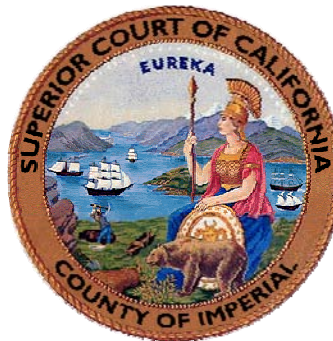


Superior Court of California County of Imperial

Field-Guide to Justice Service Improvement for
Communities Along the
United States and Mexico Border



Prepared by John A. Martin, José Octavio Guillén, and Diane Altamirano

March 16, 2007

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Improvement For Communities Along the US/Mexico Border**
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I. Background and Lessons Learned (Tab 1)

Background and Contents

The forces of change buffeting Imperial County, California and communities across the lengthy border between the United States and Mexico are making it more and more challenging for courts and justice systems to provide effective services. Moreover, the increasing interdependency of the US and Mexican economies, and the enhanced opportunities for sizeable populations to split their time living and working on both sides of the border, pose significant problems for communities that pursue traditional service strategies that ignore the symbiotic US/Mexico relationship. In addition, local trial courts are increasingly at the mercy of federal immigration, law enforcement, and trade and labor policies which greatly determine who can work in the United States legally, what happens to those who violate the law, and how difficult it is to move across the border between work and home or from job to job.

For example, Imperial County's extensive farm economy has now been greatly supplemented by its emergence as a regional shopping area, employment hub for daily commuters from Mexico, bedroom community to neighboring Riverside and San Diego Counties, and a field-headquarters for a rapidly expanding Homeland Security presence, as well as the site of major California state adult corrections facilities. In particular, a series of recent assessments conducted by local and regional economic and policy organizations have revealed that:

- as much as 40% of sales tax revenues in El Centro and nearby towns are accounted for by customers from Yuma, Arizona and Mexicali, Mexico;
- homeland Security recently has brought-in, or will soon bring-in, an additional 4,000 employees; and
- approximately 55,000 people commute from Mexico into the Imperial Valley each day.

Still, despite the additional stimuli to the local economy, on many measures, Imperial County, like many of its US borderland counterparts, remains one of the poorest counties in California and the nation. For example, with a large part of the economy continuing to be tied to seasonal labor, the local unemployment rate typically soars to double the State of California rate during some portions of the year. Annual per capita income in Imperial County remains at only about 60% of the state median, and local communities continue to have some of the highest school drop-out rates in California.

As a result of these and many other trends, today, the Imperial County Superior Court -- similar to its counterparts along the US/Mexico border throughout California, New Mexico, Arizona, and Texas, and many trial courts in communities across the nation with populations with close ties to Mexico -- is confronted by the need to:

- provide services to a sizeable population of litigants who are not residents of the United States but commute to work in the United States or reside in Imperial County only part-time;
- offer culturally appropriate services – especially probation, litigant self-help, family support, domestic violence, traffic school, and substance abuse treatment services – to a now largely Mexican-American and Mexican but increasingly ethnically and socio-economically diverse population;
- improve the Court's collaborative problem-solving capacity with other local, state, and federal agencies on both sides of the US-Mexico border, including numerous Homeland Security agencies, the US federal courts, and Courts located in Mexicali, Baja;
- improve work process efficiency and effectiveness in light of stagnant state and local government resources; and
- identify additional resources and establish comprehensive community based resource networks.

This Borderland Justice Field-Guide is one result of a twenty-four month initiative sponsored in part by the State Justice Institute and the California Administrative Office of the Courts to:

- clarify the strategic direction of the Imperial County Superior Court in light of its rapidly changing community context;
- develop a regional Court service delivery strategy and network;
- develop and implement culturally appropriate work process improvements; and
- document project results for on-going use in Imperial County and other borderland jurisdictions across the nation.

The purpose of the Borderland Justice Field-Guide is to translate the experience of the Imperial County Borderland Justice Initiative into practical tools for improving court and justice services along the United States and Mexico border. In addition, we believe that the tools presented here will also be of use to other communities across the United States with growing Latino populations of Mexican, Central and South American origins.

This Field-Guide is divided into six sections. We outline the Field-Guide contents in the remainder of this section and summarize the primary lessons learned so far during the on-going effort. Next, in Section II we examine the nexus of culture and the courts and justice system by defining culture and cultural competency and showing why they matter. In Section III we describe what makes Imperial

County unique and examine the implications of the County's unique status on the Superior Court. In Section IV we describe the key cross-border strategic issues that need to be addressed by the court and justice system. In turn, in Section V we examine the goals and purpose of work process improvement and provide numerous tools and guidelines for work process improvement to increase court cultural competency. Finally, in Section VI we present a framework for culturally appropriate performance measurement.

Lessons Learned

Three essential lessons for courts have emerged so far from the on-going Imperial County Superior Court Borderland Justice Initiative:

- it is important to know the professional and organizational culture of your court;
- it is important to know, care about, and make honest efforts to accommodate the cultures of the populations the court serves; and
- courts must build regional service networks that recognize both the realities of people's lives and the potential abundance of traditional and non-traditional resource available to address those realities.

