which included participating in criminal activities. During this same period, the Boston Police Department (BPD) had been developing strategies to combat gang violence. To catch the gang leaders and reduce the level of gang violence, they needed more information about gang activities at the neighborhood level.

Operation Night Light evolved out of conversations that turned into a collaboration between probation officers in the Dorchester District Court and police officers from BPD's Anti-Gang Violence Unit. They hatched a plan to satisfy the needs of both agencies. Specifically, by accompanying probation officers during evening home visits, the police, simply by virtue of their presence, would greatly reduce the risk of harm. At the same time, the police would be in an informal situation where they were more likely to secure valuable information about youth crime in the very neighborhoods where youth violence was rife.

### Program Overview

The resulting collaboration paired one probation officer with two BPD police officers. Several evenings a week, Operation Night Light teams would make unannounced visits to probationers' homes, schools or work sites. These visits would generally occur between 7 p.m. and midnight. The police dressed in civilian clothes and drove unmarked cars, in part to avoid tipping off probationers and in part to blend into the neighborhood. During the visit, the probation officer would caution the probationer about violating the terms of his probation, and the police would talk with both the probationer and his parents about resources available to help the errant youth go straight. Once Operation Night Light became well known in the community, youth on probation were more likely to be where they were supposed to be at night, fearing an unannounced visit from their probation officer. A violation of probation could result in incarceration.

In time, Operation Night Light produced such positive results that the program was formalized and became part of the BPD's larger strategic plan to combat youth crime.

## Early Outcomes/Recent Trends

As indicated below, Operation Night Light was successful early on in increasing compliance and reducing arrests among probationers monitored by the program, which resulted in reduced homicides in Boston. A more recent analysis by the BPD documents significant decreases in youth arrests as well as in violent crime in those areas of the city where crime is most concentrated.

### Early Outcomes

- ▶▶ Probationer arrests *declined* 9.2 percent between January 1994 and June 1996 while arrests *increased* 14 percent statewide.
- ▶▶ Homicides, which reached a high of 152 in 1990, fell nearly 79 percent to 31 by 1999.

### Recent Trends

A more recent analysis released in 2009 by the BPD's Office of Research and Development documents significant decreases in youth arrests as well as in violent crime in those areas of the city where crime is most concentrated. According to the report, these reductions are related primarily to Operation Night Light and Operation Homefront. Both programs feature evening visits to the homes of young people by police and other community officials. However, unlike Operation Night Light, which focuses exclusively on probationers who have already been convicted of crimes, Operation Homefront involves youth who are considered to be potential future offenders by school officials and others in the community who work with youth.

2009 report findings:

- ▶▶ In 2007, youth arrests were down 26 percent, from 971 in 2006 to 718 in 2007.
- ▶▶ In Boston's high-crime hot spots, violent crime declined 12 percent in a single 6-month period, October 2007–March 2008, compared with the same period the previous year.
- ▶▶ Several areas—including Codman Square (down 54 percent) and South End (down 40 percent) experienced significant reductions in violent crime during the same period in 2008.

These reported outcomes show the power and effectiveness of collaboration by police and probation and parole agencies to stem crime and improve compliance with court-ordered probation conditions. The program exemplifies interagency, enforcement-oriented cooperation and coordination.

Operation Night Light has been duplicated in other jurisdictions nationwide that are dealing with youth crime and violence. Maryland, for example, launched a similar program in September 1997 that pairs up three or more probation agents with police officers in 35 crime hot spots. Texas also used this basic model to develop Project Spotlight, described below.

## Project Spotlight

Project Spotlight was created and funded by the Texas Legislature in 1999 to reduce violent crime in high-crime neighborhoods in seven of the largest urban counties in Texas (Evans, 2001). Unlike Boston's Operation Night Light, which began informally, Project Spotlight was from the start a formal collaboration between law enforcement and juvenile and adult probation agencies.

### Issues That Led to the Collaboration

In the late 1990s, most urban Texas communities were struggling with growing levels of violent crime perpetrated by juveniles and young adults. Many of these youthful criminals reoffended while they were on probation, suggesting that the existing system for supervising probationers wasn't very effective.

A major obstacle to better supervision was the lack of communication between correction agencies (juvenile and adult probation officers) and law enforcement officials. Both groups played a role in monitoring high-risk probationers, but they rarely spoke to each other, much less shared information.

### Program Operation

Project Spotlight was designed to address both these problems via probation monitoring teams, each composed of one juvenile probation officer, one adult probation officer, and one law enforcement officer (from the local police department or sheriff's office). Together, they would provide intense supervision of high-risk probationers assigned to their team (Project Spotlight, 2002).

Project Spotlight teams would visit the homes, workplaces, and even schools of each probationer three to five times a week, during the evening and on weekends, nontraditional hours by probation-monitoring standards. Some visits were scheduled; others were unannounced. The intent was to ensure that probationers were where they should be during periods when they were most likely to violate probation and possibly commit other crimes.

Several features were built into Project Spotlight to make it more effective than traditional probation supervision programs. Chief among these was the small caseload of 16 probationers assigned to each team, making it possible to provide intensive monitoring not just in theory but in practice. As a result, probation officers were able to act quickly to sanction, and if necessary

incarcerate, probationers who violated the terms of their probation. Police and other law enforcement officials who served on Project Spotlight teams often functioned as informal case managers, referring probationers and their families to needed services, such as education and job training, substance abuse counseling, and parenting programs.

## Funding

The Texas Legislature funded Project Spotlight via an initial \$5.2 million appropriation to the Texas Criminal Justice Policy Council for a 2-year period to support a collaborative probationary effort that would achieve the following objectives:

- ▶▶ Lower the crime rates in the targeted areas
- ▶▶ Improve the supervision of offenders on probation
- ▶▶ Decrease the recidivism rates of probationers under Project Spotlight's supervision
- ▶▶ Improve public safety in communities served by Project Spotlight (Evans, 2001).

## Outcomes

Outcome information is limited in part because the measures by which Project Spotlight was to be evaluated changed several times between 1999 and 2003, when the collaboration was terminated due to a lack of funding. There were many anecdotal testimonials from probationers who said Project Spotlight had changed their lives. Such testimonials were partly a result of a spin-off from Project Spotlight for wraparound support services, funded by Project Spotlight, for probationers and their families. These included GED centers where probationers could complete their high school education, substance abuse programs, parenting classes, and gang intervention activities designed to help individuals extricate themselves from gang involvement. Cooperation and improved communication among Project Spotlight collaboration partners contributed to interceptions of large quantities of drugs on several occasions.

## Funding Problems

In retrospect, although the comprehensive project funding provided by the state of Texas proved to be invaluable in getting Project Spotlight off the ground, it turned out to be a detriment to sustaining the program long term. In 2003, the Criminal Justice Policy Council, the oversight agency for Project Spotlight, was defunded partly for reasons having nothing to do with the efficacy of Project Spotlight. Nonetheless, without substantial funding from other sources, Project Spotlight was terminated. The lesson learned: when collaborations are dependent in large part on one or a few funding sources, it may be very difficult to sustain them in the event that such funding dries up, a common occurrence in today's difficult economic environment.

## Kansas Probation/Reentry Programs

### The Problem

Like most states, Kansas was grappling with the rising cost of incarceration. By 2000, corrections officials were projecting the need for \$500 million in new prison construction by the end of the decade. Something had to be done to control these soaring costs. Since Kansas parolees were responsible for one in every two prison admissions in the state, finding a way to keep parolees from returning to prison—without jeopardizing public safety—was the most obvious and cost-effective way to reduce prison costs.

### A New Approach to Supervising Offenders

With assistance from the National Institute of Corrections (NIC), which was spearheading an effort to find viable ways to keep parolees from returning to prison, the Kansas Department of Corrections (KDOC) focused on “evidence-based” practices that had been proven to work. The new approach, which cost in excess of \$4 million and has been ongoing since 2003, featured three key strategies:

1. Expand release planning and reentry programs.
2. Change the way parolees are supervised.
3. Prioritize programs and services that are most successful in keeping parolees from violating the terms of parole and/or reoffending.

As a first step, KDOC adopted a new, widely validated assessment tool, known as the Level of Service Inventory–Revised (LSI-R), to better separate high-risk offenders from lower-risk offenders. Those determined most likely to reoffend received the most attention/services.

### Expanded Release Planning and Reentry Efforts

Traditional release planning in Kansas prisons focused on a single concern: ensuring that the offender had a place to go upon leaving prison. Today, however, release planning—especially for those determined to be high-risk by the LSI-R assessment—addresses the full range of considerations required for a successful transition to life in the community. This includes helping the offender figure out where he or she will live; how to secure a job; and what kind of services, ranging from employment training to substance abuse or mental health counseling, will improve the ability of the offender to function in society.

