



CITY OF SAN PABLO
City of New Directions



September 8, 2015

Contra Costa Grand Jury
c/o The Honorable John Laettner
Wakefield-Taylor Courthouse, Department 25
725 Court Street, Martinez CA 94553
(also by email to clope2@contracosta.courts.ca.gov)

Re: **Contra Costa County Grand Jury Report: "Community Courts"**
(Report 1510)

Dear Judge Laettner:

On behalf of the San Pablo City Council, this letter responds to Contra Costa County Grand Jury Report: "Community Courts." The City Council authorized this response at its meeting on September 8, 2015.

We appreciate the time that you and the Grand Jury spent considering these matters. We trust that the Grand Jury also appreciates the City time spent reviewing and responding to Grand Jury reports. Pursuant to California Penal Code section 933.05, the City of San Pablo's response to each finding and recommendation follows:

Findings

Finding #1: "Participants in Community Court benefit by resolving their issues outside of the traditional court system and avoiding having a criminal record."

Partially Agree. The City certainly appreciates the challenges faced by the overburdened criminal court system and that an alternative system may be desirable for certain low-level offenses. The City agrees that not having a criminal record would benefit participants in Community Courts. However, the Grand Jury's report does not provide any statistical data as to whether participants in Community Courts liked having that option when the process was completed. In fact, of the statistics provided, it appears that the majority of those eligible to participate in the Walnut Creek, Concord and Pittsburg programs chose not to participate. Perhaps most importantly, the unanswered question is whether participants in the Community Court programs do not engage in similar illegal conduct in the future, particularly compared to those whose legal issues are resolved through the traditional criminal court system.

In addition, the report did not discuss how those who are injured by the illegal conduct view the outcomes from participating in the Community Court program, such as victims of petty theft (Walnut Creek and Concord), hit and run incidents (Concord and Pittsburg) and vandalism (Pittsburg).

Finding #2: "The city benefits by receiving income from fines imposed on Community Court participants."

Partially Agree. The City agrees that unlike the traditional criminal court system, Community Courts have a mechanism for providing fines to the city where the offense occurred. However, it is not clear that fines from the Community Courts program pay for all of the administrative costs in implementing the program, even if the for-profit Community Court Services does not charge the cities for its services. In this era of tight city budgets, further analysis would need to be undertaken to determine if implementing a Community Court program would still require a General Fund subsidy from a city. We believe this may be a reason why Community Court programs have not been implemented everywhere and were discontinued in neighboring Richmond.

Finding #3: "The city benefits from Community Court participants providing compulsory community service hours."

Partially Agree. The City agrees that compulsory community service hours can benefit the City. However, it is not clear how supervision of the participants occurs and if the Community Courts program pays for all of the administrative costs in implementing the program. Further analysis would need to be undertaken to determine if implementing a Community Court program would still require a General Fund subsidy. If so, then that cost would need to be balanced against the value of the work received through compulsory community service hours.

Finding #4: "The District Attorney's Office and Superior Court both benefit from Community Court due to the reduction in misdemeanor cases that each must process."

Agree. It is not really for the City of San Pablo to comment on whether the Community Courts program benefits two other public agencies as those agencies are in a better position to understand the pros and cons of any suggested program. However, it seems accurate that fewer criminal cases lessen the workload on the District Attorney's Office and Superior Court.

Finding #5: "The hearing officer for Community Court issues directives that include fines, restitution, community service, diversion programs, and/or counseling."

Agree. It appears that a Community Court program can be set up to provide the hearing officer with the authority set forth above.

Finding #6: "The city does not have a Community Court program."

Agree.

Recommendation

Recommendation #1: "The city should consider establishing a Community Court."

The recommendation will not be implemented. At this time the City has already adopted its Priority Workplan for Fiscal Years 2015-2017 and a Community Court has not been identified as a priority.

Nonetheless, we look forward to learning more about the Community Court program, including responses from other cities to this Grand Jury report. The City understands that the criminal court system is over-burdened and perhaps not the best approach for resolving some types of "lower level" illegal conduct. However, further information is needed as noted above, including more detailed cost information. A small city like San Pablo is more likely to participate if the program was set up by the County, the Superior Court or another City and was cost neutral.

We trust that the Grand Jury will find these responses helpful to its endeavor.

Sincerely yours,



Kathy Chao Rothberg
Mayor, City of San Pablo

c: Matt Rodriguez, City Manager
Lynn Tracy Nerland, City Attorney
Lisa Rosales, Police Chief