It is important to know the professional and organizational culture of your court because effective justice in the borderland requires considerable organizational self-awareness, particularly awareness about:

- organizational and professional values regarding the purpose of courts and how they should work;
- fundamental assumptions made by the court about people, especially about what shapes people's perceptions, their forms of communication, and what motivates them to change;
- what is appropriate behavior for court personnel and court users; and
- what resources might be available to the court.

Moreover, organizational self-awareness needs to encompass a detailed understanding of how organizational and professional culture impact not only the structure and organization of the court generally and the preferred styles of service delivery approaches, but also the details about the design and use of work processes and the infrastructure required to support work processes. This includes fostering capacity within the court to understand where and how comfortable and familiar ways of doing business might be altered to better serve culturally diverse populations while strengthening essential notions of American justice.

With regard to knowing, caring about, and making honest efforts to accommodate the cultures of the populations the court serves, over the past decade, a lot of conversation about being in touch with stakeholders and the

public has accompanied court community-focused strategic planning, litigant surveying, diversity training, performance measurement, access to justice, and a long-list of other court improvements. Making the effort to understand and embrace the particular features of the potentially diverse cultures of the peoples the courts serves to create stronger courts, is one way to turn the rhetoric of diversity and access into the reality of improved service for all court users. In particular, the critical work and outcomes of courts – such as case processing, case resolution, compliance with court orders, and enhanced individual and community safety and well-being – can all be advanced by increased understanding of how the ends of justice can be obtained using a variety of culturally appropriate means.

Building regional service networks that recognize the realities of people's lives and the potential abundance of traditional and non-traditional resources available to address those realities requires:

- patience to learn about and with people both dissimilar and similar to one's self;
- courage to move beyond one's own culture and the culture of the courts;
- passion to advocate with and on-behalf of all court users; and
- willingness to trust, reach-out for help, and experiment with partners typically not considered official justice actors.

We anticipate that as the tools and techniques of the Borderland Justice Initiative are experimented with and improved over the next months, and the work of the Initiative becomes more visible, state court administrative offices and national and international court and justice support organizations will follow the lead of the Imperial County Superior Court, the California AOC, and the State Justice Institute. We look forward to them becoming active partners in expanded planning, problem-solving, and capacity building for borderland justice.

II. Culture and the Courts and Justice System (Tab 2)

Why Culture and Cultural Competency Matter

Understanding culture is fundamental to effective court and justice service provision because people's beliefs and expectations about the essence of justice -- that is, people's views about what is right or wrong, appropriate or inappropriate, and fair or unfair -- along with expectations for how justice is established and maintained, and how the institutions of justice should work and be changed, are all shaped by the complicated interplay among ethnic/national, professional, and organizational cultures. By culture, we mean the commonly shared, largely taken for granted assumptions about goals, values, means, authority, ways of knowing, and the nature of reality and truth, human nature, human relationships, and time and space, that a group has learned throughout its history.

Ethnic/national culture refers to groups whose individual members' common affiliation is defined by reference to ethnicity or nation. Professional culture refers to groups of people with affiliations defined by occupation and profession, such as police officers, soldiers, priests, computer scientists, and social workers. Organizational culture refers to groups of individuals interacting within particular administrative units or agencies which together form the institutions of justice within a society such as courts, police departments, and human rights organizations.

Ethnic/National Culture Matters

Our work with justice institutions in the Borderlands has taught us that ethnic/national culture matters because notions of culture greatly impact how people:

- define justice, conflict, and disorder, and determine when it is appropriate to involve third parties, including the state, in resolving problems and conflicts;
- describe events or "what happened;" and
- fashion responses or solutions to problems and conflicts.

In addition, ethnic/national culture matters because when cultures meet within a justice system, notions of culture often present paradoxical opportunities both for misunderstanding, on the one hand, and creative problem-solving, on the other hand. Thus the potential impacts of culture must be acknowledged and accommodated. For example, the behavior for helping ill children which one culture might define as appropriate use of herbal and other forms of traditional medicine might be defined in another culture as child neglect and even abuse. Notions of extended family inherent in some cultures might provide opportunities to link troubled family members with far more extensive family-based support

resources than might be available in cultures where family is more narrowly defined. For people of some cultures, attending batterers' classes conducted by a highly trained, "objective" professional might be an effective technique for addressing some aspects of domestic violence, while being counseled by a "subjective" but respected peer might be more appropriate for people of another culture.

Professional Culture Matters

Professional culture matters because actors within justice and human service systems may identify (or sometimes might need to identify) as much with the values, expectations, protocols, and notions of what constitutes meaningful work associated with an occupational discipline, as they do with the broader values, expectations, norms, and protocols of a justice system as a whole. For example, the values and expectations for what constitute good policing or appropriate social work in a particular jurisdiction might be shaped as much by national and international professional disciplines as they are by local values and expectations.

In particular understanding and accommodating diverse professional cultures is an important component in justice system improvement. Often professional disciplines support similar ends for justice service provision, such as public safety, but differ greatly on the means for obtaining those ends. For example, increasingly across North America, notions of protecting individuals from harm derived from social work disciplines, coupled with notions of safety and public protection from policing, are being combined to form innovative approaches to justice service delivery, such as community policing and restorative justice.

