

COUNTY OF MARIN

**CRIMINAL AND JUVENILE JUSTICE
STRATEGIC PLAN**

JUNE 2008

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SECTION I INTRODUCTION AND OVERVIEW

In 2006, the Marin County Board of Supervisors adopted as one of its six priority initiatives the development of a community justice strategic plan. The intent of this decision was to work towards creating an overall safer and healthier community by incorporating community justice principles into its existing criminal justice system. The Board recognized that while the County has a progressive criminal justice system and has made significant strides in the use of restorative and therapeutic practices, improvements could be made to better respond to community needs.

With this goal in mind, County staff took three initial steps. The first was to obtain partial funding for this effort from the Marin Community Foundation, which agreed to provide funds to assist in the planning for this effort. The second step was to contract with a consultant to assist in exploring how Marin County could improve community safety through a classic community justice model. This RFI resulted in the hiring of The Carey Group, a nationally renowned consulting agency that specializes in implementing restorative and community justice policies and programs. The third step in this process was to form a “Community Justice Work Group” (see Appendix 1 for a list of participants), utilizing subject matter experts from the relevant County Departments. The task of this group, under guidance from The Carey Group, was to do the following:

1. Assess the equity, efficacy and efficiency of the County’s existing programs and services for criminal justice
2. Come to a common understanding of what is meant by terms such as traditional, therapeutic, restorative and community justice
3. Based on that understanding, determine the extent to which a community justice model would be both appropriate and feasible for Marin County to adopt
4. Develop consensus on a common set of values and principles to use as guidelines for evaluating future criminal and juvenile justice programs and/or services

Some of the important data that was developed from this Work Group included the following:

- While Marin County has a number of therapeutic or “problem-solving” court programs, and one truly restorative program, the vast majority of criminal justice is delivered through traditional systems
- While there is both a need for and an interest in increasing community outreach, adopting and implementing a community justice approach with all justice system programs and services needs to be accomplished in a gradual and well planned fashion, otherwise it would not be feasible, given the fiscal and legal limitations under which the County operates

- Although the Work Group did not decide to recommend an immediate change in how criminal justice is delivered, it did establish a direction for the Marin County criminal justice system that will be effective, inclusive and fair, and will begin the gradual transformation process towards a community justice system

The intent of the Work Group is that over time, the involvement of community in the criminal justice system in Marin County will increase, that there will be more balance between the four identified systems of justice (traditional, therapeutic, restorative and community), and that future opportunities for adding programs should be viewed through a common lens. Part of the vision of the initial RFI was that the County would “assess and evaluate current programs, then determine how current programs can be refined and enhanced to incorporate restorative and reparative principles...”¹ The final determination of this group was that the County is better served by adding community justice principles in a carefully planned and incremental manner to create a sustainable continuum of justice delivery systems, rather than seek to modify all existing programs and policies to incorporate this innovation².

SECTION II SUMMARY OF OUTCOMES FOR EXISTING JUSTICE SYSTEMS

Later sections of this document will discuss those opportunities for increasing the options for how our County “delivers” criminal and juvenile justice that this Work Group has identified. Prior to that discussion, however, it would be beneficial to first put into proper perspective what the County’s relative experience is with crime. Once it is known what level of public safety the County is experiencing, it makes sense to review and understand the existing system of criminal justice services and programs that is delivering this result.

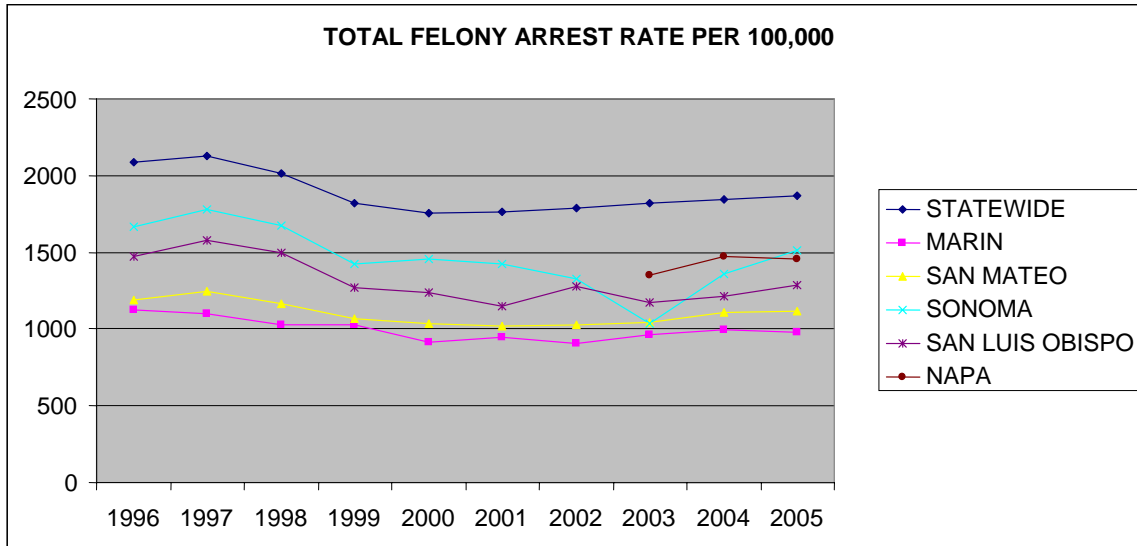
Data reflects that Marin County’s rate of crime is very low³. When compared to the State’s rate of felony arrests per 100,000 of population⁴, Marin is at almost half the rate of the rest of the State. Even when compared to counties with similar demographics, such as those shown in the graph, Marin experiences less crime.

