

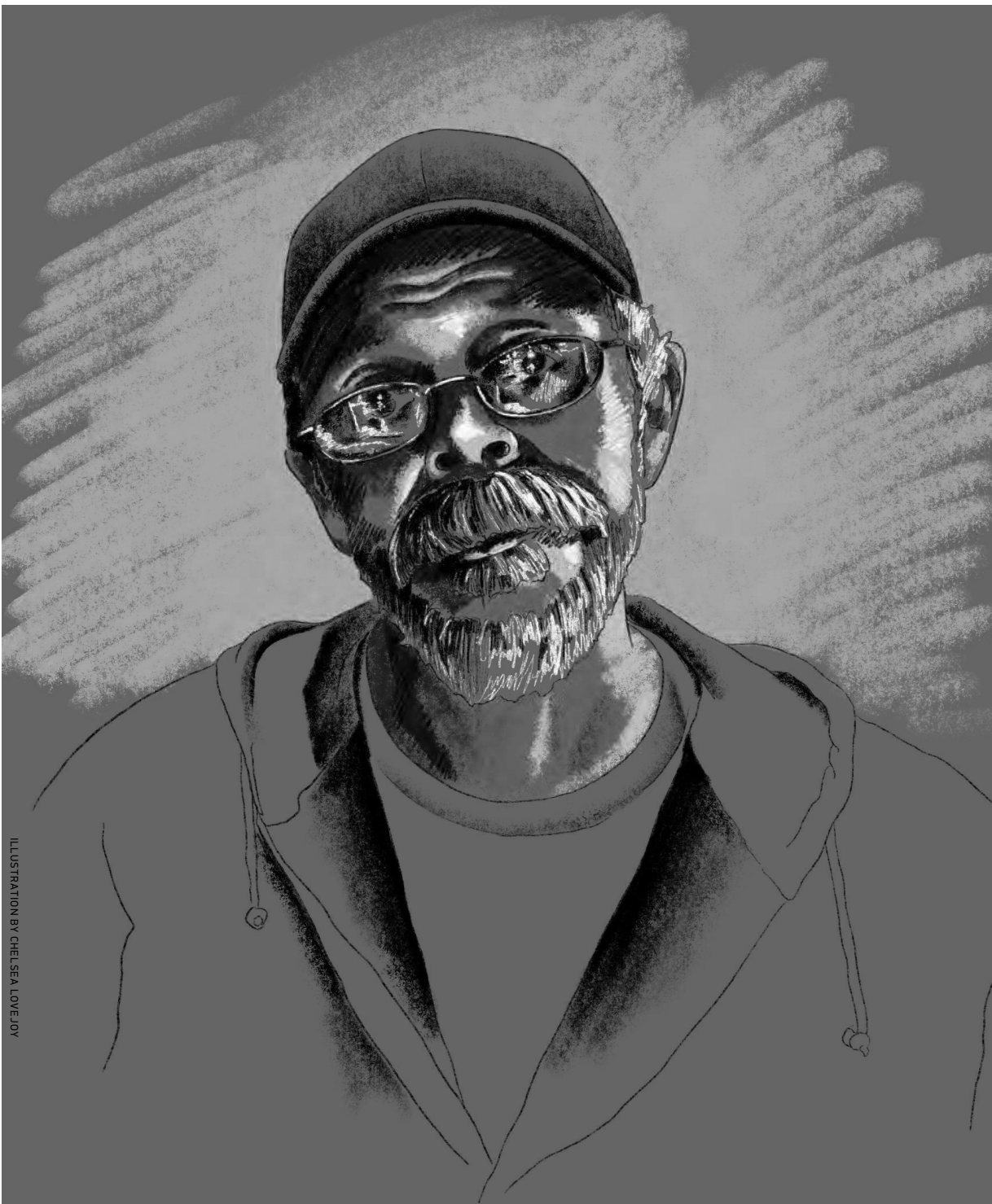


ILLUSTRATION BY CHELSEA LOVEJOY

Fly in the Ointment

David Hirschman lit a cigarette. It was the morning of Nov. 23, 2017 — Thanksgiving — and he'd spent another sleepless night on the Eugene streets, curled up in the doorway of a downtown business. Hirschman now faced the morning as he sat in the Park Blocks with his sleeping bag and his bicycle.