An important part of release planning, which continues for an average of 6 to 8 months during the parole period, is the Accountability Panel. Panel members, including former parolees, reentry and parole staff, police, plus a cross section of community representatives, help offenders deal with the challenges of reentry. Police are an integral part of this effort, according to Sally Frey, director of Sedgwick County (Kansas) Reentry Services. “They assist parolees in various ways,” she says. “They might take someone to substance

abuse counseling or give him or her sage advice about avoiding crime or just life in general. If there's a problem, such as a charge of domestic abuse, police on the Panel can investigate. Ultimately, they offer the offender a more balanced, positive view of law enforcement."

### **Better Parolee Supervision and Services**

As part of state efforts to reduce parole violations and recidivism, the KDOC has changed tactics. In the past, parole officers were primarily concerned with finding out if the offender was complying with the terms of his or her parole. Since 2003, however, the focus has been on giving parolees the full range of support they need to reintegrate into society without getting into trouble. If, for example, a parolee is caught consuming alcohol or using drugs in violation of the terms of his release, then a revocation of parole and a return to prison is not automatic. In many instances, the offending individual will be put in a substance abuse program, which is more likely to produce better long-term outcomes than prison, which sometimes cultivates substance abuse.

### **Positive Outcomes**

So far, efforts by the KDOC to improve the way it supervises parolees is producing promising results. Parolee violations, as well as new felony offenses that send parolees back to prison, are on the decline.

- ▶▶ In 2000, the average number of monthly parole violations represented nearly 5 percent of parolees supervised by the state. By 2009, average monthly violations—representing 1.7 percent of parolees—were down by nearly two-thirds.
- ▶▶ From fiscal year 2000 to fiscal year 2008, there was more than a 50 percent reduction in the number of parolees returned to prison for felony offenses.

## **Informal Collaborations**

### **History**

Whether out of necessity or a simple desire to help out a colleague at another agency, corrections and law enforcement officials have informally shared information and resources for years. Historically, however, there have been some built-in obstacles to informal collaboration. The criminal justice system is structured in such a manner that it creates a wide range of agencies at the local, state, and federal level. In law enforcement, for example, at the local level there are police and sheriff's departments and on the state level there is the highway patrol, which is responsible for a specified category of crimes. And then there are a variety of federal law enforcement agencies with authority that is different from and often supersedes that of state and local agencies.

This situation is further exacerbated by the myriad of criminal justice agencies, such as the courts and corrections agencies (including probation and parole departments), that have a role in dealing with criminals. It is no wonder that this complicated system resulted in conflicts between agencies, inevitably discouraging casual cooperation that was not backed by formal written agreements between agencies.

This attitude changed quickly in response to the terrorist attacks on this country on September 11, 2001. Law enforcement agencies began to acknowledge how an unwillingness to share information and resources put the nation at risk. This sad event in the nation's history had the very positive effect of reminding all agencies responsible for public safety, whether they were fighting terrorism or street crime, that those interagency collaborations, both formal and informal, are essential. In the current economic climate, with financial resources in short supply, the value of collaboration—sharing information and resources in ways that avoid a duplication of efforts—cannot be underestimated.

## Model Informal Federal Probation Collaborations

Informal partnerships and collaborations between law enforcement agencies frequently are rooted in cross-agency friendships or professional relationships. They usually begin with a basic need, such as a desire to access information or resources that another agency might have or to provide better safety for staff in the field. If the initial interagency cooperation is successful, it may evolve in time into a broader collaboration involving key officials within the partnering agencies.

That's how many informal collaborations began between the United States Probation Office—Eastern District of Missouri (USPO/ED), St. Louis, and other local, state, and federal agencies. "We supervise people who have been in trouble with the law," says Ron Schweer, chief U.S. probation officer for the District of Kansas and former deputy chief probation officer for the USPO/ED. "We have information about criminals; other agencies have information. By sharing what we know, we can intervene in a potential criminal situation before things get out of hand."

The following is a brief summary of three informal collaborations between the USPO/ED and law enforcement agencies.

### Drug Enforcement Administration (DEA)

A USPO/ED probation officer routinely contacted the DEA when he supervised someone with a history of drug involvement. Eventually, through his efforts and the efforts of his DEA contact, probation and DEA managers expanded the relationship to meet the multiple needs of both agencies. For example, the DEA has surveillance vehicles equipped with cameras and videotape

equipment, which are used to observe suspects and sites where illegal drug activity might be occurring. When probation officials suspect that someone under their supervision might be selling drugs, they may require him to come to the probation office, intending to conduct a search. At the request of the USPO/ED, the DEA will monitor with surveillance vehicles the homes of individuals scheduled for such meetings and alert probation officials about the kind of car the individual is driving and any distinguishing clothing he is wearing.

This was invaluable information because an individual trying to hide drugs kept in his car, for example, typically parks far away from the probation office and claims he arrived by bus. But with the DEA's advance information, probation officers can watch for the individual under suspicion (perhaps he is wearing a red cap or a unique T-shirt). By noting the direction from which he was walking, they can make reasonable assumptions about the general area where he might have parked. As a result, it is relatively easy to find his car (thanks to the description from the DEA) and, with proper approval, search it. Both agencies benefit by this joint effort to get people involved with drugs off the streets.

### **Federal Bureau of Investigation (FBI)**

When someone on probation or parole has a history of terrorist activities or associations, the probation office is committed to keeping close tabs on him or her to prevent any future terrorist event. Because the FBI scrupulously monitors those who had been convicted of terrorist acts, the agency has a lot of information that could be useful to USPO/ED. But the FBI couldn't share information with anyone who did not have a high-level security clearance. At the urging of the FBI, the probation office worked through the system to secure the appropriate security clearances for parole officials.

As a result, probation officers are no longer in the dark about FBI activities that might affect how they deal with a probationer or parolee. For example, if the FBI is in throes of an investigation of a potentially dangerous situation involving a USPO/ED probationer or parolee, agents will notify the probation office so that its officers can avoid situations that put them in harm's way. At the same time, because parole officers has frequent in-home and community contacts with individuals under their supervision, they are in a position to provide the FBI with information it might not otherwise be able to secure.

### **Missouri State Highway Patrol**

The Missouri State Highway Patrol has been cooperating with the USPO/ED for years in the sharing of information and other resources. For example, the highway patrol has helicopters for use in air patrols. It allows probation officials to accompany troopers on air patrols during winter months—when trees and other vegetation are least likely to camouflage a site—to take aerial photos of the homes of people under the supervision of the probation office. These photographs help probation officers determine the best way to

access a property when the probation office must act quickly to intervene in a situation involving someone on parole or probation.

The helicopters of the Highway Patrol came into play when the FBI requested the file on a man who had previously been under the supervision of the probation office. Unfortunately, the old records were in Kansas City—a 9-hour, round-trip drive from St. Louis—and the FBI needed the file immediately to avert a potential crime. At the request of the probation office, a Highway Patrol helicopter was dispatched, and the FBI had the file within a few hours.

The United States Probation Office has established law enforcement partnerships with more than 135 law enforcement agencies. These include other federal agencies, such as the Department of Homeland Security and the Bureau of Alcohol, Tobacco, Firearms and Explosives. In addition, the probation office has partnered with state agencies throughout the country, including the California Department of Corrections and the Illinois State Police. Most partnerships are with local agencies in Missouri. Police and sheriff's departments in the eastern side of the state have partnered with the United States Probation Office, each being available for assistance. Finally multiagency groups and coalitions forge important collaborations. This is seen in work with different area drug task forces as well as antiterrorism networks. Such partnerships range from sharing training and resources to assisting each other in locating and apprehending offenders.

## Overcoming Obstacles to Collaboration

Informal collaborations that work in the long term involve agencies that rise above turf wars and move beyond the notion that the information and resources they have at their disposal cannot or should not be shared. The best approach, according to Schweer, is to build relationships of mutual trust with agencies *before* you desperately need their help. "You have to push yourself away from your desk and get out there and meet officials from other agencies with which you share a mutual interest," he says. "In most cases, e-mails and texting alone won't do it. If you want to build trust, at some point you're going to have to meet face to face. Your word and a handshake mean something."

Another barrier to collaboration is the operational integrity of each collaborative partner. One partner agency may have traditional 8 a.m. to 5 p.m. hours. If a specific collaboration requires that staff be available evenings or weekends—to better monitor probationers, for example—then the partnering agency with traditional hours must be willing to adapt. The bottom line is that both agencies must agree to perform their collaboration-related responsibilities when they are needed, rather than at the convenience of a partner agency. Such a commitment will engender the good will and trust that both partners need to sustain a collaboration.



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Restorative Justice:  
**Accountability, Restitution, and Transformation**

## About Restorative Justice

### Defining Restorative Justice

Restorative justice is a relatively new and different approach to meting out justice to adult and juvenile offenders in the United States. Its growing appeal to those involved in the criminal justice system is that it often offers an effective alternative to incarceration. Under the traditional justice system in this country and much of the Western world, the focus is on the offender. When someone commits a crime, his act is considered a violation not so much against the person who suffered the crime, but against the law. The offender, if convicted, is subsequently punished. The court (or juvenile office) determines the appropriate sanction, such as incarceration or probation, and the victim has little or no say in the outcome. Furthermore, although the offender is punished, unless ordered to make restitution or other apology, he rarely makes amends to the victim.