¹ Request For Information (RFI), Strategic Plan For Community Justice, Marin County Board Of Supervisors, January 2006

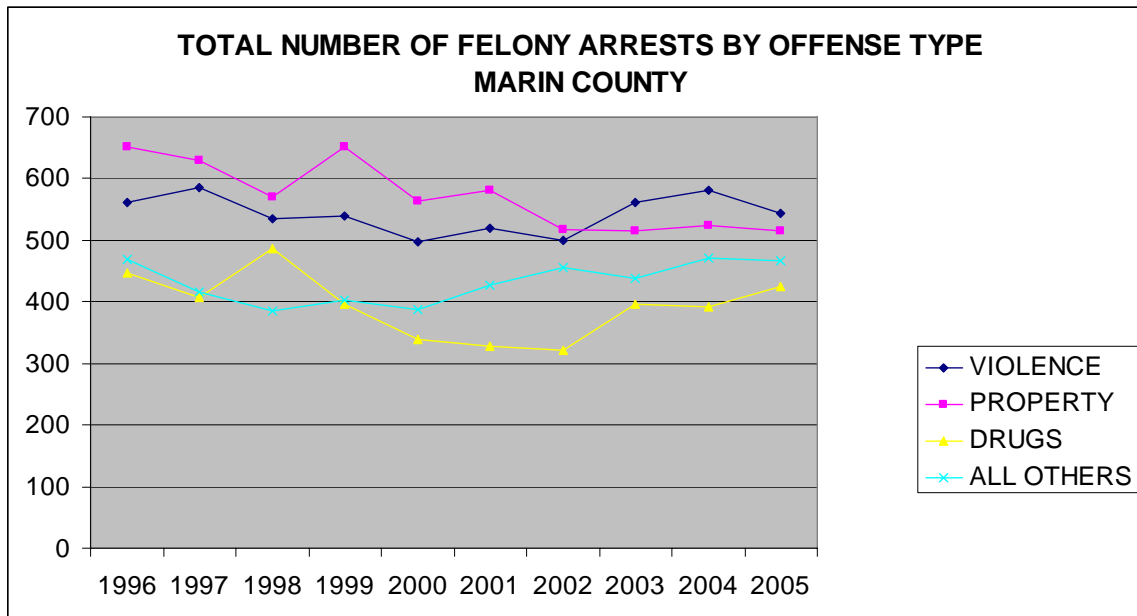
² One point of clarification is in order. Typically, there exists a significant distinction between the terms “criminal” and “juvenile” justice. The juvenile justice system has traditionally been more associated with the welfare of the youth accused of a delinquent offense, while the adult justice system has been primarily concerned with the safety of the community. The intent of this document is to apply the principles discussed to both systems. However, for information relating only to juvenile justice, the Probation Department is preparing the “Comprehensive Multi-Agency Juvenile Justice Plan Update.” This document will provide a more thorough examination of the services, programs and outcomes for Marin County’s juvenile justice system

³ While it is possible to use a variety of different indicators for assessing the true crime rate, this report has chosen the rate of felony arrests for both adult and juveniles. This data is easily accessible and provides ample opportunities for comparison with other jurisdictions

⁴ <http://ag.ca.gov/cjsc/statisticsdatatabs/ArrestCoFel.php> Napa County data is not available prior to 2003

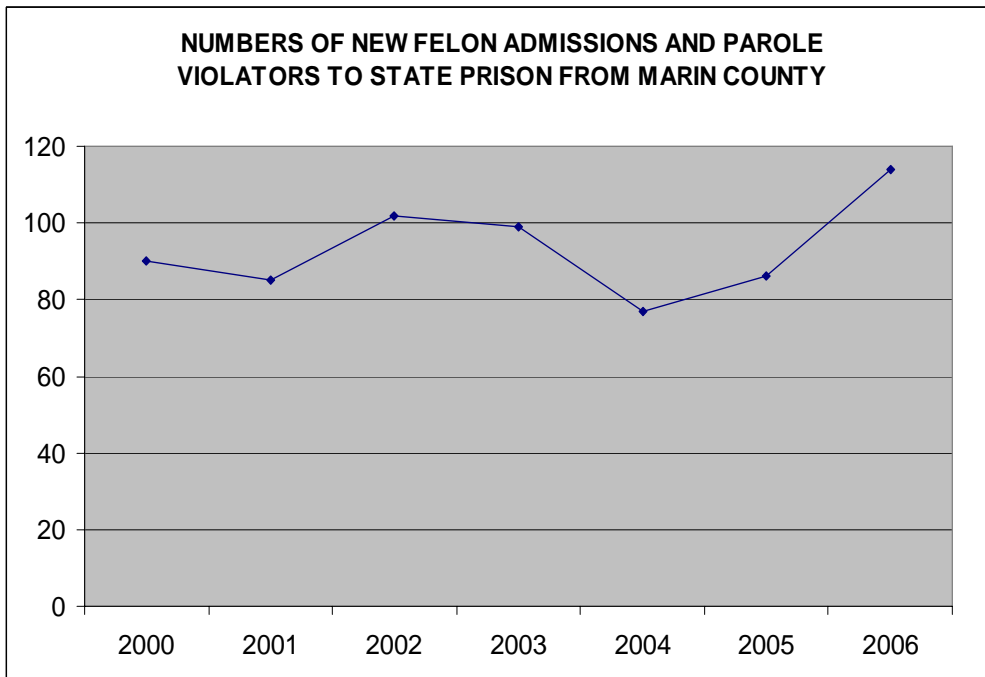


The type of crime that Marin experiences has remained relatively constant over the last 5 years⁵. While there have been up and down turns over the years for which this data exists, there are no significant trend lines of great concern.