Organizational Culture Matters

Courts and justice institutions are composed of numerous separate organizations that somehow must work collectively to provide justice within a society. However, each organization potentially has a unique organizational culture that shapes values, expectations, and practice. For example, some organizations may have clearly articulated hierarchies and closely adhered to step-by-step work processes, while other organizations might have numerous decision-makers with great informal authority and considerable power, but no clearly defined work processes. Yet, somehow, for there to be justice in a community, these different organizational cultures must work together. Thus, understanding and working to alter organizational cultures to more effectively support a collective justice system is a major component of institutional transformation.

In particular, understanding organizational culture often includes identifying and determining the impacts on both organizational and justice system performance of:

- visible organizational structures and processes, such as décor, architecture, how people behave toward you or toward each other, and the contents of organizational charts;
- the espoused values of the organization, such as strategies, goals, mission and core function statements, and other justifications for what the organization does and why it does what it does; and
- the basic underlying assumptions of the organization, such as the taken-for-granted beliefs, perceptions, thoughts, and feelings.

The lessons suggested by justice system transformation suggest that culture is central to the ways in which processes are developed, promoted, implemented and adapted. This is not just about a cross-ethnic and international application; it is about any process of institutional change in any location. Further, the important lesson of multiple layers of culture has been found time and again to be true of institutional change in whatever the setting it is implemented. People, professionals, organizations and the ethnic, national and linguistic communities must all be taken into account as process is developed. The key to both court and justice system improvement is simple: process has cultural and context roots. It is not a neutral, universal, one-size fits all. Creativity in building process that emerges from within the cultural setting is critical.

Cultural Competency

Cultural competency means first understanding where, how, and why culture matters. In particular, as suggested previously cultural competency means understanding how culture influences people when they:

- define justice, conflict, and disorder;
- determine how and when it is appropriate to involve third parties, including the state, in resolving problems and conflicts;
- describe events or what happen; and
- fashion responses or solutions to problems and conflicts.

In addition understanding culture means assessing how culture might influence:

- the ways people communicate;
- perceptions about the sources of legitimate authority;
- beliefs about individual and group responsibility;
- beliefs about what are fair processes;
- fundamental, underlying beliefs about cause and effect – such as the causes and treatment of illness; and
- beliefs about people and their motivations.

Moreover, cultural competency also means developing individual, organizational, and system capacity for culturally appropriate service delivery that helps individuals successfully navigate the courts and justice system, process information, make wise decisions, and comply with court orders.

Finally, cultural competency stresses that it is important to avoid stereotyping people on the basis of ethnic identity. For example, while there are aspects of a particular culture that can have a significant effect on both the sources and the treatment of family violence, not all families within a culture will fit the same patterns. Cultural competency does not mean that one can understand the motivations, needs, and expectations of a particular individual or group simply because one has a general understanding of the individual's cultural background. Instead, cultural competency provides tools to help unravel the complexity of individual circumstances. The focus should be on helping the people who work for the courts and justice system to increase their awareness and understanding of culture in general and of particular cultures in order to better assess the individual circumstances of a specific case and to help develop appropriate responses in a case. This includes understanding the characteristics, nuances, and implications of one's own culture. Understanding the nuances of a particular culture, for example, can provide judges and other justice agency personnel with useful information about both the context of events and the potential for shaping appropriate responses.

Key Aspects of the Courts and Justice System Influenced By Culture

Listed in the left-hand column of Figure II-1 are the fundamental assumptions and beliefs, values, and behaviors that Imperial County cultural competency initiative participants identified as being important when cultures meet in the court and justice arena. In particular, participants stressed that behaviors such as how one expresses deference or contrition, combined with orientation to key values, such as the meaning of respect or honesty, and fundamental beliefs about time and causality, can greatly influence what happens in court because these culturally based attributes are firmly embedded in the operational attributes of the work processes used to process cases as well as in the structure, organization and rationale underlying the court system generally.

For example, as shown in the right hand column of Figure II-1 "time" in the traditional model of American courts is viewed as highly structured and valuable, and thus subject to being managed and controlled by a variety of techniques such as careful scheduling and detailed compliance monitoring that expects appropriate performance to occur within standardized time-frames. A few other more obvious examples of the numerous culturally based assumptions embedded in the court and justice systems include notions that:

- illness is largely organically based and thus can be treated medically;
- knowledge can be gained by a combination of structured educational sessions such as parenting or anger management classes, by following the directions and counsel of judges, probation, and treatment providers, and by observing the successes of peers;
- individuals are in control of and responsible for their own actions;
- gender roles in child-rearing should be centered on equal parenting responsibilities between partners;
- people can be motivated to alter behavior by punishments and rewards;
- judges and other persons or authority within the court and justice systems should be listened to and obeyed because of the positions they hold and the important roles society has assigned to those positions;
- people should show respect for court and justice officials;
- neutral, objective, third parties unrelated to litigants involved in a dispute can be effective in resolving disputes;
- written communication is an effective way to communicate; and
- determining when someone is truly sorry for what they have done and would like to make amends is important.

Each of the assumptions, beliefs, values, or behaviors listed above are of course largely steeped in Anglo/European cultures, as well as the organizational and professional cultures of the courts and justice system. However, courts across the nation are now confronted by a new reality that more and more, there might be a gap between the Anglo/European culturally based foundations of the courts and justice systems and the fundamental assumptions and beliefs, values, and behaviors of increasing numbers of people using the courts.