Restorative justice, on the other hand, is a philosophy that focuses as much on the victim and the community as on the offender. It views crime as a violation of the victim and the community as well as a violation of state law. It also recognizes the significant impact that crime has on the victim, and often the greater community, and seeks to involve the offender in repairing the damage she has caused. In all restorative justice programs, the offender is asked the following:

- » Who was harmed?
- » What was the harm done?
- » Who is responsible for repairing the harm?

Instead of shielding the offender from the human consequences of his or her actions, the offender—through a variety of restorative justice interventions—is held accountable to those he or she has harmed.

In a restorative justice setting, the offender meets with and is accountable to the victim and/or the community. They engage in a dialog about the circumstances of the crime, the harm incurred by the victim and the community, and other relevant issues related to both victim and offender. Then together—the victim, offender, and community members, with the guidance of a trained facilitator or a community restorative board—work out a plan to restore every party associated with the crime.

Most restorative justice programs in the United States deal with juvenile offenders and minor/first-time offenses. While the first Restorative Justice programs were initiated in the United States in the late 1970s, most documented police involvement in these processes date back to the 1990s. Today, more than 1,000 programs operate throughout North America and Europe (Katz and Gordon, 2006).

## Restorative Justice Benefits Everyone Associated with Crime

Restorative justice is a collaborative approach to justice that has the potential to produce better outcomes for virtually every person and entity affected by crime.

### The Victim

In juvenile cases, the victim rarely has his or her day in court because most cases are handled informally. Typically, once a victim has been harmed by an offender and makes a report to the police, he or she has little or no role in the judicial process that follows. Although he or she has a legal right to make a victim impact statement in writing, detailing the losses caused by the offense, he or she has no say in what happens to the offender or how he will be made to account to him or her for unlawful actions.

As a result, it is not unusual for victims to feel angry at the criminal justice system. From the point of view of many victims, the system is coddling the offender—the perpetrator of a crime—at their expense.

#### How Restorative Justice Benefits Victims

- ▶ It allows victims to meet with their offenders in a controlled environment and seek answers to questions about the crime that continue to haunt them.
- ▶ It encourages victims to communicate their anger, frustration, and sense of violation directly to the offender.
- ▶ It requires the offender to make restitution to victims, including at least partial payment for the monetary losses they incurred and/or some other concrete action on the part of the offender to make amends.
- ▶ The process gives victims a sense of empowerment and closure that is rarely achieved in the traditional juvenile justice system.

### The Community

The community is an extension of the victim because crime invariably has a ripple effect. If a neighbor's home is vandalized, the entire neighborhood will live in heightened fear. Communities often are the biggest loser when crime is committed, and have traditionally had the least input into any criminal case. When an offender is incarcerated, the community is left to suffer the consequences of the criminal behavior without any acknowledgment of its loss. When an offender is allowed to remain in the community without being held accountable for the harm he or she has caused, everyone lives with resentment and fear.

### **How Restorative Justice Benefits Communities**

- ▶▶ It offers communities an opportunity to play a larger role in keeping their neighborhoods safe and in addressing the problems that cause crime. Dealing with juvenile offenders, who are most likely to respond to early intervention efforts, offers communities a practical way to effect meaningful change in the area of crime control.
- ▶▶ It gives communities a say in how the victim and offender, and their neighbors, are treated.
- ▶▶ When the community is involved in restorative justice efforts, people living there feel empowered and experience less fear of crime.

### **The Offender**

The adult and juvenile offender typically would very much like to avoid the consequences of his or her unlawful or inappropriate behavior. And the traditional criminal justice system at times inadvertently supports this by providing minor sanctions to all but the most serious offenders. Although the offender may be required to provide some kind of restitution to the victim, he or she rarely has to face his or her victim or community and explain his or her actions.

### **How Restorative Justice Benefits the Offender**

More than anything, the offenders, especially juveniles, need to be held accountable.

- ▶▶ Restorative justice requires the offender to accept responsibility for her actions. This means he or she must stop trying to justify what he or she has done with excuses such as, "It wasn't my fault," or "no one was hurt."
- ▶▶ It encourages the offender to face his victim and the community, no matter how uncomfortable that might be. The offender needs to hear the human consequences of his or her offense from the people he or she has harmed.
- ▶▶ It requires the offender to make amends to his victim and the community for the harm he or she has caused.

### **The Criminal Justice System**

The criminal justice system seeks to curb adult crime and juvenile delinquency and, at the same time, give first-time offenders a chance to mend their ways before they develop a permanent criminal record. However, the primary emphasis is on the needs of the offenders rather than the losses of the victims.

### How Restorative Justice Benefits the Criminal Justice System

- ▶ Restorative justice provides, in this era of diminishing resources, a greater variety of affordable alternatives to probation and incarceration.
- ▶ It offers more and better mechanisms to assuage victims and to hold adult and juvenile transgressors accountable in ways that can possibly deter unlawful behavior in the future.
- ▶ It provides a more appropriate forum for status offenses and other juvenile cases that are not well-suited to the conventional criminal justice processes.

### Restorative Justice Is a Philosophy with Different Processes

Restorative justice is a philosophy and a set of principles which hold that crime is about the harm done to individuals and the community, and that addressing crime in a meaningful way requires that the response be focused on that harm. Many different processes are used to engage in restorative justice. This publication will concentrate on Community Restorative Boards; however, are several other restorative justice processes that are employed in communities throughout the United States. (See sidebar on page 63.)

### Restorative Justice and the Police

Since the 1990s, restorative justice has been viewed as an avenue for police involvement in the criminal justice system beyond their traditional function of arresting criminals. Police today play a variety of restorative justice-related roles, from deciding which cases are appropriate for restorative justice to making referrals to restorative justice agencies to participating in a restorative justice activity, such as a Community Restorative Board (CRB).

In 1999, the COPS Office published a monograph titled *Community Policing, Community Justice, and Restorative Justice*. The concept of police involvement was gaining acceptance. Many of the early models came from Australia/New Zealand and Canada. Both countries engaged in Family Group Conferencing, where offenders gathered with their victims and their respective family members. Police were actively engaged in this process, which came to be known as the *Wagga Wagga model*, named for an area of Australia where police first participated in Family Group Conferencing.

By the mid-1990s, restorative justice initiatives involving police had moved to the United States, beginning with Bethlehem, Pennsylvania and Woodbury, Minnesota. Both followed the *Wagga Wagga model*, and police led Family Group Conferences. In both instances, there was strong buy-in on the part of the police as well as positive responses from police who participated in these restorative justice initiatives (Hines and Bazemore, 2003).

## Community Restorative Boards

CRBs are a newer application of restorative justice. Although they are known by different names in different communities, such as reparative boards and neighborhood accountability boards, they all focus on engaging the broader community in holding the offender accountable for the harm he has done. Key CRB participants include the victim, the offender, and their respective families; and the police; the court; corrections; and other community partners.

During the course of a CRB meeting, community board members discuss the nature of a specific crime and its impact on the victim and the greater community. They meet with the offender to hear his version of what happened and, if possible, the victim to better understand the negative consequences of the offender's unlawful conduct. They speak frankly with the offender and his parents (if a juvenile offender), asking probing questions about the circumstances of the crime as well as about what is going on in the offender's life. After consulting everyone involved, they develop a plan of action. It holds the offender accountable by mandating some kind of restitution to the victim. In most instances, it also requires the juvenile to engage in activities, such as counseling or community service, designed to help him turn his life around.

CRBs meet at regularly scheduled times, from once weekly to once a month, depending on the program. In some circumstances, all referrals for CRBs come from the court (see section on St. Louis County). Other jurisdictions allow direct referrals from police officers, thus by-passing the court system (and criminal justice record) for minor crimes (see section on Vermont).

While most CRBs have a paid staff member, they are fundamentally community-based volunteer organizations. Volunteers recruited from the community receive about 20 hours of specialized training related to restorative justice and the operation of CRBs. Most volunteers find the CRB experience to be very rewarding, giving them an opportunity to serve the community and perhaps make a difference in the life of the offender.

This section will profile two programs where police today are actively involved in restorative justice. Although each program has a different name and is based in a different community—Reparative Boards in the state of Vermont and Juvenile Justice Committees in St. Louis County, Missouri—both fall under the umbrella of CRBs. These two model restorative justice committees and boards serve primarily low-level juvenile offenders and are used as a diversion from the more onerous and expensive traditional court processes.

## Other Restorative Justice Processes

The following is a brief summary of key restorative justice processes that are not profiled in this chapter.

**Victim/Offender Dialog:** In victim/offender dialog, the victim meets face-to-face with the offender in a safe, structured environment. After establishing that the offender is remorseful, and the victim is willing to meet, the facilitator engages with the parties to talk about the crime and the impact on the victim, and creates a restitution agreement.