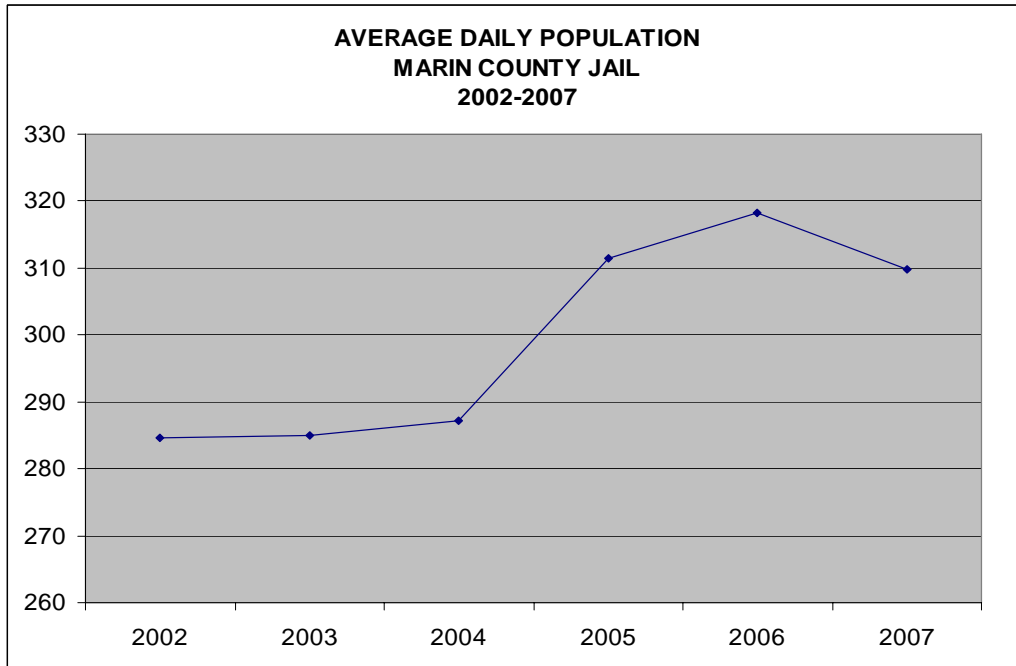
⁵ “All Others” includes primarily offenses involving Driving Under the Influence, Sex and Weapons

The data shown above relates to all arrests, in both the adult and juvenile justice systems. There are some areas of concern that relate to the distinct systems. In the adult realm, it appears that the overall number of prison admissions from Marin County has risen over the last few years. This is a trend the County will need to watch closely and perhaps conduct an in-depth analysis of what could be driving this increase⁶.

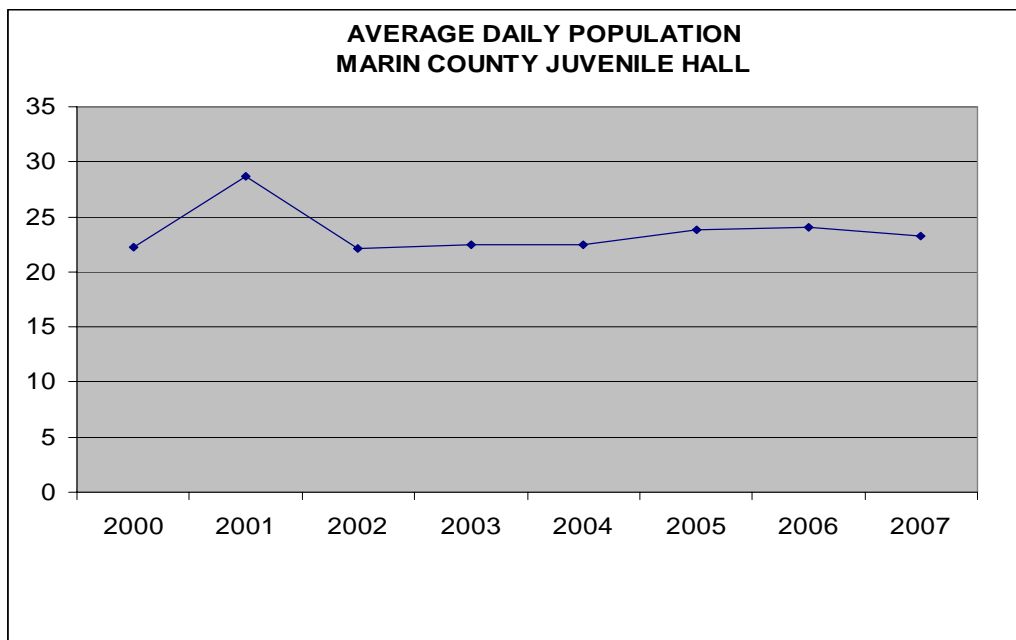


Despite the relatively stable nature of the crime rate of felony arrests, this has not translated to a stable jail population. The following graph shows the average daily population by year of Marin County's jail, from 2002 to 2007. Theories as to what is driving the increased census have targeted the Three Strikes legislation as a likely culprit, as this has increased the tendency for more offenders to request a trial, rather than accept a plea deal, which in turn extends their stays in secure detention. The Sheriff's Office is conducting a jail population study to analyze the reasons for the growth in the jail population.

⁶ Discussions around correctional reform are increasingly taking on the tone that counties may have to assume the burden for supervising and/or incarcerating what have traditionally been inmates/parolees transferred to State custody.