For example, increased presence in state courts across the nation of greater numbers of people with extremely diverse sets of cultural origins in the Middle East, African, Latin American, Asia, or the Pacific, as well as increased awareness of the cultural foundations of numerous Native Americans, have resulted in the need to work, routinely, with litigants who might:

- emphasize a spiritual or cosmic foundation for the origins and responses to illness and health;
- view gender roles as being very clearly differentiated and unalterable;
- maintain that behavior cannot be modified by the forms of rewards and punishment routinely used by the courts and justice system;
- demonstrate deference, respect, and contrition in ways at odds with expected behaviors in courtrooms, probation offices, and treatment sessions;
- emphasize group responsibility over individual responsibility;
- misunderstand the authority assigned to outsiders in family matters; or
- have limited exposure to written language generally, much less exposure to the formal language of the courts and justice system.

The Sources and Implications of Ethnic/National Cultural Variation on the Courts

In their widely used synthesis of decades of thinking about culture by contributors across a number of disciplines, communications experts Myron Lustig and Jolene Koester stress that members of a culture generally have a preferred set of responses to the world and that the sources of variation for these preferred responses encompass five orientations.¹ Later we will show how understanding these orientations in the culture of the courts as well as for the particular ethnic cultures of court users, are critical to increasing cultural competency and providing culturally appropriate services. For now we want to stress that the five orientations provide tools for inventorying the sources of cultural variation and the implications these sources might have on the courts and justice system generally.

For example, as shown in Figure II-2, an activity orientation defines how people of a culture view human actions and expressions of self through activities, and addresses such questions as can and should people change the circumstances of their lives, and whether or not life is a series of problems to be solved or simply a collection of events to be experienced. In addition, social relation orientation describes how people in a culture organize themselves and relate to one another by addressing questions such as the extent to which some people are considered better than others and the obligations people have to extended family, friends, neighbors, employers or others. Self-orientation focuses on how one's identity is formed, whether the culture views the self as changeable, and, of particular significance for the courts, what motivates individual actions. World orientation addresses how people interact with the spiritual world, nature, and other living things and thus shape views about how humans influence, control, and navigate events, and how to gain understanding and knowledge. Time orientation focuses on how people view time and addresses issues such as the meaning of timeliness, and the ability of humans to manage or control time.

Finally, culture and communications expert Edward T. Hall's high and low context culture taxonomy provides an additional tool for highlighting the sources of cultural variation and the source's potential impacts on the courts and justice system. As shown in Figure II-3, Hall maintains that high-context cultures prefer to use high-context messages where most of the meaning is implied by the physical setting or is assumed to be part of an individual's internalized beliefs, values, norms, and social practices. Note also that in high-context cultures very little of the content of the message is provided in the coded, explicit, transmitted part of the message. In contrast, for low-context cultures the majority of information contained in a message is in the explicit code. Examples of high-context cultures frequently identified in the research literature include Japanese,

¹ This section relies greatly on the work about culture completed over the decades by Hall (1966), Lustig and Koester (2006), and Berry, Kim, and Boski (1988). Complete citations for these and all other sources used in this document are located at the end of Section VI.

African American, Mexican, and Latino, while low-context cultures include German, Swedish, European American, and English.

Acculturation

Given the substantial influx of newer arrivals to the United States, it should not be too surprising that acculturation -- the change processes and techniques people use to adapt to a new culture -- is also an important element that courts must consider as they strive to become culturally competent. In particular, acculturation can greatly influence people's willingness to use courts at all, as well as influence their capacity to understand and use court processes effectively, and comply with direction from the courts. As one result, as will be shown in this section, acculturation can complicate further the already difficult tasks associated with cross-cultural understanding and communication among the courts and the increasingly diverse groups of users they serve.

Acculturation is a two-dimensional process involving (1) the preservation of one's heritage and (2) the adaptation to the host society. Preservation and adaptation results in a new identity created through acculturation strategies that integrate the traditional norms, values, and beliefs with the new social norms, values, beliefs, and environment. A person going through this process grieves the loss of the old identity, the change of venue, and changes in lifestyle. This grieving process begins with the changes that occur during acculturation and can reoccur at later stages in life.

The acculturation process is influenced by a person's or group's level of acculturative stress. Understanding acculturation stress and creating strategies that incorporate ways to deal with it are especially important for the courts and justice organizations. This is because higher levels of acculturative stress will lesson one's ability to acculturate in the host society and failing to address acculturative stress factors can lead to maladaptive behavior. Acculturative stress levels vary by psychological and social factors developed prior to immigration, including:

- adaptive functioning – self-esteem, coping ability, unresolved issues;
- knowledge of new language and culture;
- cognitive outlook such as view of the future as positive or negative;
- the degree of tolerance for and acceptance of cultural diversity with the mainstream society;
- family support in the community;
- social support within the new community; and
- socioeconomic status, including education and income.

Moreover, there are at least four acculturation strategies: (1) integration; (2) assimilation; (3) separation; and (4) marginalization. These strategies flow from the answers given to two questions: (1) Is it considered to be of value to maintain

one's cultural heritage? (2) Is it considered to be of value to develop relationships with the larger society? Integration is defined by positive answers to both questions. In contrast, marginalization is defined by negative answers to both questions. A positive response to the first question and a negative response to the second defines separation, while a negative response to the first question and positive response to the second would define assimilation.

