

Assessment of the Citizen-Initiated Complaint Process in Mecklenburg County, NC

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2013 Analysis

- Department of Criminal Justice Services conducted analysis of the Mecklenburg County **Citizen Warrant Court** docket (cases calendared from Nov 16, 2012 to May 13, 2013)

Two core questions

1. *Does the docket reduce service demand overall?*
2. *Does the docket benefit the parties involved?*

2013 Findings

Two core questions

1. ***Does the docket reduce service demand overall?***

- Number of court appearances remained unchanged (1,130 court appearances; Average = 2.2 appearances/case)

2. ***Does the docket benefit the parties involved?***

- Dismissal rate remained high (88%)
- Only 25% of cases were resolved through mediation
- But mediation was successful when utilized

Current Project (2015)

- In-depth analysis and review of the **citizen-initiated complaint process** in Mecklenburg County

Project goals

- *Understand and document the function of the citizen-initiated complaint process*
- *Explore opportunities for improvement*

Methodology

Local partners

- 26th Judicial District
- Magistrate's Office
- District Attorney's Office
- Public Defender's Office
- Police departments (Charlotte-Mecklenburg, Davidson, Matthews)
- Dispute Settlement Program

Qualitative data

- In-person & remote stakeholder interviews
- Site visit (February 2015)
- Criminal complaint forms (74 total)

Methodology

Quantitative data

- Cases processed between Jan 1– Dec 31, 2014

Sources

- Criminal complaint forms
- Dockets
- Dispute Resolutions/Mediation

Key Findings: Case Pathways

- Police service call (common but not required)
- Complaint filed by citizen
 - at Magistrate's Office
 - anytime (24/7)
 - with or without police-issued incident report
- Summons or arrest warrant issued if magistrate finds probable cause
 - * Referral to mediation can occur at this stage, but is rare
- Defendant arraigned at first appearance & district attorney refers eligible cases to Citizen Warrant Court