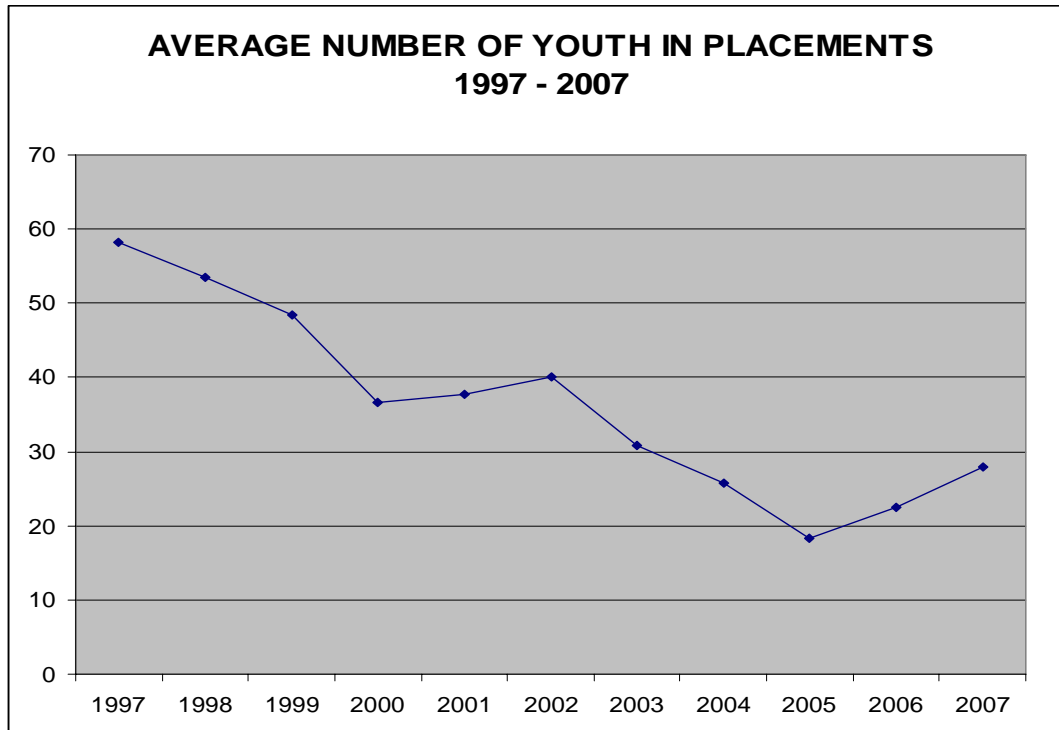


On the juvenile justice side, the average census of the County's Juvenile Hall facility shows the population has remained steady except for a sharp jump in 2001⁷.



⁷ This data refers only to those youth detained in the facility under either Proposition 21 or Juvenile Court jurisdiction

One disposition for youth who are at great risk for continued delinquency has been court ordered removal from their families and placement into group home facilities out of the area. Once a common practice for youth, the Juvenile Court and Probation Department have significantly reduced the numbers of cases going into such care, in part because of the great costs involved with such dispositions, but also because analysis has shown that removal from the home does not often result in improved outcomes (i.e., reduced recidivism).



Marin County's juvenile justice system has managed to maintain a stable and relatively low census at Juvenile Hall, despite having only one commitment to secure detention through the Division of Juvenile Justice (formerly the California Youth Authority), and having substantially reduced the numbers of youth in out of home placements. This is a significant achievement, which is both encouraging and commendable⁸. However, another indicator of serious juvenile crime is the numbers of cases filed under Proposition 21⁹. The numbers for this type of filing, while still relatively low, are climbing. In 2002, there was only one such filing and in 2007, there were 5 of them. This is an issue that bears continued attention in the future.

⁸ The tendency to compare results of the juvenile system with those of the adult should be resisted. For a number of reasons too far off topic to discuss in this document, the quantity, complexity and resources available to cases from these two systems is too disparate to compare outcomes

⁹ Proposition 21 is a voter initiative that was passed in 2001 which allows youth under the age of 18 to have the County District Attorney file charges directly in Adult Court, bypassing the Juvenile Court system

SECTION III SUMMARY OF EXISTING JUSTICE SYSTEMS

The Work Group that convened to analyze the feasibility of converting to a community justice model reviewed the breadth of criminal and juvenile justice programs available in the County. The list became very extensive, and it was clear that there exists a significant number of programs and services, operated both by public and private agencies, that are devoted to preventing involvement in these systems. It became apparent, however, that identifying and listing all of the available services would divert attention away from the major issue confronting the group, which is assessing the impact of incorporating community justice principles into Marin County. It was agreed that for the purposes of this document, this group would concentrate its efforts on the most common programs and agencies providing services to offenders already in either the juvenile or adult justice systems.

The Work Group found that the most common form of justice delivery in Marin County is through what are called “traditional” programs and services. The second most common type of system was “therapeutic” or “problem solving” court programs. There is one criminal justice program that is truly “restorative” in nature, and there is only one example of a program in the County that approaches true “community justice”. This section of the document will define each of these distinct, albeit overlapping, approaches, and then provide summaries of the extent to which each is, or is not, present in the County.

1. “Traditional”

For the purposes of this document, the “traditional” system of criminal and juvenile justice system delivery refers to those processes, programs and services which are usually found in all jurisdictions. They are often long standing, codified in law, and tend to be adversarial. Often, the focus is on the offenders, rather than victims or the community, and they often have an emphasis on punishment and/or control, rather than repair, rehabilitation or improving community capacity.

Examples of the “traditional” system in Marin County are easy to identify. Traditional law enforcement on the part of the Sheriff’s Department, local police departments, court prosecutions, and probation supervision are all classic examples of how criminal and juvenile justice is delivered to the vast majority of offenders.

2. “Therapeutic” or “Problem solving”

“Therapeutic justice” is a broad term which refers to judicial approaches that address the offender’s behavior as a problem requiring non-traditional sanctions and/or social services in addition to traditional sanctions. These programs have as their primary focus the offender, rather than victims or community. They are collaborative in that the programs set aside the adversarial processes of the traditional system, and allow defense attorneys, district attorneys, probation officers and treatment staff to work together to supervise program participants’ behavior. While the judge guides the final determination on what will happen in a given case, the “team” has more significant input than in a traditional system, and the expectation is that the collaboration of this group will lead to more effective decisions for assisting an offender to change their behavior.

