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ACQUISITIONS

THE FAMILY AND NEIGHBORHOOD DISPUTE PROGRAM

AN OVERVIEW

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FAMILY AND NEIGHBORHOOD DISPUTE PROGRAM

The Family and Neighborhood Dispute Program, now operating within the Jersey City Municipal Court as an alternative to formal court action, was created as part of the Management and Improvement Project of the State Law Enforcement Planning Agency. Jersey City became the second city to receive a grant of this type. The other community receiving such aid is Newark. Our program was initiated in April, and began to hold its first hearings on May 12, 1975.

Since its inception, our program has been staffed by two(2) persons. Mr. James Caporrino, Supervisor, and Mr. John Mayo, Counselor. It might be mentioned that the staff for the Jersey City program differs from Newark in that they also have a clerk-typist and two(2) third year law students assigned. Both principles in the Jersey City program are directly responsible to the Municipal Court Administrator.

The types of cases handled by the program are mostly family and neighborhood disagreements which are not considered serious enough to be filed as formal charges. Cases where there is serious physical injury or where an obviously criminal act has been committed are not handled by the program. The program has also begun to handle worthless check cases which do not exceed \$100. In the disposition of its cases, the program is concerned with the following goals:

- 1) To help reduce the backlog in the courts and give the judges more time to concentrate on serious criminal matters.
- 2) To hear all notices-in-lieu of complaints.
- 3) To provide counseling to the parties involved, and act as a referral agent when other services are needed.
- 4) To provide a relaxed and informal setting for minor disputes, conducive to open and candid discussions.
- 5) To provide follow-ups of cases to insure the solution of the problem and provide alternatives when necessary.
- 6) To act as a resource for the police, courts, and other social service agencies.
- 7) To furnish information to the courts when and if cases must be referred back to formal action.

To further the accomplishments of these goals we depend on a personalized approach of counseling. In essence we are providing an outlet so both parties are offered the opportunity to present their thoughts and feelings concerning their dispute. We refrain from putting the emphasis on which party is right and which party is wrong. Rather, we try to assist the individuals in defining precisely what the actual problem is and what factors led to the incident in question. The personal and social relationships of the parties, their feelings and attitudes about each other, and the facts of the complaint are all investigated and discussed. More

often than not, the root-cause of the problem goes far deeper than the particular incident that brought the parties to court. We inform our clients that for any counseling situation to be effective, both parties must have a desire to change the conditions that exist.

At this point, we feel it should be noted that an informal and uninhibiting atmosphere is essential in promoting a free exchange of ideas and feelings. Most people who enter our hearings are in a mental state ranging from slight nervousness to near hysteria; and it is important that they be as relaxed and comfortable as possible if the hearing is to be of any solution. As was mentioned before, the lack of a "right vs. wrong" approach is essential if we want those involved to be honest and candid about the problem. We have found that those people who attend our hearings do so not only because of the law, but because they want to dispose of the problems that have brought them to our attention. Since the cases are usually of a deeper personal nature than formal complaints, those involved will probably see the other party again. And for their own reasons will usually cooperate if they are not made to feel that they are guilty of a crime. (That is if no actual crime, has in fact, been committed). We have also found that the actual setting for the hearings is important in providing the proper atmosphere. We currently use the judge's chambers because it is a small, comfortable room where everyone can sit together and talk as one human being to another without the actual presence of a

courtroom. It is less threatening and alien, and the privacy it affords has a great deal to do with what a person will or will not say.

We would like to describe the course that a typical complaint follows from its filing to the end result, whatever that might be. All persons wishing to file a complaint must go to the court office on the second floor. There a clerk listens to her complaint and decides whether a notice-in-lieu or a formal complaint should be filed. The complainant is given a date for the hearing (usually about one week from the date of filing) and a notice-in-lieu of complaint is mailed to the defendant. The counselors receive a carbon copy of the complaints taken at the end of each day. Hearings begin at 4:00 p.m. and take place Mondays through Thursdays. This time was set for the benefit of working people who would ordinarily have to take off a full day to come to court. At 4:00 p.m. court begins and the parties wait in the Part II courtroom where a bailiff greets them and takes their names. Complainants are given our intake/complaint form to fill out. When both parties are present, they are led to the judge's chambers where the actual hearing takes place. Introductions are made and the counselor gives a brief description of the program's philosophy and function. There each party is given a chance to tell their side of the story. The counselor then asks any questions that he has and tries to lead the discussion toward determining the basic problems which led to a complaint.

