

SMART PROSECUTION

Project INTERCEPT: The Los Angeles Smart Prosecution Initiative

Using Risk and Needs Assessment to Reduce Recidivism and Restore Communities

I. Overview

The Los Angeles Superior Court is the largest unified trial court system in the United States. Forty percent of its cases—approximately 120,000—are misdemeanors. In an attempt to reduce the collateral consequences of justice system involvement while maintaining neighborhood safety, the Los Angeles City Attorney’s Office, which handles all misdemeanor cases across the city, began a pre-filing diversion initiative known as the Neighborhood Justice Program in 2014. Adopting a restorative justice approach, the program seeks to hold individuals who commit crimes accountable for their actions while diverting them from the justice system.

To this end, the Neighborhood Justice Program launched Community Justice Panels that bring victims, communities, and individuals who have committed crimes into conversation with each other. As long as participants comply with the recommendations of the panel, no charges are filed and they are successfully diverted from the justice system.

In 2015, the City Attorney’s Office followed up the Neighborhood Justice Program with a second initiative known as Project INTERCEPT—Introducing New Tools based on Evidence and Risk-assessments to Confirm Eligibility for Prosecution Treatment—with a Smart Prosecution grant from the U.S. Department of Justice’s Bureau of Justice Assistance. Project INTERCEPT introduces a risk-and-needs assessment tool to the existing diversion program, eventually enabling INTERCEPT to expand the scope of the Neighborhood Justice Program to include a wide range of offenses.

Project INTERCEPT consists of pilots in two high-crime neighborhoods—South Los Angeles and Hollywood—not previously served by the Neighborhood Justice Program. The eventual goal of the program is to become a citywide diversion endeavor that reduces the court’s misdemeanor caseload and emphasizes rehabilitation while simultaneously restoring the harm done to communities.

II. The Problem

A range of factors have contributed to a rise in the number of misdemeanor cases in the city’s courts. As Assistant City Attorney Jose Egurbide explains, “Recession-driven cutbacks, California’s prison re-alignment policies, and Proposition 47’s re-classification of certain former felonies into misdemeanors have added more misdemeanors, more pleas for resentencing, and increased requests for criminal record expungement to our already-congested court dockets.”

In Los Angeles, first-time non-violent, low-level misdemeanors took up a significant amount of court resources. These cases often cycled through the justice system without finding satisfactory resolutions for either the victim or the individual who committed the crime. Most of these individuals walked away with fines or probation sentences while the injury (e.g., a wall left covered in graffiti) and the underlying causes of the crime (e.g., substance use disorder) remained unaddressed. In addition, the process was time-consuming and costly.

SMART PROSECUTION

In a bid to address some of these concerns, the Los Angeles City Attorney's Office launched the Neighborhood Justice Program in late 2014. The program, funded by the Los Angeles County Department of Community and Senior Services and The California Endowment, sought to divert low-level misdemeanor cases at the pre-filing stage. It identified eight eligible non-violent offenses, including vandalism, disturbing the peace, and graffiti.

Adopting a restorative approach with the aim of repairing harm done to victims and communities while supporting rehabilitation, the program created Community Justice Panels as an alternative to the court system. These panels, staffed by trained community volunteers who come from different walks of life, offer victims and individuals who have committed a crime the opportunity to discuss the crime, its causes, and its consequences. Victims share how the crime has impacted them. Participants who have committed crimes are given the opportunity to explain the circumstances behind the crime and take responsibility for their actions.

Community Justice Panels also hold individuals who commit crimes accountable for their actions, providing an alternative to the justice system and allowing them to avoid the negative effects of going through the court system and imprisonment. As part of the process, eligible individuals meet with case managers from the Los Angeles City Attorney's Office, who oversee their progress in the program.

The community panelists then decide how the participant is to be held accountable. Obligations include community service, a letter of apology, restitution, and classes aimed at addressing the participant's needs. In order to successfully complete the program and have the charges dropped, the participant is required to comply with the recommendations of the panel. If participants fail to comply, the City Attorney's office moves forward with criminal charges.

The Neighborhood Justice Program has seen over 800 cases since 2014, and reports a 91 percent successful completion rate.

III. Project INTERCEPT

Building on the success of the Neighborhood Justice Program, the Los Angeles City Attorney's Office applied for and received a Smart Prosecution grant from the U.S. Department of Justice's Bureau of Justice Assistance. The office launched Project INTERCEPT—Introducing New Tools based on Evidence and Risk-assessments to Confirm Eligibility for Prosecution Treatment—in 2015.