Marin County has five established programs that fall under this category:

- **Adult Drug Court**

The Adult Drug Court program, originally funded through a three-year federal grant, is currently supported by a Collaborative Justice Substance Abuse Grant from the Administrative Office of the Courts (AOC) and the County's General Fund. Adult Drug Courts are designed to stop drug use by non-violent, high-risk offenders who face greater legal consequences for failing treatment. The goals of the Adult Drug Court are to reduce crime; improve public health by reducing drug abuse and mandating that participants seek needed medical, mental health and dental treatment; and reduce County expenses for jail time and supervised probation.

- **Juvenile Drug Court**

The Juvenile Drug Court is a collaborative effort between the Court, District Attorney, Public Defender, Probation and community-based treatment providers. The program provides intensive court monitoring, Probation supervision and long-term intensive drug treatment for youth and their families. The program operates countywide and serves high-risk youth who abuse alcohol and other drugs and are on probation. The program also serves family members and parents. Juveniles typically participate in the program for at least 12 months.

- **Proposition 36 Court**

The Substance Abuse & Crime Prevention Act of 2000 (SACPA, or Proposition 36), was approved by the Legislature in 2000. SACPA programs divert non-violent offenders and parolees charged with simple drug possession or drug use offenses from incarceration to community-based alcohol and other drug treatment programs. SACPA aims to preserve jail and prison cells for serious and violent offenders, enhance public safety by reducing drug related crime, and improve public health by reducing drug abuse through proven and effective treatment strategies.

- **STAR Court**

STAR Court is a court-supervised, four-phase program for mentally ill offenders that lasts at least 12 months; it can take longer for some defendants, depending on their participation and progress. In order to be referred to STAR Court, individuals must be arrested and convicted in Marin County, have a serious mental illness, and choose to participate in STAR Court rather than have their cases proceed through the regular court process. Participants are required to participate in therapeutic treatment for their mental health issues and often for underlying substance abuse problems.

- **Family Violence Court (implemented in March 2008)**

Through a collaborative process with the community and the Court to increase awareness and understanding of the causes and consequences of family violence, the Family Violence Court seeks to compel defendants' compliance with court ordered family violence sentences and improve the conduct of families that desire to stay together by supporting that outcome with court-monitored structure and program assistance for all members of the family. The Probation Department performs assessments of candidates and recommends those individuals who meet the medium to high risk profile to reoffend. Those defendants who are successful in complying with terms of probation in the early phases of the program may elect to participate in family reunification services in later phases.

3. **“Restorative”**

Unlike either the traditional or therapeutic models, restorative justice’s focus is equally placed on victims, offender and the community. The philosophy of restorative justice acknowledges that crime injures victims and their families, offenders and their families, and communities. A program using this system would seek to “repair the harm” caused by the crime. It is more concerned about the harm caused than simply by the fact that a rule has been broken. “Restorative justice” (also known as “balanced”) is more specifically based on principles of:

Accountability: increasing the offenders’ awareness of the effect of their actions on others and offering them opportunities to repair the harm caused

Competency development: providing offenders with opportunities to increase their skills so they are able to function as more productive members of society

Community protection: increasing offenders’ skills and ties to the community so they will be less likely to harm the community again

While restorative justice principles have made their way into some juvenile justice systems (the most commonly cited example is found in Deschutes County, Oregon. This program is known as the “Community Juvenile Justice Department” and the entire juvenile justice system has adopted these principles¹⁰), few examples of this work exist in the world of adult criminal justice systems. Marin County is similar in that only one program operates entirely under the principles of restorative justice, and it has worked almost exclusively in the juvenile justice system. In the Victim Offender Reconciliation Program (better known as VORP), crime victims are given an opportunity through a formal mediation process to express their feelings and any concerns or issues regarding the crime. Offenders are held accountable for their actions and given the opportunity to make direct amends to the victim who has an opportunity to help determine how this may be accomplished. The process is directed by a skilled mediator with specialized training.

4. **“Community Justice”**

Community justice is a strategic method of crime reduction, restorative practices and prevention which build or enhance partnerships within communities. Community justice policies confront crime and delinquency through proactive, problem-solving practices aimed at prevention, control, reduction and reparation of the harm crime has caused. The goal is to create and maintain vital, healthy, safe and just communities and improve the quality of life for all citizens. A true “community justice” approach will seek to:

- Add direct community involvement to the process
- Increase community bonding and strengthening

¹⁰ For more information on this program, see <http://www.co.deschutes.or.us/index.cfm?objectId=4FC3F21B-BDBD-57C1-91CDAA2777B41089>

- Empower and add capacity to the community at large

An ideal community justice model involves a delivery system of justice that:

- Operates at the neighborhood level (not legal/political)
- Is problem solving (as opposed to contested solutions)
- Decentralizes authority and accountability (versus hierarchical)
- Gives priority to a community's quality of life (goal is not just to change crime circumstances but to strengthen capacity of community self regulation)
- Involves citizens in the justice process (ranging from meetings, volunteer or formal roles on advisory boards)

What distinguishes community justice from restorative justice is the degree to which the community is engaged in true capacity building and resolution of its concerns or interests. Most restorative programs and approaches seek to deal with the real or potential fallout of crime by addressing the impact of that crime on individuals (usually victims or offenders, and sometimes individual community members). Community justice seeks as its outcome stronger communities.

Creating such a community justice approach across Marin County was the purpose of the original RFI, and it was not anticipated that there would be many examples of this already in existence with the County's present systems. The only program existing in Marin County that comes close to these ideals and principles is the Youth Court, which is a diversion program for first time juvenile misdemeanor offenders. Students serve as youth attorneys, jurors and bailiffs for the hearings, and adult volunteers are available to provide guidance. While Youth Court operates on many of the community justice tenets, it is a small scale program that is available only to youthful offenders.