Within minutes of taking his first drag of the cigarette, a Eugene policeman walked up and told Hirschman it was illegal to smoke in the park. The officer charged him with violating park rules and wrote him a \$200 ticket.

Normally, Hirschman would have been required to appear in Eugene's Municipal Court, which handles traffic violations, parking tickets and small-time crimes. Instead, the city gave Hirschman the chance to avoid the fine and instead receive help with issues that often face the homeless, only if he would agree to have his case handled by the city's Community Court.

Having lived on the streets for 30 years, Hirschman took the offer.

"I had gone to all of the services and resources and housing opportunities here, but I had no success," he says. "The waiting lists are too long, there are an endless series of hoops to jump through and it was just impossible to do it."

Hirschman graduated from the Community Court program eight weeks later, but he says the promised help didn't come. "They had nothing new to offer," he says. "If Community Court had something new to bring to the table, then I'd be all for it, but they don't."

He says his story isn't an anomaly. "I am the fly in the ointment for them at Community Court," he says. "I am one of the many people that can show it just doesn't work."

Just months after Hirschman graduated from Community Court, he was cited for trespass when, according to him, he was ducking under the outdoor awning of a downtown building to get out of the rain.

Hirschman was again referred to Community Court, but denied the referral.

Today, Hirschman says he is defeated. With a handful of health problems aggravated by living on the streets, he says he'll soon leave Eugene to find refuge somewhere else.

"I'm in jail right now; my jail just doesn't have walls or bars," he says. "But it's a prison out here for me, for us." — *Morgan Theophil*

time or other penalties. This includes attending Community Court at the downtown Eugene Public Library every Friday to meet with a case manager, completing community service and connecting with service providers based on their needs.

Service and resource providers include ShelterCare, Willamette Family, Catholic Community Services and St. Vincent de Paul. The city makes these resources available to anyone, not just Community Court participants.

Stone tells *EW* that more than 370 defendants have taken part in the Community Court program, and another 1,800 have used the services without having first been charged with a crime.

Emily Dixon, who has been volunteering at Community Court for more than a year, is tasked with helping to get attendees connected with housing. Dixon says she remembers working with one person for months until he found a place to live. "I think it built his confidence and, after everything, he felt the system was on his side," she says.

Dixon also says Community Court is a step in the right direction because it easily connects people with resources.

"Community Court doesn't create extra barriers. Resources help people get in the right direction," she says.

IS IT WORKING?

As the Municipal Court launched its new program, Stone and other court officials could have set up a way to track defendants and collect data about Community Court to see whether the program was making a meaningful difference. They didn't.

Instead, the city pushed forward without any way to collect data or analyze the program's impact. Surprisingly, such accountability was not required by the U.S. Department of Justice or by the nonprofit that oversaw the grant.

Jessica Kay, a senior planner for the Center for Court Innovation, tells *EW* that her organization is willing to measure the success in Eugene on an anecdotal, case-by-case basis.

"Looking at success on the individual level, maybe starting with a client who was homeless and had a mental health issue and was living on streets with no insurance, no medication, but we were able to help one of those things," Kay says. "Maybe now they have insurance or a prescription, and that would be counted as success."

Despite the lack of formal measurements, city officials have boasted of the Community Court's success in reducing recidivism. Last spring, 2018, for example, they said that only 9 percent of people who graduated from Community Court went on to commit new offenses and return to the city's court.

"I know it doesn't sound like a big deal," Assistant City Manager Kristie Hammitt told a city budget committee in March. "It's huge. Because the people that go through the Community Court system usually have multiple arrests and multiple charges. It's changing the system as we know it."

Court officials, including Judge Allen, have repeated that statistic since then. Allen announced in December 2018 that he would retire at the end of the year.

Stone, the court's administrator, says the recidivism rate is calculated by looking at how often Community Court graduates have gone on to be convicted for new crimes in the city court and in state court.

Stone says her office has not examined how often these graduates had been in trouble before Community Court, nor have they tracked people who were eligible for the program but didn't take part.

"For those who chose not to participate, we would not anticipate any changes in terms of their reoffending," Stone tells *EW*.

ANALYZING THE RESULTS

Our analysis looked at 789 defendants who were eligible for Community Court from the start of the program through June 2018, when the federal grant expired. Many were homeless or had recently been without a permanent address. Data from Eugene's Municipal Court show that around 54 percent of these defendants cited in the past three years had been homeless at least once when hauled into court.