

At yesterday's 2018 Business Summit and State of the City Address our Mayor, Sean Morgan, introduced 2018 as "The Year of Accountability". The overarching philosophy of his recommended approach to this challenge was expressed with the acronym "ACT: Accountability, Compassion, Together".

Here is my understanding of what he presented, coupled with insights gained in my interactions with some of the key people who will participate in the concept:

Chico is a compassionate community. We have established numerous service outlets to provide support to those residents who are living on the margins. "Living on the margins" often means living on the streets and sleeping in the bushes, and spending the days making the rounds to various locations to obtain food, shelter, clothing, and other services that enable ongoing life on the streets.

Too often, within a subset of this group, the balance of the time is occupied by committing petty crimes that victimize our citizens; car break-ins, porch thefts, bike theft, shoplifting, establishing illegal campsites, etc. In the process of living this lifestyle, our parks and waterways, communities and businesses carry an unfair burden of property loss and loss of security, all of which affects our feelings about the quality of life afforded to us in our City.

The service providers, while having the best of intentions, are not tightly coordinated with one another, and there are many gaps and duplications in available services. In addition, the individuals that visit one provider often visit others. Well-meaning citizens provide food and other items directly to individuals in locations that tend to cause recipients to congregate in public places, which in turn has negative impacts on the rest of us.

If getting people off the streets and into services and permanent shelter is the goal, this "enabling" form of compassion is not helpful. It does little or nothing to address the root causes of their current condition, and does little to reduce the public safety and quality of life impacts of this way of life on them, and certainly does nothing to improve those things for the rest of us; the overwhelming majority of Chico citizens.

Yet some believe the best and even the only solution is to further increase the level of shelter and other basic goods, so that everyone that needs them, receives them. But as anyone familiar with this problem knows, despite the many existing forms we have of expressing our compassion, the problems and impacts are getting worse. What is missing is the accountability by individuals who, either through choice or happenstance, support their marginal existence on the streets through charity and/or crime.

Today, quality of life infractions, when cited, carry fines and a "promise to appear". Too often, indigent offenders do not pay the fines and they fail to appear as promised. This may result in the court issuing a misdemeanor warrant, which draws yet another citation and another failure to appear. Currently, the time between receiving a citation and the scheduled court date is 30-60

days into the future. If you are a drug addict or mentally ill, or both, or just passing through Chico for a time, planning two months out, arranging transportation to Oroville, and showing up on time is beyond the capability of many if not most individuals.

Consequently, there is little or no accountability for those who violate our public safety and quality of life laws.

Enter the Community Court concept.

Recently, our Chief of Police, Mike O'Brien, and Helen Harberts, former Butte County Prosecutor, Chief Probation Officer in Chico, and architect of the Drug Court under Judge Stevens, and nationally recognized expert on opioid addiction and treatment, visited an operating Community Court in Spokane, WA.

While there are community courts operating in many cities and parts of the country, Spokane was selected because of the similarity to Chico. On the day they visited, the court processed about 200 cases. This is slightly higher than average, but each session almost always handles more than 100 cases. In brief, here is how it works:

Court is held locally, here in Chico, several times per week. When someone is cited for a public safety/quality of life crime, or arrested for a misdemeanor charge, they are going to be in front of a judge in a matter of a day or so, and sometimes within hours.

Both infractions and misdemeanor citations carry the obligation to promise to appear in court, or forfeit bail (i.e. the "fine") and when arrested, law enforcement can ensure you appear, the sentencing is not automatic. With proper representation by the defense bar, charges presented by a city prosecutor, and heard by a judge, defendants make an actual appearance in Community Court.

Prior to the appearance, the defendant is interviewed by certified professionals from behavioral health, medical triage, and other appropriate providers, so that the judge has an overview of the basic condition of the individuals at the time of hearing. The goal is to quickly try to identify the conditions that led to the criminal conduct. Could they be addicted to opioids, meth, and/or alcohol? Might they have an untreated mental condition? Have they been moving from place to place, living in parks and stealing property to support their habits and lifestyle? This information is all relevant to the idea of being accountable with meaningful consequences for your conduct.

Citations that simply carry fines, or warnings to "move along" do nothing to get at root causes, and establishes no level of accountability for illegal conduct. Accountability must mean there are meaningful consequences for breaking the law. However, if you are addicted to drugs or alcohol, or have behavioral problems, you are not likely to make significant life-changing decisions on your own. Yet simply perpetuating the lifestyle on the streets, until either the lifestyle or the elements take your life, is not a compassionate act.

Given the proper information, the judge can be prepared to offer solutions that are designed to move individuals up and out of the legal system and reduce the likelihood of repeated contacts with law enforcement. Repeated contacts will result in repeated appearances in court.

Why would offenders choose to submit to the community court? They might not, but they are going to be given a choice by the community court judge. If they opt out, then they will be referred to the DA in Oroville. It is our hope that the DA will be encouraging, using whatever tools available, to those opting out of community courts to avail themselves of the opportunity here. If the alternative for those opting out of the community court systems is some actual jail time, the word will quickly get out that Community Court is the better option. That word is what has occurred elsewhere.

What will the actual sentencing look like? There will be several components: community service, support services, and ongoing accountability.

Community service is based on the concept that the offense harmed the community, and therefore some form of restitution must be given back to the community as the cost of accountability. The form of that service may vary widely, but the idea is that it will be appropriate to the capacity of the individual, and in the nature of the offense. If illegal camping was the offense, cleaning campsites might be the service.

If addiction is part of a person's condition, then rehab is part of the sentence. Why would individuals "choose" rehab? It is not likely unless they want help, or even if they don't, it may be viewed as the better alternative to incarceration. Studies have shown that coerced rehab is far more effective than waiting for the addict to hit bottom, when rehabilitation is much more difficult.

While State laws have reduced the penalties for drug use, even for heroin and meth, some penalties do still exist. Also, many petty crime offenders have existing criminal records, have violated parole or probation, or have a string of misdemeanor warrants behind them. Cleaning up that legal mess in exchange for 30 days of sobriety, for example, might seem like a better alternative than actual jail time.

Finally, if you read some of the available articles on how Community Courts have operated, you will see that the "secret sauce" is compassion in good measure, mixed in with personal accountability and close and ongoing supervision. Based on many conversations with some of the key individuals behind this initiative, I have very high confidence that they know what they are doing, and that they are fully capable of replicating the successes experienced elsewhere.

While we have been careful here at Chico First to point out that not all criminals are homeless and certainly not all homeless are criminals, it is also undeniable that there is a direct connection between marginal living conditions and crime.

You may be asking yourself, well, what can I do to ACT?

If you are a private citizen- You can call appropriate service providers when you see something concerning, always call 911 if you or others are at risk or if you see a crime taking place.

If you are a business owner or property manager- Our Mayor and the CPD Chief asked that you REPORT shoplifting (Note- we recommend doing so for trespassing too) and be willing to prosecute. A recommendation from Chico First for business owners- Put 'No Trespassing, Private Property' signs on your property AND sign an Arrest Authorization Form in advance to have on file with the CPD. Renew your form to keep it on file with the CPD every 6 months.

I know that our current approach is not helping enough. I also know that others elsewhere are having better outcomes with a community court approach. Therefore, we at Chico First enthusiastically support the concept and the courageous initiatives being proposed by our leadership here in Chico. We hope you are supportive too, and if you are, you will be vocal about it and let people know.