Despite the relative safety of living in Marin, and the breadth of services and programs that already exist in our system, the County still has an obligation to seek innovation in the hopes of improving upon the status quo, for two reasons:

- The low crimes rates of Marin County correspond to the county as a whole. If it were possible to look at these same statistics by city or neighborhood, we would get a much different picture. Areas of Novato, San Rafael and Marin City are experiencing rates of crime that would not appear even remotely similar to what is shown in the graphs shown above for the County overall. This is likely true across the spectrum of potential impact of crime, from being a victim, to an offender, to a community or family member; the impact is hitting some communities within Marin County very hard and others hardly at all. Innovation and improvements in how criminal justice is delivered are required in order to balance the burden that crime places on these communities.
- The Work Group expressed its belief that there are significant opportunities among low level, misdemeanor offenses (often described as 'nuisance crimes') which could be resolved using the community justice approach. This work could result in relieving an already overburdened court system, and provide improved outcomes at the same time.

While the Group perceives this area within criminal and juvenile justice as a prime place to begin, it does not want to limit the model to only those types of crimes.

- The County has indicated its commitment to residents of Marin through the 2001 County Strategic Plan, which included a community goal of “safe communities” and an organizational goal of “managing for results.” Both of these goals speak to the need for considering increasing the quality, and quantity, of the different delivery systems for criminal justice in Marin County. The purpose of the county’s Strategic Plan, and the selection of these goals, was to ensure that the County is constantly striving for improving its service, and not becoming satisfied with the status quo.

SECTION IV	CONCLUSION AND RECOMMENDATIONS
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The Work Group that convened to undertake this effort validated the County’s overall commitment to a progressive criminal justice system, particularly in the area of therapeutic and restorative programs. The Work Group acknowledged that more can be done in these areas to continue promoting a safer and healthier community. One manner of accomplishing that would be to explore opportunities to modify existing programs to better reflect community justice goals, and to enhance partnerships with communities whenever possible. However, the Work Group also determined that a complete and immediate transformation of the existing criminal justice systems to a community justice model would likely be impractical, given existing commitments to programs, financial constraints, and state and legal mandates that might conflict with this approach.

Commitments to Existing Programs and Services

With a myriad of initiatives, opportunities and challenges facing departments, Marin County must make choices about priorities in terms of what makes sense to pursue. Departments understand their core functions and the need to complete those in a competent manner. Implementing community justice principles and programs across the criminal and juvenile justice systems might impact commitments and resources to existing programs and services, as well as core functions and the department’s capacity to deliver them. The County must be cautious in not pursuing initiatives that might negatively impact basic public safety in the community. In addition, some of these programs leverage external sources of revenue that are dependent on a program being conducted in the manner that it was conceived. Drastically changing the manner in which a program operates, by adding community justice principles, policies or practices, could conceivably affect those revenue streams.

Limited Funding Opportunities

Like all government agencies, Marin County is facing significant financial challenges in the next few years. The significant reductions in both County and State revenue, along with increased net County costs (primarily related to employee and retiree benefits) will severely hamper the County’s capacity to undertake any new initiative, much less one as sweeping as what was originally envisioned with the community justice initiative RFI. An effort to introduce community justice in a gradual, incremental manner (as opposed to an immediate and sweeping one) better lends itself to the fiscal condition of the County.

Legal Limitations

During the Work Group's meeting, there was frequent expression of concern over how some of these principles could be applied without violating existing laws or mandates. As an example, the community justice principle of decentralization of authority and accountability can run counter to State law in court cases, where a judge's authority does not allow for the inclusion of community input in the disposition of many cases. Where State law does not dictate, and where criminal justice staff has discretion, opportunities do exist for implementing community justice principles.

The restraints listed above, however, do not preclude a more gradual implementation and adoption of community justice principles over time. The recommendations that follow are intended to reflect the general interest within the community of Marin County to allow for non-traditional approaches to how criminal and juvenile justice is delivered.

In order to accomplish the goal of improving how the County delivers criminal and juvenile justice, the Strategic Plan Work Group recommends that Marin County engage in the following courses of action:

RECOMMENDATION 1

Use guidelines to critically analyze future opportunities and decisions regarding how criminal and juvenile justice programs are implemented, modified and considered

One of the most important products of this Work Group was the creation of a set of guidelines for how Marin County's justice system develops over time. Creating a "lens" for viewing future proposals creates both a rationale and a strategic process for managing the County's justice systems, as opposed to the ad hoc, incremental system that exists now. Presently, individual departments often develop and consider future programs without considering a new program or initiative's strategic fit with the rest of the County justice system¹¹. In addition, and perhaps most importantly, the lack of an expressed vision for what Marin County's criminal and juvenile justice system should look like, increases the tendency to create a patchwork of approaches, practices and programs. The creation of this lens ensures that the justice system's programs, practices and policies articulate, and reflect, the County's values and goals. The development of this "lens" provides a structured, three step process for vetting and discussing programs, initiatives or efforts related to criminal and juvenile justice. These steps are further described on the next page:

Step 1: Characteristics

The characteristics identified by the Work Group as being important were that the proposal:

¹¹ This tendency has been mitigated by the fact that most new criminal and juvenile justice programs and initiatives require collaboration, either as a mandate from the funding authority, or because the issues are perceived as too complex for one discipline to resolve. While these factors mean that most situations will involve more than one agency, they do not assure that the program or initiative will be viewed as one part of an entire system

- Improve community safety by reducing recidivism
- Be preventative and proactive whenever possible
- Involve community
- Be restorative