**Family Group Conferencing:** Family group conferencing involves the community of people most affected by the crime: the victim and the offender as well as the family, friends, and key supporters of both. All have a role in deciding the resolution of a criminal incident. Family group conferencing was developed from a Maori tradition in New Zealand, where it is currently used for most juvenile offenses. The process was adapted by police in Wagga Wagga, Australia, and then introduced to the United States, where it is used by some police agencies, schools, and courts. The Royal Canadian Mounted Police use it in its Community Justice Forums, where police and community volunteers facilitate the conference (Mirsky, 2005).

**Child Dependency Mediation:** Child dependency mediation is a form of restorative justice that is increasingly used in abuse and neglect cases. The process, which is facilitated by

a mediator, is primarily used in juvenile/family courts where a child has been removed from a home. The parent(s) are given an opportunity to meet with a court representative and a social service worker to work out a plan, with the guidance of a mediator, for reunification. The parent(s) are encouraged to invite their family and support network to the mediation meeting.

**Circles:** A circle is a community-directed process, which can be conducted in partnership with the criminal justice system, to look at ways to find an appropriate plan that addresses the concerns of all interested parties. Sentencing circles are used when a community is involved with the disposition of a case. Sentencing circle participants include the victim and victim supporters, the offender and offender supporters, the judge and court personnel, the prosecutor and defense counsel, the police, and all interested community members. During the session, a talking piece is passed around; participants are allowed to speak only when they are holding the talking piece, a strategy that avoids distracting and confusing crosstalk. Then together, they identify the steps necessary to assist in healing all affected parties and prevent future crimes.

## Vermont's Reparative Boards

Restorative justice is a policy that is statutorily prescribed in Vermont on a statewide basis. The restorative justice movement began in the mid-1990s because the public was unhappy with the current criminal justice system. The Department of Corrections commissioned a study (by John Doble and Associates), which identified the following as the community's primary concerns:

- » The community wants to be safe.
- » Offenders need to be held accountable.
- » The damage or loss as a result of crime needs to be repaired.
- » Offenders should get treatment when needed.
- » Communities want to be more involved in decision-making around criminal justice issues (Karp and Drakulich, 2004).

As a result of this study, the concept of Community Justice Centers (CJC) emerged. A network of CJsCs was created, under the auspices of the Agency of Human Services, to work with law enforcement and other community resources to help further the "policy interest of achieving restorative justice." (Vt. Stat. Ann. tit. 24 §1961) In addition, a state policy from the Department of Corrections was legislated, adopting restorative justice to deal with people charged or convicted of criminal offenses. (Vt. Stat. Ann. tit. 28 §2a) Through a series of enabling legislation, and in many cases local financial support, a statewide system of CJsCs was established (Dembinski, 2003).

CJsCs give citizens and government agencies an opportunity to collaborate on issues related to crime prevention, resolving conflict, and rendering justice. All CJsCs provide a variety of services. While this section will focus on reparative programs, these centers also offer opportunities for adult reparative probation and reentry programs.

CJsCs rely on the talents of community volunteers, who substantially expand and enhance the efforts of the CJsCs. Each center recruits and trains volunteer citizens for their various restorative justice boards and panels. A Department of Corrections policy promotes the use of volunteers throughout all its programs. In fact, the use of volunteers as unpaid staff has changed the culture of the corrections department by enlarging services through the meaningful participation for these unpaid staffers (Boyes-Watson, 2004).

The role of law enforcement has been paramount in the growth of restorative justice efforts within the state, particularly as it related to the CJC's reparative boards—Vermont's version of a Community Restorative Board.

Some referrals to reparative boards are initiated by the police while others come from the State's Attorney's Office. In Essex, Vermont, for example, a relationship has been built with the State's Attorney so that a list of predetermined, minor offenses can be referred by the police to the Essex

Reparative Board. These include retail offenses and bad checks of less than \$300, neighborhood and school conflicts, low amounts of alcohol by underage drinkers, and the possession of small amounts of marijuana. (Note that in the last two categories, these are only for simple possession.) It is up to the State's Attorney in each county to determine which cases can be diverted without prosecutorial involvement.

Today there are 12 CJs throughout Vermont. Each CJC offers a variety of restorative justice programs including reparative boards (profiled here), offender reentry programs, and community conferencing to resolve disputes between neighbors. In 2006, there were 35 different restorative justice boards and panels—assisted by more than 500 volunteers—in the CJC network. Every year, some 1,400 cases (including panels operated by the Department of Corrections) are involved in some kind of restorative justice process.

At the local level, Vermont's CJs are regarded as important government programs. All centers operate out of a location identified with their restorative justice/community justice mission. Activities can occur in other locations or satellite offices, but it is important to maintain the location as a place where community justice matters are addressed.

#### **Essex Community Justice Center:**

The Essex Community Justice Center was established in 2003 in a city that has embraced the ideals of restorative justice. According to Deb Hamel, CJC director, there was a strong tradition of community policing in Essex, and police wanted to divert low-level crimes to keep the offenders out of the criminal justice system. Police have the discretion to make direct referrals to the CJC's reparative board for specific crimes, and the State's Attorney will make referrals for other crimes. Most reparative board cases involve juveniles. Cases are also referred for reparative probation.

Police are increasingly referring cases to the reparative board. In 2003, fewer than 10 cases were referred; today police refer an average of 50 cases a year. Police typically attend the reparative board meeting related to juvenile cases. This level of personal involvement has resulted in improved relationships between the parents of offenders and the police. Parents are usually grateful for the interest of everyone involved in the intervention that keeps their child out of the system. The underlying philosophy in juvenile cases is to elevate the status of the family and give them the opportunity to help the juvenile offender turn his crime into a mistake that can be corrected.

Most reparative board meetings take approximately 1 hour. If a victim appears, he or she is given the opportunity to speak. If no victim is present, the conversation revolves totally around the offender, the harm that was caused, and what can be done to repair it. The juvenile is usually left to find his or her own community service with the assistance of the family.

**Rutland's Community Justice Center:**

Rutland's CJC was established in 2001 in response to a public outcry for change. Problems with crime in the community had been escalating, culminating in the deaths of two people from heroin. The center was created with the support of the mayor and the Rutland Police Department. Several programs are offered at the center, including reparative boards.

The Rutland CJC has a direct referral program from the police. The precharge direct referral begins when the police issue a citation. Although a memorandum of understanding was executed between the CJC, the police, the sheriff, and the State's Attorney, initially it was difficult to get buy-in from the police, who were reluctant to make referrals. Police did not immediately embrace this new approach to law enforcement. Through the conscious efforts of the CJC staff, who met with each shift of officers and provided referral forms, the police began to understand and appreciate the value of reparative boards. They saw that the offenders were successful at completing the reparative agreements reached during board sessions and that, in many cases, police did not encounter that person again. Today, the CJC is no longer concerned with police participation; rather it is concerned with the capacity of the center to handle all of the referrals.

Part of the success of the reparative board program lies in its expediency. Once a case is referred, the offender (and his parents if a juvenile) meet with a staff person at the center. He is told that the program is voluntary, and that he will not have a criminal record if he meets the terms of the reparative agreement that will be developed during the proceedings. CJC staff also help the offender understand the nature of restorative justice and reframe the situation in terms that emphasizes the harm that has been caused. Within 2 weeks of the referral, the offender meets with the reparative board. All of the terms of the agreement must be met within 90 days.

Police recognize the many benefits of participating in the CJC. Cases are handled quickly and there is almost no recidivism. The offenders take their restitution obligations very seriously and complete their reparative agreements. Additionally, police like having the discretion to refer offenders (especially juveniles) to the CJC. In the past, many incidents involving juveniles did not rise to the level of a formal criminal charge, yet police wanted to do something to hold the offender accountable. Now they can make a referral to the CJC which, through the reparative board, will make the juvenile accountable but without the stigma of the court.

### **Winooski Community Justice Center**

The Winooski Community Justice Center was established in 2000 with the help of Winooski Police Chief Steve McQueen, who supported the center's proactive approach to law enforcement. The CJC is housed in the Winooski Police Department, and the CJC director is an employee of the police department.

Winooski police can make direct referrals to the CJC's reparative boards. In fiscal 2007/2008, nearly half the referrals came from police. In all, 115 people worked through reparative boards to develop reparative agreements. Other cases were referred by the Burlington Probation and Parole by the Chittenden District Court.

Volunteers assist reparative boards in implementing the program. Reparative board representatives go to great lengths to help offenders understand the impact of their behavior as well as to assist them in becoming actively engaged in the community as part of their service. For example, reparative board members have influenced college-age offenders to create brochures or posters for community events. Another effective way for offenders to perform meaningful community service is by working with antipoverty agencies.

There is an active effort to engage victims in the reparative board process. Victims are invited and encouraged to speak at the board meeting. If the victim is not comfortable attending, (e.g., concerns about being bullied by the offender), he can send a surrogate, such as a parent, to speak about the harm. Referring police officers also participate in the meetings, but usually in plain clothes. This allows them to hear what the offender has to say without the possible intimidation of the uniform.