In addition, the grieving process outlined earlier is different for each of the four strategies. The person who uses an integration strategy grieves less than a person who uses the other strategies because the new identity integrates one's cultural heritage with the new environment. The old identity is preserved when appropriate, but the change in venue and lifestyle will be grieved regardless. Those who assimilate are not acknowledging the importance of their heritage and do not immediately grieve the old identity. Grieving is repressed but will come up from time to time because the host society will often remind them of their heritage. Separatists do not grieve the loss of their old identity because they chose not to change, however they will grieve the change in venue and the changes in lifestyle. Those who chose a marginalized strategy grieve the old identity and create a new one that is inconsistent with the larger society and thus the new venue and changes in lifestyle will also be grieved.

Finally, it is important when designing culturally sensitive services that courts acknowledge that ability to acculturate varies by age and economic status. Children acculturate easier than adolescents and adults because they have not developed an identity, making it easier to develop roles and adapt to norms and values that are consistent with the new country. Adolescents are in the process of developing an identity and are easily influenced by peers and a desire to fit in. When adolescents immigrate to a new country their identity can integrate the host country's new values, norms, and roles, rather than having to change them, making it easier to acculturate than adults. Adults on the other hand have developed identities and must change their pre-established norms and values to include those of the host country. The older a person gets the more difficult it is to acculturate. Further, as suggested in Figure II-4, economic class and status also can play a significant role in shaping fundamental beliefs and values about the courts and society.

	<ul style="list-style-type: none"> • Community – A community is defined largely by geographic boundaries shared by people with a common civic interest, in contrast to interest defined by ethnicity, clan, family, or other social groupings that might transcend geography.
<p><u>Fundamental Assumptions and Beliefs About:</u></p> <p>Time Causality Illness Gender Roles Authority Human Nature Motivation How to Learn/Gain Knowledge Life Partners Same Sex Partners</p>	<ul style="list-style-type: none"> • People can, and sometimes should, change the circumstances of their lives. • People are responsible for their actions. • People are fundamentally equal. • Authority is based on the formal position one holds in the courts and justice system. • The courts and justice system are involved in problem-solving; the system helps to identify, clarify and solve problems in peoples' lives. • Time is linear, structured, and can be managed. • The causes of behavior are based in the physical world and subject to modification. • The causes of illness are organic and can be modified. • Individuals can change their behavior in part by changing their responses to negative environments or controlling their environment. • People are motivated by material rewards and punishments. • The role differences between men and women are flexible; men and women should be equally responsible for family well-being and child rearing. • Knowledge is generated by professionals and experts and transmitted through classes and other forms of education and experience based on tangible rewards and punishments. • Most people are fundamentally good and can improve their lives. • One's presence in court is defined by being a party or an official. (Not by who you are or who you know.)

Figure II-2: Cultural Variation and the Courts

Sources of Cultural Variation²

Implications For Courts and Justice Systems

<p><u>Activity Orientation</u></p> <p><i>1. How do people define activity?</i> Doing ----- Becoming ----- Being Striving ----- Fatalistic Compulsive ----- Easy Going</p> <p><i>2. How do people evaluate activity?</i> Techniques ----- Goals Procedures ----- Ideals</p> <p><i>3. How do people regard and handle work?</i> End in itself ----- Means to other ends Separate from play ----- Integrated with play A Challenge ----- A Burden Problem solving ----- Coping with situation</p> <p>Is it important to be engaged in activities in order to be a “good” member of one’s culture? Can and should people change the circumstances of their lives? Is work very different from play? Which is more important, work or play? Is life a series of problems to be solved or simply a collection of events to be experienced?</p>	<ul style="list-style-type: none"> • The purpose and value of activities, especially those associated with compliance with system expectations, might differ across cultures. • Views about the desirability and feasibility for change might differ. • Definitions about appropriate outcomes might differ. • Motivations for change might differ. • The meaning and measurement of progress towards a set of goals might differ. • Views about how to structure activity might differ. • Views about appropriate pace of activities might differ.
<p><u>Social Relations Orientation</u></p> <p><i>1. How do people relate to others?</i> As equals ----- Hierarchical Informal ----- Formal Member of many groups ----- Member of few groups Weak group ID ----- Strong group ID</p> <p><i>2. How are roles defined and allocated?</i> Achieved ----- Ascribed Gender roles similar ----- Gender roles different</p> <p><i>3. How do people communicate with others?</i> Directly ----- Indirectly No intermediaries ----- Intermediaries</p> <p><i>4. What is the basis of social reciprocity?</i> Independence ----- Dependence Autonomy ----- Obligation</p> <p>To what extent are some people in the culture considered better or superior to others? Can social superiority be obtained through birth, age, good deeds, or material achievement and success? Are formal, ritualized interaction sequences expected? In what ways does the culture’s language require one to make social distinctions? What responsibilities and obligations do people have to their extended families, their neighbors, their employers or employees, and others?</p>	<ul style="list-style-type: none"> • Key concepts and definitions, such as care-giver, family, provider, might differ. • Relative importance of officials, individuals, families, and groups in understanding, fashioning, implementing, and monitoring problems and solutions might differ. • Persons of authority and respect might differ. • The need for, definition of appropriate, and the role of, intermediaries might differ. • Views about appropriate gender roles might differ. • Notions of guilt and contrition, and personal and collective responsibility might differ. • Views about appropriate appearance and demeanor in court and in other official settings might differ. • Meaning of rewards and punishment might differ. • Effective environments and settings for providing services might differ.