Solutions are offered and discussed, and recommendations are made. If the problems warrants anything additional, the parties are advised of the existence and availability of the proper agency and a referral card is given to the person introducing him/her to them. The counselor then sums up the hearing and makes note of any recommendations made. Both parties are advised that if the problem is to be solved it will take a real desire on their part. The complainant is told that if they are not satisfied with the result of the hearing, or if the conditions which brought about the complaint are not changed, or ever re-occur, they have the option of filing a formal complaint. They are given a copy of the complaint/intake form; and a dispositional hearing form containing a description of the charges and a list of recommendations is signed and dated by the counselor. A follow-up of the case is usually conducted three to four weeks after the hearing. A complaint is either considered as "favorably resolved" or "formal complaint". The definition of "favorably resolved" being that the case did not return to the Municipal Court for formal action.

The process for withdrawals and dismissals is as follows. The complaining party may, at any time, withdraw its complaint. To accomplish this they must come into court and sign the reverse side of the notice, stating their desire to drop the matter from our calendar. Accordingly the defendant is notified of this fact.

If on the day of the hearing the complainant fails to appear, the matter is dismissed. This is also true if neither party shows up. If on the other hand, the defendant fails to appear, a one week postponement is given and a second notice is sent to the defendant. Failure to appear for the second hearing will usually result in a formal complaint being issued if the complainant so desires. The complainant is advised of the procedure to be followed and is given a copy of the intake/complaint form to present at the court office. This will let the clerk know that this person has already been seen by our program and formal charges are now in order.

We feel that the program has been very successful in its first 10 months of operation both statistically and in practice. According to SLEPA guidelines, the program is expected to keep between 55% and 75% of its cases from returning to further Municipal Court action. From May 12, 1975 to January 31, 1976 the program handled a total of 702 cases. 92.7% or 651 cases have been resolved favorably. Only 7.3% or 51 cases have been returned to the Municipal Court. Also the majority of follow-ups which have been filled out and returned have been supportive of the program and stated that the problem had been resolved. We have also received compliments on the theory and operation of the program from lawyers that have been involved; and were ~~the~~ the subject of an editorial in the Hudson Dispatch. We hope that with constant evaluation we can improve and expand the services of the program in the future, and have followed with some recommendations which we feel will work

toward this goal.

Recommendations:

1. As of now the screening of complaints has been handled by one of the court clerks. We recommend that this job be done by someone with a background more suited to this job. The clerks do not really have the time or expertise to investigate the complaint and decide on its severity. Therefore, court time is sometimes wasted with cases that should have been handled by our program and vice-versa. Also, as stated previously, we the counselors receive a carbon copy of the notice-in-lieu of complaint. The matter for which the summons was issued is described in vague generalities, such as marital disputes, harrassing, etc.

On our intake form there is a section available for the complaining party to give a precise description of the incident leading them to file charges. If this section were filled out at the time of filing, we could be better prepared for our cases. With a full week to acquaint ourselves with the problem, there would be time for any legal research that might be necessary.

We have tried to implement this procedure. Unfortunately, this attempt was met with opposition from some clerks who claim they had enough work to do. To us, this is a rather flimsy excuse at best, since the form will be filled in by the complainant not the clerk; and process would benefit our clients, who are our chief concern to begin with. We therefore suggest that the screening of complaints be handled by the Family and Neighborhood Dispute Program. A central receptionist could be set up to meet anyone coming in

on court business. To those people wishing to file a complaint, she would give a copy of our intake/complaint form to be filled out. We could then speak to these people about their complaint; and from the information on the complaint form and questions asked by the staff determine whether the case can be handled at our level. If not, we would then refer them to the clerk handling formal charges. In 1975, approximately 35-40% or 6000 cases were taken as over the counter complaints. Our takeover of screening would also take a burden off the clerks.