Key Findings: Defendants Processed by Citizen Warrant Court

2014 cases

Individuals vs. complaints

- # of complaints = 2,936
- **# of defendants = 1,616**

Referrals for dispute resolution/mediation

- # of complaints = 889
- **# of defendants = 594**

Demographic Profile of Defendants Citizen Warrant Court

2014 cases

Individuals vs. complaints

- Average age = 31
- 72% African American
- 57% male

Figure 1:
Number of Defendants Processed by Citizen Warrant Court by Month, 2014

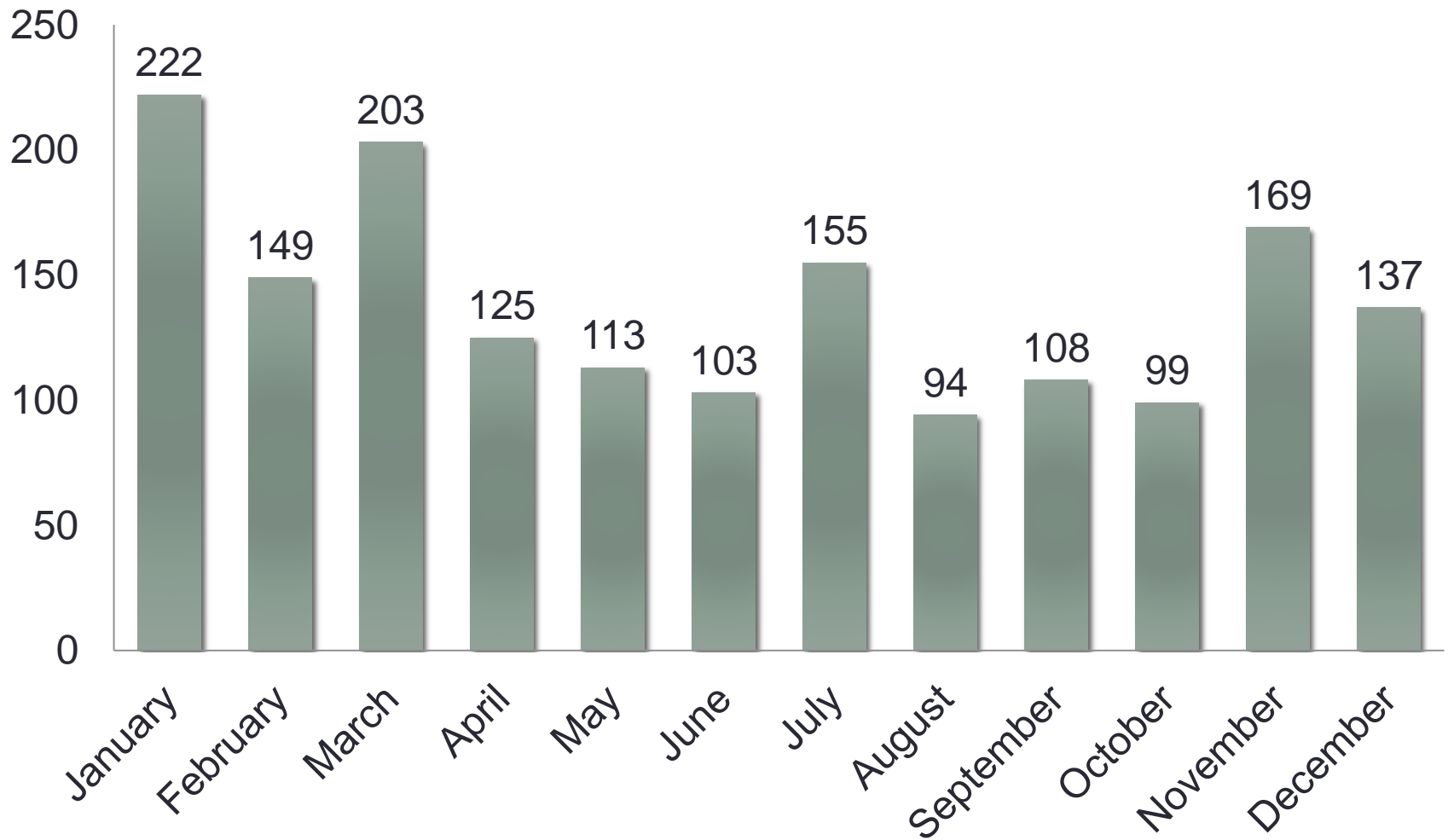
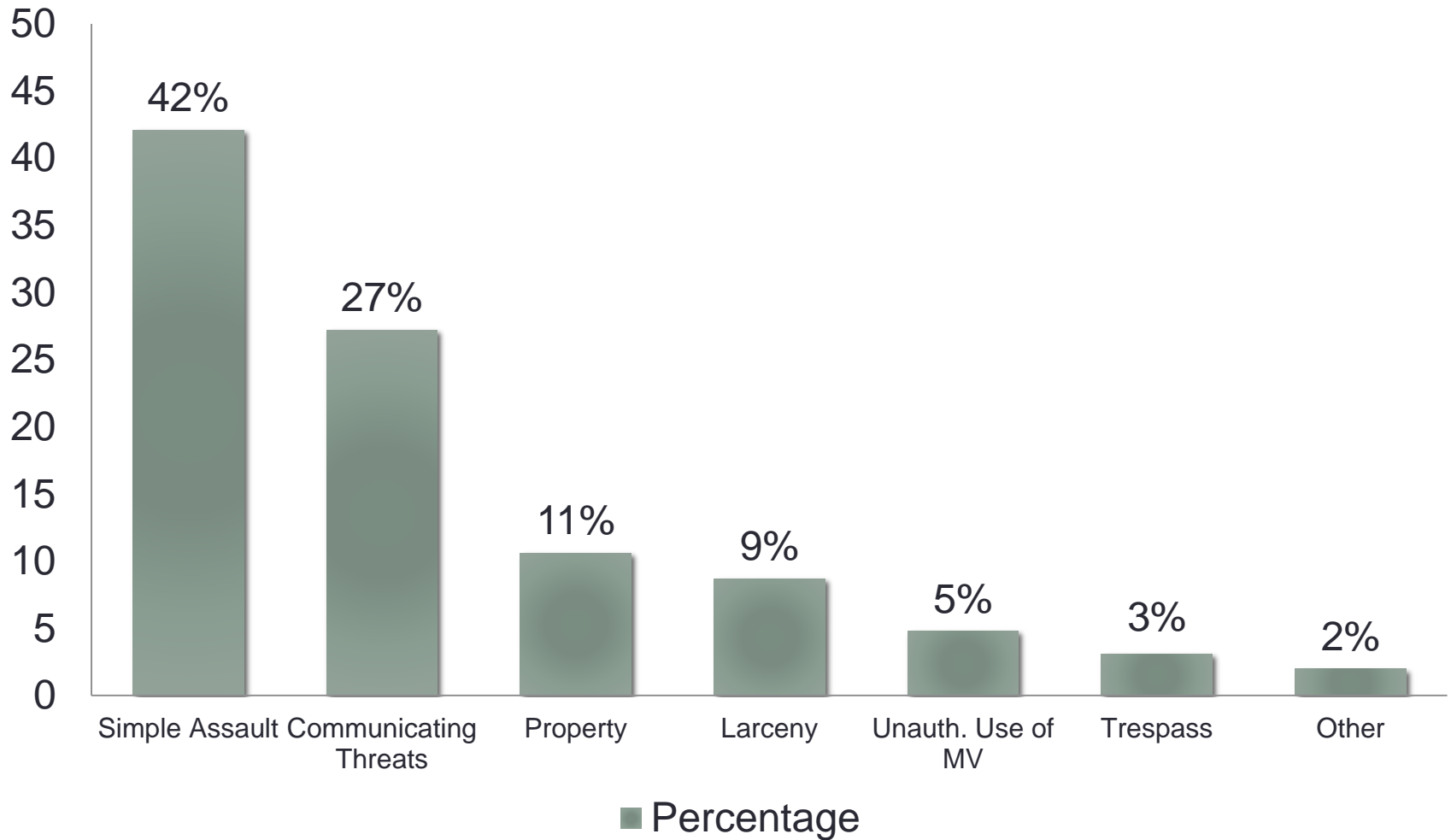