² The information in this column throughout this figure is drawn from Lustig and Koester (2006), pp. 96–105.

<p><u>Self-Orientation</u></p> <p>1. <i>How should people form their identities?</i> By oneself ----- With others</p> <p>2. <i>How changeable is the self?</i> Changeable ----- Unchangeable Self realization ----- Self realization stressed ----- not stressed</p> <p>3. <i>What is the source of motivation for the self?</i> Reliance on self ----- On others Rights ----- Duties</p> <p>4. <i>What kind of person is valued and respected?</i> Youth ----- Aged Vigor ----- Wisdom Innovative ----- Prominent Material attributes ----- Spiritual</p> <p>Do people believe they have their own unique identities that separate them from others? Does the self reside in the individual or in the groups to which the individual belongs? What responsibilities does the individual have to others? What motivates people to behave as they do? Is it possible to respect a person who is judged “bad” in one part of life but is successful in another part of life?</p>	<ul style="list-style-type: none"> • Views about the possibility, desirability, motivation, and techniques for changing oneself might differ. • Role of individuals and social groups in shaping appropriate behaviors might differ. • Forces of motivation on the self – such as shame, family pressure, spirituality, and outsider assistance – might differ. • Definitions of child, juvenile, adult, elder, and parent, along with the duties, rights, and responsibilities of each, might differ. • Notions of effective role-models, teachers, mentors, and peers might differ.
<p><u>World-Orientation</u></p> <p>1. <i>What is the nature of humans in relation to the world?</i> Separate from ----- Integral part of nature nature ----- nature Humans modify ----- Humans adapt to nature nature ----- nature Health natural ----- Disease natural Wealth expected ----- Poverty expected</p> <p>2. <i>What is the world like?</i> Spiritual-physical ----- Spiritual-physical dichotomy ----- unity Empirically ----- Magically understood ----- understood Technically ----- Spiritually controlled ----- controlled</p> <p>Are human beings intrinsically good or evil? Are humans different from other animals and plants? Are people in control of, subjugated by, or living in harmony with the forces of nature? Do spirits of the dead inhabit and affect the human world?</p>	<ul style="list-style-type: none"> • Views about ability of humans generally and individuals to shape, control, and navigate events and circumstances might differ. • Beliefs about ability and techniques to impact health, illness, wealth, and behavior might differ. • Views about meaning of facts, ways to know and gain knowledge, and the sources of knowledge might differ. • Views about importance of economics, religion, and other motivators of behavior might differ.

Figure II-4: World-View Influence of Economic Class

	Lower	Middle	Wealthy
Driving Force	<ul style="list-style-type: none"> Survival, Relationships, Entertainment 	<ul style="list-style-type: none"> Work, Achievement Work helps to define your place in society 	<ul style="list-style-type: none"> Financial, social, and political connections
Time	<ul style="list-style-type: none"> Present most important. Decisions made for moment based on feelings of survival. 	<ul style="list-style-type: none"> Future most important. Decisions made against future ramifications. 	<ul style="list-style-type: none"> Traditions and history most important. Decisions made partially based on tradition and decorum.
Destiny	<ul style="list-style-type: none"> Believes in fate. Can not do much to mitigate change. 	<ul style="list-style-type: none"> Believes in choice. Can change future with good choices. 	<ul style="list-style-type: none"> Noblesse oblige (nobility obligates)
Possessions	<ul style="list-style-type: none"> People 	<ul style="list-style-type: none"> Things 	<ul style="list-style-type: none"> One-of-a-kind objects, legacies, and pedigrees.
Power	<ul style="list-style-type: none"> Power is linked to respect. Must have the ability to fight. People respond to personnel power. There is power in numbers. Can't stop bad things from happening. 	<ul style="list-style-type: none"> Power is separated out from respect. Must have ability to negotiate. Power is linked to taking responsibility for solutions. People respond to positional power. Power is in institutions People in middle class run institutions of the country. 	<ul style="list-style-type: none"> Power is linked to stability. Must have influence, connections. People respond to expertise. Power is information. People in wealth set the direction for business, corporations, and public policy.
Perceptions of the Role of Courts and Justice System	<ul style="list-style-type: none"> Lack of confidence that the courts and justice system work for you. Place of last resort for resolving disputes. Lack of awareness, exposure and interaction with courts. 	<ul style="list-style-type: none"> It is expensive but it is a place where justice can be obtained. A place to resolve disputes when other avenues do not work. 	<ul style="list-style-type: none"> Attorneys will take care of my interest. Will use courts when other avenues (such as private mediation, arbitration) have not worked.

Learning Style, Ways to Communicate	<ul style="list-style-type: none"> • Trial and error. • Experience based. • Story telling. 	<ul style="list-style-type: none"> • Formal education based. • Classes and training. • Establish and follow processes. • Structured dialog with peers and experts. 	<ul style="list-style-type: none"> • Identify one's interests first and subsequently identify and hire expertise needed to protect one's interest. • Hire others to teach you what you need to know. • Dialog with peers. • Ask experts questions.
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Section II Supplement – Culturally Appropriate Focus Groups (Tab 2a)

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Introduction

Institutions, agencies and programs that provide services to the public have a number of options by which to learn the opinions of consumers regarding the efficacy of their mandate. These entities may want to assess the degree of awareness consumers have about their presence in the community or the prevailing degree of satisfaction with services delivery. At times, they may want to solicit consumer recommendations for improving services, developing additional services or enhancing the performance of staff.