Step 2: Principles

The second step in this process of developing a lens was to identify a set of agreed upon, common underlying and foundational principles upon which all County justice programs and initiatives will strive to operate. These principles, which would be used to consider the value of future programs, policies and practices, were identified by the Work Group as (further description of these principles can be found in Appendix 2):

- Accountability
- Trust/Collaboration
- Accessibility
- Integrity

Step 3: Questions

The final step in this process of creating a lens with which to manage the justice system was to articulate a set of questions for which all future programs and initiatives would be considered¹². The Work Group developed the following questions for the purpose of considering any future initiative, program, practice and policy:

1. Does it make the community safer?
2. Does it balance the interests of the victim, offender and community?
3. Does it strengthen or build community capacity?
4. Does it create opportunities to heal damaged relationships?
5. Does it promote long term solutions that address systemic causes of crime?
6. Is it likely to be effective? (e.g., evidence based or a promising practice to reduce recidivism and/or incarceration?)
7. Is it efficient? (e.g., cost per service and leveraging existing or grant funds)

As envisioned by the Work Group, future changes, whether they be in the form of modifications, additions or possibly even elimination of programs, practices, policies or initiatives, will undergo a review process in which the Criminal Justice Department Heads (including the Public Defender, District Attorney, Sheriff, Chief Probation Officer, Court Executive Officer, County

¹² It was agreed that these represent “guidelines”, rather than “criteria” for new programs and initiatives.

Administrator, and the Director of Health and Human Services) will use these characteristics, principles and questions to assess the issue.

RECOMMENDATION 2

Encourage and explore the use of restorative practices in existing programs

A second recommendation of the Work Group is that existing programs and services consider how they might modify practices to include the notions and values inherent in the lens described above. While the Work Group recognizes the difficulty in making significant changes to how existing programs operate, there are particular situations in which it might be both appropriate and possible to implement some of these principles and considerations. This document will consider two examples of how and when this might be accomplished.

One example of when the County might want to consider how to incorporate some of these ideas into existing programs would be at any time when a program, service, practice or policy is not meeting its County goals. Each year, County Departments are required to report out on their progress towards meeting goals for identified programs. When a program is not reaching its goal, the County Administrator is asking that Departments consider what might be causing that and analyze whether some sort of re-engineering in the program operations might be in order. This would provide the opportunity to include the principles and/or questions listed in this document in the hopes that they might assist in the improvement of outcomes.

A second example of where existing practices and programs could adopt some of these ideas immediately is in the area of community service work. At present, the imposition of community service work is a practice common to the traditional, therapeutic and restorative justice systems. What has been missing in the vast majority of assignments of community service work however, has been adding a restorative component to it. The typical process is to inform an offender that they have been assigned a certain number of community service work hours to perform, and to give them a list of agencies that would satisfy the requirement. After that, it is often up to the offender to determine where they will work, to complete the assignment and to notify the proper authority once it has been completed. There are numerous opportunities to incorporate some of the principles discussed here by taking some simple steps, such as:

- Allowing the victim to participate in site selection for an offender to complete their community service work
- Requiring that the offender report back to victim after the work is completed
- Ensuring that the community service work assigned to an offender is directly related to offense and offender needs
- Ensuring that the community service work assigned to an offender is meaningful and demonstrates visible contribution (e.g., assisting at a homeless shelter)
- Assigning community service work that includes some form of celebration ceremony where community expresses its appreciation (e.g., park building)
- Assigning community service work that involves an offender working side by side with community members

- Requiring offenders to participate in some form of cognitive class both before and after the work

In collaboration with the Court, which already has a community service work longitudinal study underway through its Community Advisory Committee, the County might use this initial research to reexamine its guiding principles and business processes to look at community service work from a restorative perspective.

RECOMMENDATION 3

Seek out opportunities to engage in dialogue and create sustained partnerships with the local community

A jurisdiction that has fully and properly implemented a true community justice model should experience stronger and safer communities with less crime and a dignified and utilitarian approach to crime when it does occur. The community justice ideal is based on a series of assumptions such as:

- Citizens are safer when they are aware of what is happening in their local neighborhoods and familiar with their fellow neighbors. This familiarity leads to understanding, bonding, and a sense of obligation toward each other.
- While familiarity and understanding tends to make communities safer, they are more likely to lead to safety when the community supports a common set of values that include respect, understanding, forgiveness, and accountability, and demonstrates that support through its actions with each other.
- Communities are self defined usually around common interests instead of imposed boundaries such as geography or income.
- It is often a real or perceived threat or crisis that rallies a community together. Although this condition is not required, it is often the impetus for a community to begin problem solving and exerting energy that ultimately leads to community bonding.
- Communities have significant internal strength such as leadership, resources, motivation, and passion but tend to need structure and technical assistance to galvanize that strength.
- The objectives of government are best reached when they enter into a partnership with the community whereby the resources of government provide assistance to communities and communities provide guidance to government around their needs and possible solutions to challenges or opportunities.

Throughout the process of developing this document, the Work Group discussed the need to engage the community in a meaningful manner that would lead to a dialogue and, ultimately, a partnership, similar to what is described above. The process that would be necessary to achieve

these community justice ideals is not something that can be adopted immediately, for the reasons previously noted. However, the Work Group recognizes the value of having informed, involved and vested community members incorporated into efforts to increase public safety. What proved to be challenging for the Group, however, was how to go about achieving that goal.