2. A fair portion of our clients are of Hispanic origin and speak little or no English. We therefore feel that a Spanish Interpreter would be a big asset to the program. He would be needed only for hearings, as there are several interpreters in the Court until 4 p.m. We might add that this interpreter can probably be acquired at no-cost to the city. By relying on our community resources, i.e. Jersey City State College and/or St. Peters College an arrangement can probably be made through their respective language departments.

3. Generating Income - In response to an inquiry regarding the generation of revenue from our program. It should be first stated that the design of the Family and Neighborhood Dispute Program is to save the court time. Thus while not collecting any actual revenue, we save the court and city same. Or to put it mathematically; we generate revenue inversely.

If, however, the need to collect revenue is imperative, we can recommend some revisions which will generate some money. It must be understood that the majority of our clients are from the lower strata of Jersey City's socio-economic level. To charge even a minimal fee, might discourage the use of our program. There are, however, a few certain areas which might be suitable for such a fee.

- (a) Cases involving worthless checks. More often than not, people will try to use the program as a collection agency.
- (b) Cases involving property damage or withholding of property.
- (c) Cases which initially were formal complaints and have since been assigned to our program by the Judge hearing the case.

These are basically the three areas which would warrant the charging of a fee.

4. In the original guidelines drawn up for the program, there was a position for one or more law students. For some reason, these positions were never filled, but could serve a valuable part in the operation of the program. His background and training would be of help in screening and in hearings where legal questions are involved. Since the program is a function of the court system, it should also inform its clients of the legal factors of a case.

5. Recently, there has been a controversy about the attire of the two(2) counselors of the program. Specifically, the lack

of our wearing jackets and ties. This has been an aspect of the program which we have also thought about. One of our objectives is that of calming our clients. To accomplish this end, we try to make the atmosphere as informal as possible while still maintaining a professional image. And one factor which we consider helpful is that although our attire is both neat and clean, we shun the formality of a jacket and tie. It may be a small issue to some, but our program is working and this is one factor which helps.

JERSEY CITY MUNICIPAL COURTS
Family and Neighborhood Dispute Program

IN-TAKE/COMPLAINT

James Caporrino
Supervisor

Date: _____

PART I

Complainant's name _____

Address _____

phone _____ age _____ male ___ female ___

Marital Status, (Circle one): Single Married Sep. Div. Wid.

If married, how long? _____ No. of children _____

Race, (circle one): Black White Hispanic Oriental Other

Employed: yes ___ no ___ If yes, where? _____

If not employed, means of support? _____

Relationship to defendant _____

Have you ever made a complaint against def. before? yes ___ no ___

If yes, when? _____ What was the charge? _____

What was the disposition of the case? _____

Is defendant steadily employed? yes ___ no ___

If yes, where? _____

Is there a history of drugs, alcohol, or mental illness? yes ___ no ___

If yes, specify _____ : (check one): ___ complainant ___ defendant

PART II

Defendant's name _____

Address _____

male ___ female ___ Complaint: _____

Date of incident _____ Place of occurrence _____

Did your injuries require medical attention? yes ___ no ___

How long has problem existed? _____

Has any action been taken to resolve problem? _____

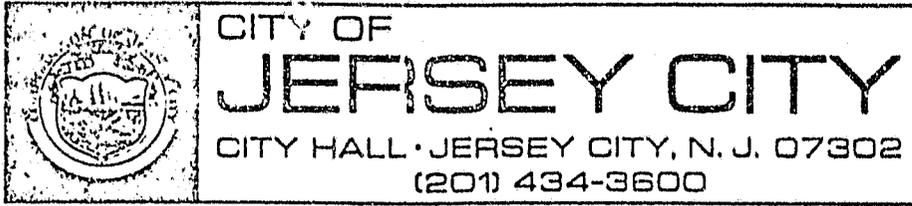
Remarks:

Complainant's signature _____

Hearing _____
Day Date Time

Counselor

Date



DEPARTMENT OF ADMINISTRATION
THE MUNICIPAL COURTS
769 MONTGOMERY STREET
JERSEY CITY, N. J. 07306
(201) 433-0808

M _____

Please be advised that you have appeared before the Jersey City Municipal Courts, Family and Neighborhood Dispute Program this _____ day of _____ 19____ and that failure to adhere to the recommendations set forth in the hearing may result in a formal complaint being taken and a warrant issued.

Date

Supervisor, Family & Neighborhood
Dispute Program.

END