Empowering Courts to become more user-friendly institutions and increase their effectiveness calls for a concerted process of inviting consumers' points of view; this enables an entity to assess potential changes, as well as determining best practices, in serving recipients. Sampling the public's perspective also offers an opportunity to increase partnerships with local community vis-à-vis perspectives yielded by the data gathered.

When the community to be served is diverse, it is advisable to conduct *culturally-based* focus groups to sample (a) consumer knowledge of court programs and staff; (b) define degree of satisfaction with court programs and staff; (c) develop data regarding recommendations from consumers to assist the court in its purpose and process. This approach differs from conventional formats currently in use for conducting focus groups; the results that come from utilizing cultural awareness, knowledge and skills when working with non-mainstream populations are much more productive when contrasted with the use of conventional praxis.

Culturally-based focus groups require an assessment of the perspective that is prevalent in the design and process of conventional focus groups, an examination of the differing paradigm that guides the culturally-based process, and a brief description of how such groups would be conducted. Such a review will provide an orientation to the role of culture in achieving the purpose of focus groups in a manner that respects and coalesces with the world view of non-English-speaking consumers.

History of Focus Groups

The approach to using focus groups to garner a 'snapshot' response of attitudes began in the U. S. Army during World War II; their purpose was to "focus" discussion exclusively on particular themes the Army wanted to

assess. Specifically, sociologists recruited by the military used them to examine how propaganda films were being received by their audiences.

Their utility was adopted by marketing firms in the early 1950s, as a complement to quantitative sampling of consumer attitudes and to gauge their reactions to various products, their packaging or presentation. Use waned over time until the 1980s, when they were found useful in concretizing community perspectives on issues of the day, such as abortion, the death penalty, or racism. Most recently, focus groups have been used to determine the viability of political candidates or chart the opinions of specified consumer groups about land use policy, transportation systems or the functioning of governmental institutions. Often, focus groups are one of a number of measurement approaches employed in gathering data which can guide people, programs or agencies in becoming more effective at what they do.

Role of Focus Groups

Traditionally, measurement of consumer attitudes has largely been the province of polling and surveys, in which respondents answer “yes” or “no” to specific questions; the *quantitative*, or numerical, approach is often favored because, within certain margins of error, it can offer what is called ‘hard data’, information about how many respondents prefer A to B. Numbers, however, are not edifying regarding motivations or emotions. To augment a response to a questionnaire or survey, a more expansive approach is necessary; the *qualitative*, or descriptive, approach is often used as a complement to understanding the context which prompts a person to offer a one word answer.

Focus groups are tools for getting at the “why” of consumers’ opinions; they are about generating supporting information rather than garnering numbers. While quantitative strategies are precise, concentrated in a predetermined transaction and require minimal interaction, qualitative measurement requires open-ended dialogue and a sustained interaction within a lengthier process.

Limitations of Focus Groups

The information generated by focus groups is most useful when the limitations of this approach are understood; the information gathered is not to be taken as projections of attitudes held by the population at large. The strategy is predicated on evoking consumers’ attitudes, exacting *visceral*, that is, felt, not intellectualized, reactions to a topic, experience or entity. In essence, they are an important tool in determining how to carry out institutional changes.

Facilitation and process are the key ingredients in creating a design that elicits meaningful statements; content is most useful when it represents the consumers’ world view, rather than generating input favored by the person

guiding the process. Skill is required to inspire participants to share their innermost heart-felt thoughts and reactions.

State-of-the-art focus groups have been most frequently featured by the television networks during coverage of debates among presidential contenders. During the event, participants are isolated in a room with a giant monitor and provided hand-held computers. These devices allow for immediate input of a participant's reaction to a particular point in the exchange, specific content or visual stimuli. This ebb and flow is charted on a line graph, visible to the viewers, and permits zeroing in on a specific instance that may have provoked a positive or negative response. Creating such an environment implies there are no limitations on funding, technical support and human resources.

Less glamorous settings can also produce useful results; there are a number of components that figure in implementing successful, *conventional* focus groups. They typically require (a) recruiting the participants; (b) securing an appropriate setting; (c) ensuring a competent facilitator, and (d) accurately recording the input.

The first task is to determine the purpose of the research; typically, focus groups are used as sounding boards that articulate consumers' opinions about what they see or have experienced, explore their preferences, solicit their views regarding changes or modifications to what currently exists, and at times, ideal configurations about the delivery of services or staffing.

For example, CALTRANS utilized focus groups to gather data about California farm laborers' experiences, attitudes and needs in relation to the modes of transportation *campesinos* used to get to and from the fields during a typical work day. Specifically, they asked participants to discuss and describe (a) the type of transportation he or she used to get to work; (b) the level of satisfaction with said mode of transportation, and (c) what he or she would define as an ideal farm worker transportation system. The information gathered proved instructive in developing innovative solutions to the need for vehicle systems that were safe, responsive to the agricultural reality and viable for seasonal requirements.