School resource officers (SRO) also engage in the reparative boards. All SROs are trained in Balanced and Restorative Justice (BARJ) language, and it is the accepted approach in the schools.

The efforts of the reparative boards seem to be working. While there are no available records on recidivism rates, in a recent record check conducted by the Winooski Community Justice Center, not a single juvenile offender who had participated in reparative boards showed up as an adult offender.

According to Chief McQueen, the Winooski Community Justice Center is an arm of the police department. Its work in reparative boards, reentry and reparative probation are all essential to the safety of the community.

## St. Louis County's Juvenile Conference Committees

Established in 2001, the Juvenile Conference Committee Program in St. Louis County, Missouri, is gaining continued acceptance. It was developed in response to an administrative judge at the Family Court who wanted to find an alternative for first-time offenders. She felt the need to include the community. This imperative was rooted in three core beliefs about helping juveniles:

1. Kids needed more help than the court could give them, and the community needed to feel a part of dealing with these issues.
2. The people who were part of the individual communities within St. Louis County understood the diversity and attitudes and values of their communities better than the court did.
3. The court did not have the financial resources to give each case the attention it deserved and would receive if community volunteers were utilized.

With this in mind, the Juvenile Conference Committees (JCC)—a restorative justice strategy—seemed like a good choice. The JCC allowed greater involvement on the part of community members. In fact, each JCC includes a small group of volunteer local citizens who have a stake in the quality of life in their community, which includes controlling crime. Each committee comprises 4 to 6 members. Volunteers from the community apply for committee positions, which are staggered in 2- and 3-year terms. All appointments are made by the Family Court.

During the course of a JCC meeting, committee members discuss the nature of a specific juvenile crime and its impact on the victim and the greater community. They meet with the offender to hear his version of what happened and, if possible, the victim to better understand the negative consequences of the offender's unlawful conduct. They speak frankly with the offender and his parents, asking probing questions about the circumstances of the crime as well as about what is going on in the offender's life. After consulting everyone involved, they develop a plan of action. It holds the offender accountable by mandating some kind of restitution to the victim. In most instances, it also requires the juvenile to engage in activities, such as counseling or community service, designed to help him turn his life around (Katz and Bonham, 2008).

In St. Louis County, only specific types of cases are referred to the JCC. These include first-time, minor offenses; those who had a previous referral to the court for something so minor that it was handled by a telephone call; and a second offense if the first was handled successfully by a previous committee. All offenders live within the boundaries established for each JCC and are generally tied to school district boundaries.

Initial funding for the JCC was secured by working with the juvenile justice specialist at the Missouri Department of Public Safety. Funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for the first and subsequent years has been channeled through the Missouri Department of Public Safety.

JCC Director Michelle Meyers, who has been with the program since its inception, developed the design after studying similar programs across the country. Because St. Louis County is large (524 square miles/81 cities/24 public school districts), the first JCC was established in Kirkwood, Missouri, a city with its own police department and school district. Kirkwood is a community of more than 28,000 and is relatively affluent.

Early on, Meyers enlisted the help of Kirkwood Police Detective Geoff Morrison, who deals with all the juvenile cases in the city. Initially Morrison's role was to be more of a liaison and safety officer for the JCC. As time went on, however, he became an active committee member. His involvement brought many strengths to the JCC.

- ▶▶ He is good at asking questions, and understands his role on the board versus a typical police role. For example, he is looking to hold the offender accountable, not cross-examine him.
- ▶▶ He is well-known in the community, and parents have usually dealt with him before they come to the board.
- ▶▶ Parents often have lots of questions about the law, and he has the expertise to answer them.
- ▶▶ Committee members feel safer with him there.

Morrison—as well as other police participating in JCCs—has the specific position of “liaison” with the JCC. Besides serving on the JCC as consultant for legal and neighborhood issues, Morrison is the “unofficial monitor” should the committee assign the juvenile responsibilities to complete within the community. In Normandy in northern St. Louis County, the CJC has continually used SROs as police liaisons. SROs are accustomed to being around adolescents and can speak their language.

Initially, police attended JCC meetings to protect committee members, a role still sought in some JCCs. However, police are now considered to be an important voice that brings a unique perspective to the committee. They work in collaboration with other committee members to hold the juvenile accountable in ways that will discourage the youth from engaging in future crime.

In contrast to Vermont, all cases are referred to the JCC by the Family Court. Police can “flag” a case that they think would be appropriate for the committee; however, there are no direct referrals from police.

Since the first JCC in Kirkwood, the program has expanded to four different school districts, with six different JCCs. While it started in a more affluent area, the program has expanded into the north part of St. Louis County, which experiences higher crime rates and more serious crimes.

The police who are involved with JCCs see their role as very different from that of the usual “cop” role. Some were skeptical at first, but then became intrigued by the successes they saw. In 2007, for example, the program served 122 juveniles during the grant year. Victims requested more than \$1,500 in restitution, all of which was paid. Thirty-six volunteers provided 770 hours of service. Juveniles were ordered to perform 498 hours of community service, and 489 or 98 percent of these hours were completed. Some 94 percent of those who entered a JCC agreement successfully completed all of the terms, and only 3.3 percent reoffended during the year. Preliminary data for 2008 is also very encouraging. Of 114 juveniles served by the JCC last year, only 5 (4 percent) were referred back to the court, and none for crimes against persons. Ninety-nine percent of those who remained with the program after the development of a behavioral contract completed the terms of their agreement.

Most of the police officers involved shared a similar view that keeping a juvenile out of “the system” was what was desirable, and that the JCC was an effective tool for accomplishing this goal. And while participating in the JCC meant attending nighttime meetings of the committees, no one voiced any negative feelings about that.

Volunteers who participate in the committee meetings also reaped many benefits, according to police involved in the JCC. Committee members gained insight into the complexities of juvenile behavior and became educated about the Family Court. In addition, volunteers provided support for the families. Finally, the involvement of volunteers in the JCC improved the relationship between police and committee members as well as the greater community.

collaboration alternative sentencing court collaboration  
restitution **community** probation restitution altern  
intensive supervised probation restorative justice intensive supervised  
reentry program electronic monitoring reentry program  
sentencing court community service restorative justice community service  
intensive supervised probation operation night light operation night light inten

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**Mental Illness and the Criminal Justice System:**  
A New Era

## Alternatives to Dealing with Mental Illness: An Overview

### The Problem: Criminalization of the Mentally Ill

A serious and escalating dilemma in the criminal justice system is how to handle the growing number of offenders who are mentally ill. The problem is twofold. First, in the general population, there are a surprising number of mentally ill people. According to the National Institute of Mental Health, one in 17 Americans lives with a serious mental illness. Second, many of these mentally troubled individuals go untreated. The reason: during the 1960s and 1970s, there was a growing trend to deinstitutionalize all but the most severely mentally ill. Many residential treatment facilities were shut down. Unfortunately, not enough community-based mental health programs were established in their wake to deal with all the people needing treatment, in part because funding for mental health services was declining. As a result, it is not uncommon for mentally ill individuals to exhibit socially unacceptable behavior in public that brings them into contact with the criminal justice system.

### The Police and the Mentally Ill

One study found that of 331 people with severe mental disorders who had been hospitalized, some 20 percent reported being arrested or detained for a crime in the 4 months prior to their admission to the hospital. The most common reason for police contact involved alcohol, drugs, or public disorder (Consensus Project, n/d). Unfortunately, most police have little or no training in dealing with mentally ill people whose crimes are more of the nature of public nuisance rather than serious criminal behavior. Although research shows that police tend to be empathetic to the mentally ill (Price, 2005), they also have misconceptions about this population that affect how they respond to them in crisis situations. For example, some police officers believe that mentally ill individuals are incapable of reasoning or that they are typically violent—both stereotypes that are untrue (Ruiz and Miller, 2004).

Nonetheless, because police are traditionally trained to take control of situations involving potentially aggressive individuals, they may automatically adopt a coercive or intimidating stance that may further aggravate the mentally ill suspect. Without appropriate training, police lack the information to identify individuals who may be acting strangely due to mental illness rather than any intent to do harm to a law enforcement official or the public. Such an individual may be confused and not understand the directions given by a police officer, who may interpret the suspect's behavior as aggressive or otherwise threatening. As a result, the officer may overreact and inadvertently escalate a situation, leading to unnecessary injury or even death to the mentally ill suspect or to the police or an innocent bystander.

In recent years, some law enforcement agencies have been proactive in changing the way they deal with mentally ill suspects. Police—in collaboration with mental health professionals, mentally ill persons and their families, and other stakeholders—developed the Crisis Intervention Team (CIT), which will be examined in-depth in this section.

### **Other Aspects of the Criminal Justice System and the Mentally Ill**

Once arrested, it is not unusual for mentally ill offenders to be convicted and incarcerated simply because, due to the lack of treatment options and mental health support programs, the criminal justice system has no better alternative. That's why, according to Pfeiffer (2007), jails and prisons have become "dumping grounds for a difficult and growing population of mentally ill inmates" (p. 3). In fact, one comprehensive study found that more than half of all prison and jail inmates experienced at least some mental health problems, although less than a third were receiving treatment (James and Glaze, 2006).