A common problem cited throughout the discussions in developing a community justice approach was the lack of consensus around the exact meaning of “community.” There are many definitions of community, including one comprehensive and compelling definition put forth by Travis County, Texas District Attorney Ronnie Earle (a leader in the Restorative Justice movement):

“A COMMUNITY IS A GROUP OF INDIVIDUALS WHO SHARE JOY OR PAIN”

This definition means that a community will define itself as a group of individuals who have a common interest in something – it could be a geographic boundary, a hobby or passion, a concern about a cause or it could form as a result of a desire to achieve an outcome. The community is dictated by a common interest and it is due to that interest that the group is energized and collectively gathers, organizes, and bonds. Once bonded and working together, it tends to strengthen its capacity to solve future problems as the purpose of the gathering requires organizing and focusing resources to achieve an objective. The difficulty, and concern of some County Departments, is how to distinguish this definition of “community” from an “interest group”, particularly one that has an agenda that is not solely interested in the topic of how to improve the justice system in Marin County.

Fortunately, the Marin County Superior Court has already laid some of the ground work for an effort such as this. The Court has begun to engage in a dialogue with community members by developing a Court Community Advisory Committee. The process that the Court used to establish and constitute its Community Advisory Committee may be replicated by the County in its efforts to reach out for community involvement and input. The Court created a randomized selection process to ensure the Committee is both manageable (not too large of a group) and yet still representative of all court users and stakeholders. The Court recruited candidates from three distinct groups – former jurors, non profit agency representatives and the public at large. The only individuals disqualified from participation were attorneys (as they already have ample access to the Court) and those with cases pending before the Court. From approximately 80 applicants, the Court randomly drew 15 members and six alternates.

The purpose of developing the Community Advisory Committee was to provide an opportunity for a mutually beneficial dialogue -- helping community members to understand how the court system operates, and assisting the Court in understanding and being more responsive to issues of concern to community members. The Court expects that beyond simply an educational process, the Court and community can work together to ensure that the Court is perceived as a valued community partner. The first project undertaken by Community Advisory Committee is to research and analyze the potential for improving the impact of community service work on defendants, non-profit agencies that use their services and the community.

The Work Group recommends that the justice agencies of Marin County mirror the process the Court utilized to develop its own Advisory Council. Once the Council is created, it should be convened and consulted on how to assist in assessing the following:

- Level and type of interest within the community regarding justice system issues
- Which areas of the community have the interest and capacity to become partners in collaborating on addressing some of these issues
- How community involvement can best be utilized
- What is creating the gaps (i.e., interest, capacity, awareness) in those communities where there is no response

In summary, although this planning effort took longer than expected, the Work Group believes that it has resulted in a positive statement of our shared views and future direction of the criminal justice system in Marin County. The Work Group's hope is that this document serves as the starting point to create a more effective and balanced criminal justice system that prevents future criminal activities over the long run. Although there will always be a need for traditional criminal justice programs, the Work Group believes that the community will benefit by moving towards a greater emphasis on community justice.

APPENDIX 1

COMMUNITY JUSTICE WORK GROUP ROSTER

NAME	TITLE	DEPARTMENT
TIM LITTLE	UNDERSHERIFF	MCSO
BOB DOYLE	SHERIFF	MCSO
BILL BURKE	CHIEF PO	PROBATION
MIKE DALY	CHIEF DEPUTY	PROBATION
NICKI KUHN	JUVENILE DIVISION DIRECTOR	PROBATION
JOSE VARELA	ASST. PUBLIC DEFENDER	PUBLIC DEFENDER
JOE SPAETH	PUBLIC DEFENDER	PUBLIC DEFENDER
ED BERBERIAN	DISTRICT ATTORNEY	DISTRICT ATTORNEY
MARY ANN MCDONOUGH	VICTIM/WITNESS	DISTRICT ATTORNEY
PAM BOUSQUET	DEPUTY DA	DISTRICT ATTORNEY
KATHRYN MITCHELL	DEPUTY DA	DISTRICT ATTORNEY
DAVE HILL	DIRECTOR	IST
RWENA HOLADAY	SYS AND PROG MANAGER	IST
MATTHEW HYMEL	COUNTY ADMINISTRATOR	CAO
ALEX MCINTYRE	CHIEF ASST. COUNTY ADMIN	CAO
MATT BRONSON	ANALYST	CAO
KEVIN LYNCH	ANALYST	PROBATION
JUDY ARNOLD	SUPERVISOR	BOS
SUSAN ADAMS	SUPERVISOR	BOS
KIM TURNER	EXECUTIVE OFFICER	COURT
VERNA ADAMS	PRESIDING JUDGE	COURT
LARRY MEREDITH	DIRECTOR	H&HS
BRUCE GURGANOUS	MENTAL HEALTH DIRECTOR	H&HS
CHARLENE REID	SOCIAL SERVICES DIRECTOR	H&HS
DJ PIERCE	DRUG AND ALCOHOL DIRECTOR	H&HS

APPENDIX 2

Value	Principles Statements Submitted
1) Accountability	<p>All stakeholders will be accountable to the community; offenders will be engaged in a process to help them appreciate the consequences of their behavior, both to themselves and to their victims; government agencies are accountable for carrying out just and effective restorative strategies to stop the spread of crime; and, victims and community members will be accountable equally to help right wrongs and heal the community</p>
2) Trust/Collaboration	<p>Relationships are built on trust and respect which bring about healing for victims and community, and impart competency skills to offenders, resulting in co-participants trusting each other to create and maintain programs that preserve restorative principles and provide healing to the community</p> <p>All parties—victims, offenders and community members—have input and involvement in a process that seeks to find common ground and to attend to the mutual needs of each co-participant; government and community members unite to hold offenders accountable while supporting them in their efforts to improve their lives</p>
3) Accessibility	<p>All people will be included and empowered to provide meaningful input to decision makers, and will have ready and easy access to community restorative processes</p>
4) Integrity	<p>All participants are committed to a quality outcome and are equally empowered, focused on healing, and treated with respect and dignity. Individuals and groups demonstrate a thoughtful and measured approach in decision making. All participants will meet their ethical and legal responsibilities</p>