Project INTERCEPT introduces a screening and assessment tool to the existing Neighborhood Justice Program in order to expand the number of offenses eligible for diversion. The City Attorney's Office reviewed several options before settling on the Criminal Court Assessment Tool, developed by the Center for Court Innovation. This evidence-based tool measures both risk and needs, whereas others under consideration only measured risk.

The dual focus on risk and needs in the Criminal Court Assessment Tool enables Project INTERCEPT to make more effective interventions, linking participants to appropriate treatment and services.

The City Attorney's Office received training and technical assistance from its partners with support from the Smart Prosecution grant. In the summer of 2015, the Neighborhood Justice

SMART PROSECUTION

Program expanded into two high-crime neighborhoods—South Los Angeles and Hollywood—and Project INTERCEPT was introduced into these new neighborhoods as a pilot.

IV. Expanding Diversion Eligibility through Risk and Needs Assessment

The Los Angeles City Attorney's Office, with its focus on restorative justice, has been interested in assessing the needs of individuals who have committed crimes and enabling them to access treatment and other support services, with the ultimate goal of diverting them from the justice system.

The Criminal Court Assessment Tool allows them to do just that. It is a brief risk and needs assessment tool comprising 10 questions. The Criminal Court Assessment Tool measures a person's risk of re-offending as well as that person's needs. It was designed to assist high-volume criminal justice agencies in making informed decisions about diversion eligibility and ultimately reducing the use of incarceration.

The Criminal Court Assessment Tool considers risk factors such as criminal history and the gravity of the offense as well as housing, employment, education, community support, substance use, trauma, and mental health issues. This information, assessed at the point of arrest, offers insight into both risk and needs. This is used to link the individual to interventions that are likely to be meaningful and have long-term impact on that person's thinking and behavior. This, in turn, allows Project INTERCEPT to accept a wider range of participants, including medium- to high-risk individuals who would otherwise have been ineligible for diversion. By assessing these needs and administering treatment programs, Project INTERCEPT works to rehabilitate offenders and thereby lower the crime rate and reduce recidivism.

V. Evaluation and Methodology

The research partner, Justice and Security Strategies will conduct a process and impact evaluation of INTERCEPT, focusing on the two Neighborhood Justice Panel pilot sites in South Los Angeles and Hollywood.

For the process evaluation, researchers will focus on how the initiative was planned and implemented by the Los Angeles City Attorney's Office. This portion of the evaluation will involve multiple methods, including interviews, reviews of pertinent documents, observations, and statistical analyses of Los Angeles City Attorney's offender and client-based data.

First, through interviews, conversations, and reviews of material, Justice and Security Strategies researchers will work with staff from the City Attorney's Office to document how INTERCEPT works. That is, they will describe the theory and background and steps taken to implement the program. Second, researchers will observe the actual operations of panels in South Los Angeles and Hollywood. They will systematically describe the way in which panels work. A coding instrument will be developed to capture information about the physical layout of the "court," the number of clients who participate (and their families and friends), the number of victims and other people in attendance, and the way in which the panelists deal with the case itself (charges, questions, disposition, etc.). Third, the research team will analyze data to provide a snapshot of the clients and how they compare to other clients in other parts of the city, and

SMART PROSECUTION

those who do not participate in the program – who they are (age, race, gender), their charges, and other characteristics.

For the impact evaluation, Justice and Security Strategies will analyze Los Angeles City Attorney's data to determine the impact of INTERCEPT on recidivism of the clients who participate in the program. Clients will be tracked for a one-year period to determine re-arrests, re-charges, and re-convictions. In addition, data from a cohort of individuals with similar misdemeanor charges from 2011 will be analyzed to determine whether they differ in outcomes from INTERCEPT clients. This analysis will provide a comparison of those who went through the 'usual criminal process' versus those who go through INTERCEPT.

VI. Results

In its first year, Project INTERCEPT initiated 201 cases, leading to 112 completed diversion cases. Among the 112 cases, only one participant committed a new offense.

VII. Conclusion

Intended to serve as a pilot project, INTERCEPT will allow the City Attorney's Office to test alternatives to prosecution in cases that are not traditionally eligible for diversion. While it is still in its early days, INTERCEPT is developing into a sustainable program that can be expanded to cases citywide, eventually relieving the caseload of an overburdened court system and keeping people out of the justice system permanently.