Certainly, mentally ill offenders must be held accountable for their criminal actions. However, those offenders suffering from mind-altering brain disorders should be judged by a different standard than that applied to other offenders. This recognition led to the establishment of Mental Health Courts, another important collaboration between police and others in the criminal justice system. Mental Health Courts will also be highlighted in this section.

### **Crisis Intervention Teams**

The CIT consists of a group of police officers who are trained to respond to calls involving any person who is acting in a manner that might suggest that he or she is mentally ill. CITs are designed to reduce the likelihood of tragic or other negative outcomes that sometimes occurs when the police encounter mentally ill suspects or offenders.

### **Memphis Police Department Pioneers the First Crisis Intervention Team**

As frequently happens, it takes a tragic event to stimulate change in the criminal justice system. This was the case in Memphis, Tennessee, when—due to a lack of training and a rush to judgment—the police shot and killed a mentally ill man who had a knife and was threatening suicide. Although the officers involved were justifiably threatened, the incident might have had a better outcome if the police had been trained to identify behavior that signaled mental illness as well as how to defuse the situation with a minimum of force. To avoid a repeat of a similar tragedy, which had occurred not only in Memphis but in police departments across the nation, the Memphis Police Department (MPD) established the Memphis Crisis Intervention Team in 1988. The goal of the CIT was to substantially change the way the police responded to the mentally ill, thus turning potential tragedies into positive outcomes.

## The CIT Partners

The Memphis CIT is a collaboration involving the MPD, the Memphis chapter of the National Alliance on Mental Illness (NAMI), a number of local mental health treatment providers, mental health consumers and their families, and the University of Memphis. While training is a key component of the CIT model in Memphis, the model is “more than just training” (Slate and Johnson, 2008). It is a true partnership between stakeholders to improve the quality of services to those who struggle with mental illness. It also focuses on reducing the stigma associated with mental illness and educating CIT partners and the public about the disease and how it can affect a person’s ability to function in society. In this sense, CIT is attempting to change societal attitudes about mental illness.

## CIT Personnel

Police are at the center of the Memphis CIT model because they are typically the first responders to situations in the community that involve a mentally ill individual. But not all MPD police are directly involved in CIT efforts. Early on in the development of the program, it was recognized that the CIT was not suitable for all officers. Some officers viewed their function strictly as enforcing the law, catching criminals, and arresting them. Rather than forcing all officers into a CIT role that they were clearly not comfortable with, officers were given the option of volunteering to participate in the CIT. The MPD looked for volunteers who were compassionate by nature and possessed strong communication skills. This volunteer approach made the CIT both very effective and acceptable to the entire police force.

Volunteer CIT officers are trained to provide situationally appropriate responses to “mental disturbance crisis calls” (Cochran, Deane, and Borum, 2000). The Memphis model requires that a minimum of 15 to 20 percent of sworn patrol officers be trained in CIT so that CIT officers are available in all precincts 24 hours a day (Slate and Johnson, 2008). CIT officers maintain their regular patrol duties and respond as needed to mental health-related calls.

This is how it works. The police dispatcher deploys a CIT officer whenever a call involves someone with a potential mental illness. Once on the scene, the CIT officer will assess the situation, determine the risk, and intervene in a way that ensures the safety of all involved. For example, the situation may not end with an arrest but rather in a referral for treatment, transportation to the psychiatric emergency room of the University of Tennessee Medical Center in Memphis, or contact with any known case managers assigned to the mentally ill individual. CIT officers work closely with mental health and medical resources to assure a timely transfer of custody of people experiencing mental health crises. The CIT partner facilities accept all

referrals by the police, a strategy critical to maintaining good relationships with the police and minimizing the amount of time both officers and the mentally ill in their custody must wait to secure services (Cochran, Deane, and Borum, 2000).

## **CIT Training**

Volunteer MPD officers receive at least 40 hours of special training that covers a wide variety of relevant topics, including the following: 1. how to recognize and understand the signs and symptoms of mental illness, 2. a primer on psychotropic medications, 3. communication and deescalation skills designed to reduce the chances of tragic outcomes in encounters with the mentally ill, and 4. detailed information about available resources in the community. Other CIT training components may address “cultural differences, developmental disabilities, substance abuse, and dementia/Alzheimer’s disease” (Slate and Johnson, 2008, p. 101). Training is provided by mental health providers, family advocates, and mental health consumer groups at no charge to the police department.

## **Memphis CIT Costs**

CIT annual operating costs are about \$70,000, or an average of \$10 per call, for a CIT team of at least 180 officers (Dupont and Cochran, 2002). If volunteer and matching in-kind resources—such as the provision of CIT training by CIT partners—were not forthcoming, CIT operating costs would easily be double the current level. This program is truly one of the “lowest-cost intervention programs available” (Dupont and Cochran, 2002, p. 65).

## **Successes/Outcomes of Memphis CIT**

Three major evaluations of the Memphis CIT involve the University of Tennessee, the Policy Research Associates funded by a National Institute of Justice grant, and a national jail diversion project funded by the Substance Abuse and Mental Health Services Administration (SAMHSA). So far, results are very promising. The following is a list of some of the key results from these evaluations:

- ▶▶ A positive effect on officer perceptions related to crisis interventions with the mentally ill
- ▶▶ A decreased response time to the targeted incidents of more than 5 minutes
- ▶▶ A minimum use of arrest, 2 percent compared with 20 percent, which was the national average for similar types of calls
- ▶▶ A much greater use of health care referrals
- ▶▶ A major decrease in officer injuries
- ▶▶ A reduced need for a Tactics Apprehension and Containment Team and hostage negotiation responses (Dupont and Cochran, 2002).

## Duplication Nationwide of the Memphis CIT Model

One factor in determining the success of any collaborative effort is whether it can be sustained in time and duplicated in other locations. The Memphis CIT has been doing business for more than 20 years. It is also estimated that today there are between 500 and 600 jurisdictions nationwide that have adopted CIT programs based at least in part on the Memphis CIT model (Slate and Johnson, 2008). This includes the Chicago Police Department, which serves a population of about 3 million and smaller law enforcement agencies like the Fort Wayne (Indiana) Police Department, which serves about 250,000 people. The Memphis CIT serves a population approaching 700,000.

## Fort Wayne Police Department: Another Outstanding Crisis Intervention Team

Like Memphis, Fort Wayne established a CIT program in response to a series of unfortunate incidents in the 1990s involving the police and mentally ill people. In some instances, police justifiably injured or killed mentally ill suspects whose behavior was erratic and threatening. In other instances, police released obviously mentally ill individuals rather than divert them to treatment. For example, when Fort Wayne police decided not to detain a mentally ill teenager who was wandering haplessly along a country road, the young man was struck and killed by a car on the same stretch of road later that day.

The Fort Wayne Police Department (FWPD) joined with NAMI, the mentally ill and their families, and other community groups to find a better way for police to handle mentally ill suspects. “It was apparent that the way the police traditionally dealt with the mentally ill wasn’t working,” says Dottie Davis, deputy chief of the FWPD and director of CIT Training. Under existing FWPD procedures, police had two alternatives when a suspect exhibited symptoms of mental illness. First, the responding officers could take the individual to a hospital for 72-hour involuntary emergency detention so he or she could be assessed. According to Davis, police avoided that option because the process, including transporting to and waiting around the hospital to get the person admitted, readily consumed an average 5 to 6 hours of their day. As often as possible, they chose the second option of arresting the individual for being in public under the influence of alcohol or drugs, a fairly common situation for a mentally ill person not receiving treatment. “Or an officer, frustrated by the lack of viable alternatives, might take the mentally ill person to the edge of town and release him,” Davis adds.

## Structure and Operation

After much discussion and research, Fort Wayne officials decided to duplicate the Memphis CIT model, which would be operated by the FWPD in collaboration with NAMI and the other players involved in responding to the

initial crisis. Like the Memphis program, only those officers who volunteered were considered for the CIT. The training curriculum was almost identical to that provided by the Memphis CIT, including that it was provided at no cost by area mental health experts.

Today, CIT-trained officers respond to more than 900 calls a year involving potentially mentally ill people. They assess the situation; deal with the mentally ill in a nonthreatening way that tends to calm a disturbed suspect; and, if immediate mental health intervention is indicated, transports the individual to an area hospital for 72-hour detention. CIT officers have no reason to avoid these mental health runs because all participating hospitals have streamlined the admitting system for individuals brought in by CIT officers. "Today, the average CIT call involving a hospital admission takes 1 ½ hours; that's from the time a CIT call is dispatched until the officer returns to duty after taking someone to the hospital for mental health observation," Davis explains.

### Minimal Operating Costs

The only official cost of the FWPD's CIT is a \$200 annual stipend for each of the approximately 80 CIT-trained officers. Training and related materials were provided free by community groups, and any additional costs are simply absorbed into the FWPD's budget.