Figure 2.

Charge Types, Citizen Warrant Court, 2014



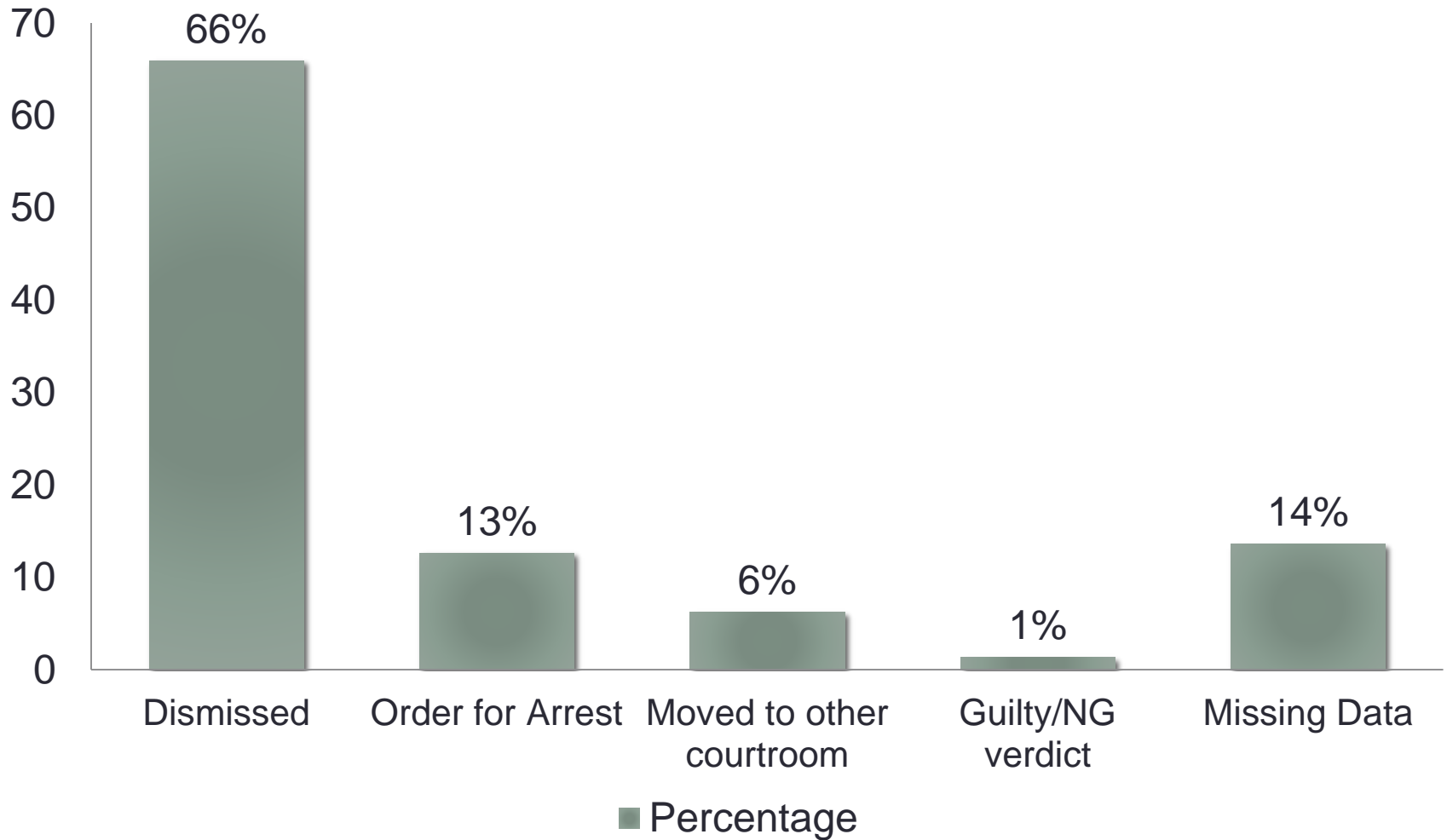
Key Findings:

Dispositions in Citizen Warrant Court

Possible pathways

- Mediation
 - Diversionary program, such as deferred prosecution
 - Guilty plea at Citizen Warrant Court
 - Trial at Citizen Warrant Court
 - Transfer for traditional court processing
 - Dismissal
-
- High percentage of cases dismissed due to failure to appear by complainant
 - * Data are limited

Figure 3:
Outcomes, Citizen Warrant Court, 2014



Key Findings: Mediation

Mecklenburg County Dispute Settlement Program

- Certified volunteer mediators
- Available in courtroom
- Meet privately in the courthouse
- Goal is to reach a settlement agreement
- If agreement reached, case will be dismissed by presiding judge at Citizen Warrant Court with \$60 fee
 - * No fee if case referred directly earlier in the process
- In 2014, 889 cases (n=590 defendants) were referred to mediation

Figure 6.

Percentage of Cases Successfully Resolved through Mediation by the Dispute Settlement Program, 2014

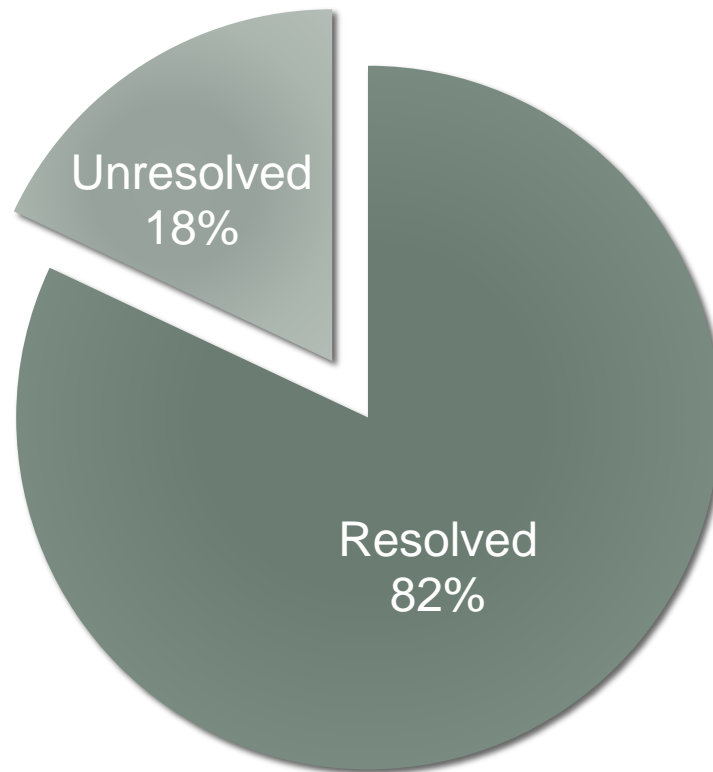
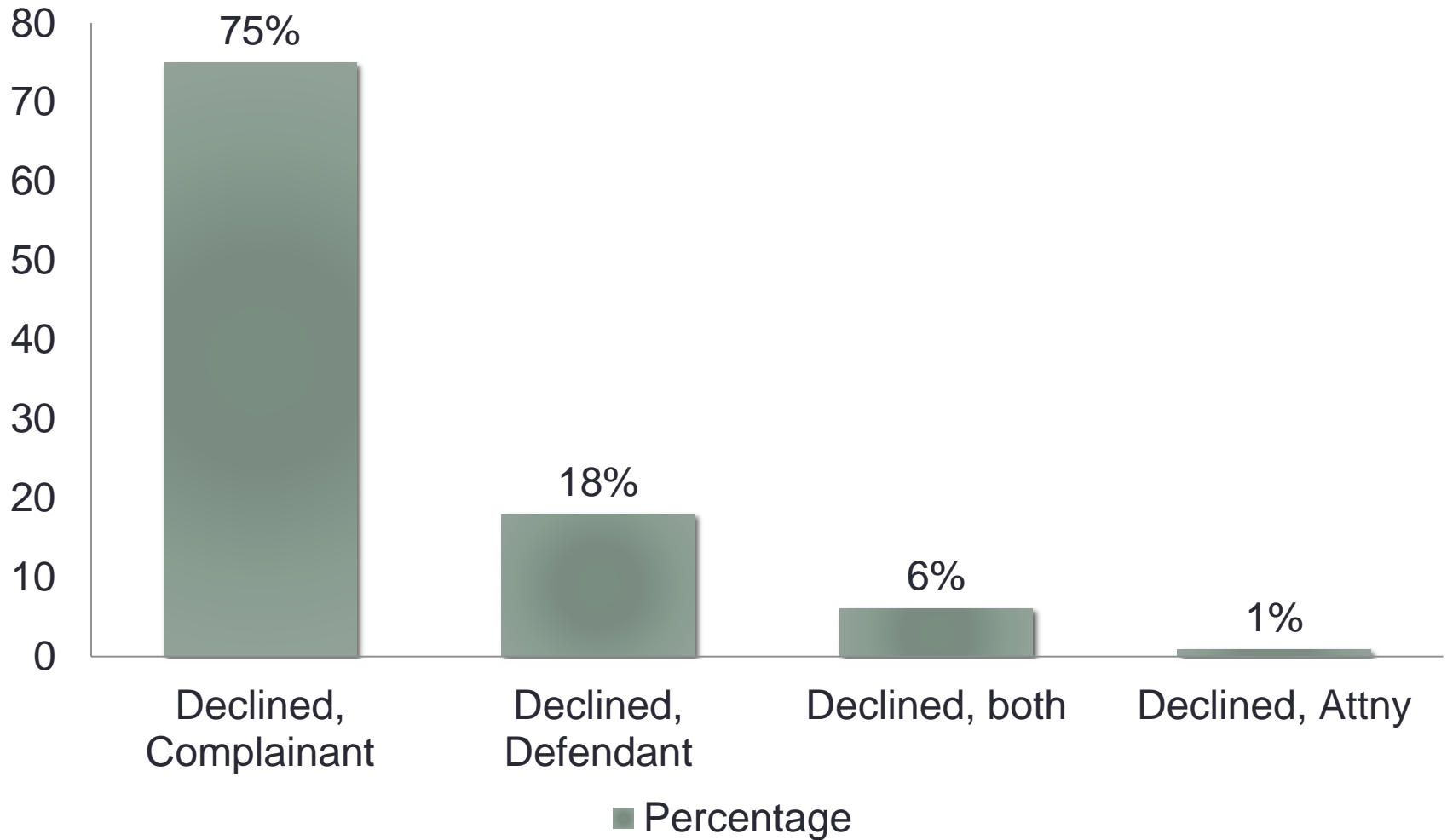


Figure 5.

Party Who Declined Mediation Services, 2014



Key Findings:

Stakeholder Perspectives of the Citizen Warrant Court

Strengths

- Re-routes low level disputes from regular criminal docket
- Engages citizens throughout the process
- Mediation provides potential for long-term resolution

Challenges

- Misconceptions among stakeholders and the public about the process
- Potential for abuse by complaining citizens
- Logistical or legal barriers for complaining and responding citizens
- Justice system resources may be being misused (e.g. targeting cases unlikely to succeed at mediation, net-widening)
- For magistrates, volume of and challenging nature of complaints
- Limited data collection

10 Recommendations

1. Create and disseminate educational resources
2. Enhance procedural justice practices
3. Consider earlier referral to mediation
4. Implement safeguards to discourage abuse of citizen-initiated complaint process
5. Consider enhancing the role of law enforcement

10 Recommendations

6. Provide assistance to victims throughout the citizen-initiated complaint process
7. Convene regular stakeholder meetings and provide other avenues for information sharing
8. Consider other opportunities for out-of-court resolution
9. Collect additional data
10. Consider addressing specific challenges of domestic violence victims

Thank you!

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