### Outcomes

FWPD's CIT program has benefited both the police and the mentally ill, according to Davis.

- ▶ Arrests of mentally ill suspects—about 20 percent nationwide and 2 percent for the Memphis CIT—are rare. Of 926 calls involving potentially mentally ill suspects in 2008, only three arrests (or less than a third of a percent) were made.
- ▶ The substantial amount of time saved in transporting individuals to area hospitals for mental health assessment and care under the CIT system—1½ hours compared with a previous average of 5 to 6 hours—means the FWPD has to spend less money keeping officers on the streets.
- ▶ Since the implementation of the CIT program, there has been a 55 percent decrease in SWAT Team crisis calls, the majority of which involve some level of mental illness. Because each SWAT Team includes 28 members, all of whom respond to every call, a reduction in SWAT calls results in significant savings for the FWPD.

### Other Benefits

The CIT program operated by the FWPD is recognized both locally and statewide for its outstanding handling of mentally ill suspects. For example, when the FWPD considered the use of Tasers, the subject of considerable controversy nationwide, department officials were supported by the local

NAMI branch. “They trusted our judgment,” Davis says. Additionally, police departments throughout Indiana come to the FWPD to study its CIT model and to receive CIT training.

## Mental Health Courts

The Mental Health Court concept evolved in response to the mishandling of criminal cases involving the mentally ill, some of which resulted in documented tragedies. As portrayed in Mary Beth Pfeiffer’s book, *Crazy in America*, jails and prisons had become de facto mental health hospitals of the last resort. Correctional institutions are ill-prepared to deal with the problems associated with schizophrenia, bipolar disorder, clinical depression, and the myriad other mental illnesses. By warehousing the mentally ill in such facilities, much harm is done. Little, if any valid treatment is afforded to such individuals. In some cases, the mentally ill are easy prey for other inmates and may spend long periods in isolation, primarily because they are not equipped to deal with the controlling environment of a jail or prison setting. In the worst case scenario, suicide occurs.

The primary goal of the Mental Health Court is to divert the mentally ill person who has committed specified, less serious crimes to a nontraditional court designed to hold the offender accountable in a way that allows for treatment of the underlying and causal mental illness. Today, more than 700 jurisdictions nationwide have some form of a Mental Health Court. Two of these courts—one in Broward, County, Florida, and another in Boone County, Missouri—are profiled in this section.

## Broward County (Florida) Mental Health Court

After an incident in Broward County involving a mentally ill person resulted in tragic deaths that occurred in the county jail, Circuit Judge Mark Speiser took action in 1994. Working with major stakeholders, including police and mental health providers who were key players in the development of CITs, he formed an ad hoc criminal justice task force to address mental health issues related to the criminal justice system. Broward stakeholders included the Public Defender’s Office, State’s Attorney’s Office, Sheriff’s Office, county government staff, local members of NAMI, as well as community mental health and treatment providers. At the urging of the task force, the first Mental Health Court was created in 1997 as a subdivision of the Broward County Criminal Court.

## Purpose of the Mental Health Court

The primary objectives of the Broward County Mental Health Court are as follows:

- ▶▶ Create a courtroom with a high degree of sensitivity to the specialized needs of this population.
- ▶▶ Assure that the mentally disabled defendant does not languish in jail because of his or her illness and is able to obtain needed emergency psychiatric treatment without compromise of the individual's substantive legal rights.
- ▶▶ Balance the defendant's individual rights, treatment considerations, and public safety.
- ▶▶ Apply a therapeutic approach to the processing of mentally ill offenders to assist them and their families in the recovery process and in assuming personal responsibility for their comprehensive health needs. Reducing the stigma associated with mental illness is another important objective of this approach.
- ▶▶ Ensure and oversee the coordination, effectiveness and accountability of 1. the delivery of community-based treatment and services and 2. compliance with treatment by the individual defendant.
- ▶▶ Reduce the contact of the mentally ill with the criminal justice system by building better collaboration between community mental health resources and the jail system.

The target group for the Mental Health Court was mentally ill individuals charged with misdemeanor offenses so long as the offenses did not involve driving under the influence, domestic violence, or assault charges (Slate and Johnson, 2008).

## Key Components of the Model

The Mental Health Court is a voluntary, specialized docket that meets daily, as needed. Referrals come from family members, police, lawyers, jail staff, magistrate, and other county criminal court judges. The court operates under the philosophy of "therapeutic jurisprudence," which views the role of the court as an active therapeutic agent in the therapeutic process. The judge becomes the primary coordinator of treatment, services, and housing, with much input on an ongoing basis from a multidisciplinary Mental Health Court Team.

This team is a key part of the Mental Health Court model. Team members include law enforcement, treatment providers, the mentally ill and their families, as well as the legal representatives. They collaborate and share information and resources in an effort to provide the mental health and other community services that a mentally ill offender needs to function more effectively in society and avoid the kind of offenses that brought him or her in contact with the criminal justice system. Team members meet on

a regular, often weekly basis to discuss cases within the court and make specific treatment plans for each mentally ill offender. Offenders are required to come before the court during docket and interact with the judge on a personal, informal basis. Most team members attend dockets to provide the judge with information and recommendations regarding the treatment and progress of a mentally ill offender.

Law enforcement plays an important advisory role on the team because police are on the frontline in handling and following up on public disturbances and criminal activity involving the mentally ill. As a result, they may possess valuable information about the history and current status of a mentally ill offender. Much like the CIT Model, all stakeholders in the Mental Health Court contribute much needed resources and assistance related to the problems faced by mentally ill persons who are under the purview of the criminal justice system.

### **Successes and Outcomes**

A review of the literature reveals the following findings related to offenders appearing before the Broward County Mental Health Court:

- ▶▶ They experienced increased access to mental health services (McGaha, Boothroyd, Poythress, Petrila, and Ort, 2005).
- ▶▶ They perceived that the court was fair and noncoercive (Petrila, 2003).
- ▶▶ They experienced significantly shorter jail stays than a comparison group. A study shows that the average stay was 3.0 days for those in the Mental Health Court, while the average stay for a comparison group not involved in the Mental Health Court was 10.5 to 12.0 days (Christy, Poythress, Boothroyd, Petrila, and Mehra, 2005).
- ▶▶ Treatment included long- and short-term residential treatment, as well as intensive case management for those in the community (Spigel, 2001).

The Mental Health Court collaborations and partnerships entered into in 1997 continue in Broward County today. Additionally, many other jurisdictions have used modified versions of the Broward County model to implement Mental Health Courts in their communities.

## **Boone County (Missouri) Mental Health Court**

### **Overview**

The Boone County Mental Health Court was established in 2003 to allow the 13th Judicial Circuit (Columbia, Missouri) to better respond to the growing number of mentally ill people whose nonviolent criminal offenses were more the result of mental illness than an intent to cause harm. In practice, the court functions as an alternative sentencing program that attempts to bring together all the experts and resources required to help

the mentally ill individual successfully live in society without further contact with the criminal justice system. It focuses on treatment and rehabilitation rather than punishment. This approach not only benefits the mentally ill, but it also reduces the high level of recidivism among mentally ill convicts, which ultimately improves public safety.

To be eligible for the Mental Health Court, one must be a resident of Boone County; accused or convicted of committing a nonviolent criminal misdemeanor or felony offense; and diagnosed with an Axis I mental illness, which includes major mental disorders such as schizophrenia, bipolar disorder, clinical depression, as well as developmental and learning disorders. Participation in the court is voluntary.

The Boone County Mental Health Court model is much like the Broward County model in Florida. A team of advocates, court officials, law enforcement officers, mental health professionals, and service providers evaluates each offender and, in conjunction with the Mental Health Court judge, develops a comprehensive treatment plan that typically lasts a year. It consists of three phases:

1. Stabilization, which focuses on mental health, substance abuse and related services designed to stabilize people in crisis.
2. Cognitive life skills building, which provides the practical education and related training services people need to develop the skills to be self-supporting.
3. Reintegration, which prepares people to live independently in the community.

Each phase also includes comprehensive mental health treatment, including counseling, medications, and care in an in-house treatment facility, if needed. Substance abuse treatment is also available to the many mentally ill individuals who struggle with alcohol or drug dependence. If the offender follows the treatment plan, attends all required court hearings, and avoids any further criminal activity, he or she will not likely be sentenced to serve time in jail. In some instances, charges may be dropped altogether. If the offender fails to follow the rules, a variety of sanctions are implemented, including removal from the program, which would result in his or her case being referred back to the court for conventional prosecution.

## Unique Aspects of Boone County Court

### Mental Health Court Team

In addition to the usual range of court officials, legal advocates, and mental health experts, the Boone County Mental Health Court Team includes a wide variety of community agencies that are in a position to deliver services typically needed by a mentally ill person in crisis. These include housing services, emergency assistance, employment training and job counseling, educational services, and one-to-one assistance in filling out paperwork required to secure various services and government benefits.

### **The Judge**

Mental health court judges routinely consult with team members about the needs and progress of each participant during the court docket. But Associate Circuit Judge Christine Carpenter, who presides over the Boone County Mental Health Court, doesn't wait until she enters the courtroom to collect information. She meets with team members before the hearing to discuss the details of each case, including the progress of the individual, problems and successes, the need for mental health, and other community services, as well as any special considerations that might result in a change in an offender's treatment plan. By the time she meets with the offender in court, she is able to conduct a meaningful conversation about his or her situation, including applauding successes and warning about missteps.

### **The Role of Law Enforcement**

An officer from the Columbia Police Department is an integral part of the Mental Health Court Team. Because police are on the frontline in the community, knowledgeable about what is happening on the streets, he is often able to alert the team members to situations that might be dangerous or inappropriate for a court offender. For example, if the team was attempting to find a job for an offender at a certain Laundromat, the officer might know that there's a lot of drug activity around the site and urge the team to look at another alternative. He is also available to respond to emergency situations involving court offenders. If someone does not show up for his scheduled court hearing—or there are reports that an offender is homeless or living in an unhealthy environment—the police team member will check it out and report back to the team. Further, because he has developed a deep understanding of mental health issues as an active member of the team, he informally trains other Columbia police officers to watch for the signs of mental illness and take the steps necessary to get them referred to the Mental Health Court.

### **Funding**

The Mental Health Court was initially funded by Proposition L, a 1/8th percent sales tax approved in 2002 by Boone County voters to support the court and other law enforcement-related activities. Additional start-up funding was provided by a grant from the Bureau of Justice Assistance for the support of mental health treatment and housing expenses for court participants. Today, Proposition L is the primary funder of the court.

### **Barriers to Mental Health Courts**

Mental Health Courts can be a very effective in dealing with the special needs of mentally ill offenders. However, the one major challenge is the lack of adequate mental health and related resources, such as housing, insurance, and other community assistance, available to the Mental Health Court. Much of this is due to a decline in state funding, reduced Medicaid

benefits, and a shortage of hospital beds for the mentally ill. This limits the ability of the Mental Health Court Team to arrange for all the resources a mentally ill offender requires. If the Mental Health Courts in Broward County, Boone County, and other communities are to effectively serve all the qualified offenders, then states and other governing bodies must allocate the resources needed to properly deal with the mentally ill. Otherwise, the revolving door of this population into and out of the criminal justice system will continue.

## Summary

This chapter highlights two innovative police collaborations—CITs and Mental Health Courts—both designed to improve the way law enforcement and other groups involved in the criminal justice system deal with mentally ill suspects and offenders. Each collaboration requires the police to adopt new, more appropriate and humane behaviors that go beyond their traditional role of apprehending criminals. The efforts of the police, as well as the many partners active in CITs and Mental Health Courts, have produced “best practices” that can be emulated to create sustainable collaborations for working more effectively with mentally troubled individuals in the criminal justice system. These collaborations mark the beginning of a much needed reduction in the level of the criminalization of the mentally ill in the United States.



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## Conclusion

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There are many reasons why police might want to further explore the kinds of alternatives-to-incarceration programming highlighted in this publication. First and foremost are the many direct and indirect benefits that police reap when they collaborate with community corrections officials and other people within the criminal justice system and the community to find safe, effective, and affordable ways to hold low-risk offenders accountable without incarcerating them. Although this report examines only a limited number of alternative programs, it quickly becomes apparent that the involvement of law enforcement in these programs improves public safety. Additionally, under the traditional criminal justice system, police hand over offenders to a system that will make all decisions about their punishment with little or no input from law enforcement. With alternative programming, the expertise of police who deal with criminals on a daily basis is utilized to develop programs that will—without jeopardizing the safety of the public—give offenders the support they need to avoid criminal activity in the future.

This report outlines many of the most important benefits that police enjoy when they participate in alternatives-to-incarceration programming.

### 1. **Cost effectiveness**

In a world of competing interests for diminishing resources, the criminal justice system is struggling to keep a lid on incarceration costs that have been spiraling out of control in recent decades. One good way to do this is by keeping low-risk offenders in the community, a strategy that is much less expensive than incarcerating them. According to the Pew Center on the States (2009), the average cost of keeping an inmate in prison is \$29,000 per year as opposed to keeping them in the community on probation at an average cost of \$1,250 per year. As this publication demonstrates, there are many successful community-based interventions which can be used to maintain public safety and, at the same time, assist low-risk offenders in making life changes that will help deter them from reoffending.

### 2. **Effectiveness of alternatives to incarceration**

Today, more creative and innovative alternative programs are being implemented with a variety of populations in community corrections, most documenting significant decreases in recidivism rates. These successes should inspire police, whose commitment to public safety is paramount. For example, among many jurisdictions involved in the Juvenile Detention Alternatives Initiative (JDAI), it has been shown that as the detention rates among arrested juveniles fell, so did juvenile crime rates. Additionally, the use of mental health courts has been a crucial factor in stopping the revolving door of the mentally ill in and out of prison. Operation Night Light, a very productive collaboration between police and corrections, has proven to be an effective crime-

reducing program. Another alternative-to-incarceration effort initiated by the Department of Corrections in Kansas has drastically reduced the prison population by instituting new ways of dealing with minor probation and parole violations. Law enforcement has played an important role in the planning and/or execution of all of these efforts.

### 3. **Lessening police hassles**

Police already have so much to do that the idea of finding time to explore and participate in local alternatives to incarceration may initially seem unrealistic. Yet research and anecdotal information related to the alternative programs featured in this report strongly suggest that police involvement in these efforts *makes their lives easier*.

Consider the Crisis Intervention Team (CIT) model. CIT teams, composed of police officers with intensive training in dealing with the mentally ill, has the potential to save police many hours of waiting in a hospital to get a mentally ill offender admitted for observation. Under the CIT system, police collaborate with mental health facilities that allow CIT officers to make on-the-spot admissions with practically no waiting or red tape. A secondary benefit is that more mentally ill offenders are getting the mental health care they need to avoid reoffending. The Vermont Community Justice Centers (VCJC) represent another time-saving alternative program, one that focuses on restorative justice via reparative boards. VCJCs offer police an opportunity to make direct referrals to reparative boards when dealing with low-level crime. So instead of investing a lot of time testifying and otherwise supporting the prosecution of a case, police who refer offenders to reparative boards free up time for other vital law enforcement activities—all the while protecting the public from harm. That’s because VCJC reparative boards utilize a proven, standardized approach to holding the offender accountable for his illegal actions against the victim and the community. These and many other alternative-to-incarceration programs allow police to decrease the time and energy they typically spend processing cases.

### 4. **More police discretion**

Too often, those suspected of committing crimes are arrested and automatically channeled into the criminal justice system. At that point, police—who often possess a good understanding of the offender’s history and risk of reoffending—have little or no input into what happens to the offender. By contrast, many alternative programs rely on the expertise and judgment of police in determining the fate of offenders. For example, police are very involved in the development of the JDAI assessment tool, which is used to separate high-risk juveniles, who should be confined after arrest, from low-risk juveniles, who can be released prior to the adjudication of their case without risk to the community. Similarly, the decision to refer cases to restorative justice in some jurisdictions is

left to the law enforcement agency that has the first interaction with the offender. Officials within the criminal justice system increasingly recognize that the experience and ideas of police are vital assets in developing and implementing alternative programs.

**5. Improving community/police relationships**

Community policing advocates for stronger relationships between police and the community. All of these programs offer new and expanded ways that police can work together with different segments of the community. As a result, many experience better relationships among the people they deal with in the criminal justice system. The restorative justice program in St. Louis County definitely reflected this. For example, the volunteers on the Juvenile Justice Committee (JJC) in Kirkwood, Missouri (part of St. Louis County), got to know their police liaison and learned to respect his expertise. The parents of the juveniles who appeared before JJC's saw the police officer as someone who was truly trying to help their child, rather than someone who fit the stereotypical role of "catching" him doing something wrong. In both the mental health court and the CIT programs, police consistently demonstrate that they are sensitive to the needs of the mentally ill and their families. These and other alternative programs have led to many positive, productive relationships between the police and the community.

Police who participate in alternatives-to-incarceration programs enjoy all the benefits outlined above without jeopardizing—and in many instances improving—public safety. As communities increasingly look for new ways to control their spiraling prison/jail populations, now is an ideal time for police to consider working with both the community and the criminal justice system to develop viable alternatives to incarceration.

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At a time when one in 100 American adults is confined to prison or jail, the ballooning cost of incarceration—about \$29,000 per inmate annually—is strangling state budgets without increasing the safety of our communities. In response, police have collaborated with community corrections officials, others in the criminal justice system, and community members to find safe and effective alternatives to incarceration for the growing legion of low-risk offenders who end up behind bars. This report provides concrete examples of some of the most successful and innovative alternative programs that have evolved from these collaborations and that are keeping our communities safe at a fraction of the cost of incarceration.

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