Another key element is gathering a pool of consumers, not beholden in any way to the inquiring group or institution; partisans do not offer truly useful data. Who is recruited will be governed by the type of information sought. If, for example, the need is for reactions to land-use policy, it would be appropriate to recruit property owners; registered voters would be indicated for input regarding pending or proposed legislation. Depending on the budget available for the research, the entity can do the recruiting or assign this responsibility to the research team. Participation must be supported by documentation, including the signing of consent forms, and receipts, when incentives, such as hourly pay, the proffering of gift cards, or other compensation, is included. Care must

be taken to ensure an equal number of males to females, and the ethnic make-up of the community should be reflected in the recruitment outcomes. In some cases, particular populations may be desired.

The setting for implementation also plays a role in the success of a focus group. Environments that are conducive to lengthy interactions, without interruptions or distractions are indicated. Typically, because sessions last from one and a half to two hours, food and drink is provided; it is made available before and after the process takes place; food consumption is not permitted during the session, but soft drinks or water are acceptable.

The facilitator should be experienced in conducting group process, able to relate to participants in a non-threatening manner; he or she must be attuned to emotional nuances while guiding the discussion, and communicate support for each person's input. The role is responsible for ensuring participant responses to the slate of questions, such that everyone in the group has an opportunity to speak. It is important that no one member dominate the discussion. This calls for keeping one eye on the clock, and another on the process.

A system for recording participant input should be unobtrusive; note-takers may be used, but ideally, they should be out of sight. If audio taping is preferred, a multi-directional microphone should be incorporated, given that built-in microphones on tape recorders are capable of capturing only the sounds of those closest to the unit. Ideally the room used for the session is capable of being self contained and not subject to foot traffic which will interrupt the process.

The Focus Group Process

Generally, standard procedure in conventional focus groups is for the facilitator to frame the task and time frame for the participants, confirm their consent by using signed forms (if these have not been completed prior), describe, in limited detail, the intended use of the information and prompt brief personal introductions of group members. Once the questions or topics are reviewed, the discussion begins and continues until the task is completed. Participants are thanked, compensated and/or fed, and sent on their way.

Culturally Specific Focus Groups

As the diversity of communities grows, institutions are called upon to develop approaches to local outreach that go beyond conventional strategies. While it may be possible to use these with language-specific or ethnic consumers, experience has shown that data collected will not be as instructive. Cultural differences account for these less than efficacious outcomes. The most appropriate strategy is one that takes into account the culture of the population to

be sampled. This requires having a *culturally competent* individual doing the field research.

Such preparation is essential in providing for a successful implementation of data gathering, avoiding exploitation of cultural consumers' goodwill and establishing respectful, edifying relationships within diverse communities.

Cultural competence is comprised of several components; it involves having a repertoire of awareness, knowledge and skills regarding how culture is manifested in daily life. First, the representative of the institution or group seeking data must be aware of his/her culture, or *world view*. This encompasses the perspective held by each individual in relation to one's (a) concept of time; (b) favored strategies for addressing basic needs; (c) system of power relationships; (d) preferred interpersonal style, and ultimately, (e) concepts of *man & nature*. These form the complement of beliefs and values which guide what we hold dear, practice (often unaware) and reinforce, in our daily endeavors.

Individuals who implement outreach strategies rarely contemplate the role that culture plays in the manner in which sampling approaches are designed, or that both the practitioner and the format may be *culturally-bound*. The paradigm from which focus groups have evolved is firmly rooted in the Indo-European origins of the North American cultural world view. Consider the premise: a group of total strangers, unknown to one another, are convened for the purpose of telling one more stranger, who is guiding the meeting, their innermost feelings about an issue, thing or experience. The format is designed solely to address the task of gathering data, in a linear fashion; once the input is gathered, the session is adjourned. Participants begin as strangers to one another, and at the end of the session, are still largely unfamiliar with each other, aware only of their individual inputs, in concert with the task.

To reach the goal, a particular *concept of time* is central to the approach; there is only time to gather data. The *favored strategy* is simply to concentrate on the task and nothing more. The *power relationship* is exemplified as the leader instructs a gathering of data; participants are simply founts of information. Interaction, on an *interpersonal* level, is exclusive to the goal. The entire process transmits a value system that represents root concepts of *man & nature*.

Conventional focus groups, then, can prove to be ineffective at gathering community input from diverse populations, due an inherent cultural bias. In approaching non-mainstream groups (non-English-speaking or non-European-origin), subtle cultural differences will affect the degree to which the focus group process will be received. Life experiences within the U.S. culture can make minorities unresponsive to the assumptions on which the typical focus group approach is based.

Working with consumers from Spanish-language origin countries indicates that any focus group approach must be configured with their cultural perspective in mind. Their world view is transmitted through Spanish, a language which contains beliefs and values not found, *per se*, in English.

Anyone who has enrolled in a Spanish I course has inevitably encountered all of these conventions vis-à-vis the two forms of address, the *formal*, which requires the use of the *Usted* and its respective verb forms, and the *familiar*, which prescribes the use of *Tu* and has its own set of corresponding verbs. These forms of address are engaged in a particular sequence, and represent how all the dimensions of culture cited above are coalesced within a social context. This social mechanism posits a view of time, man, and nature that is represented in Spanish; it can provide us insights into why the conventional focus group approach is not a fully effective strategy for gathering data from diverse consumer communities.

The concept of time in Spanish also infuses social interaction with a preference in terms of interpersonal style, in that when two or more individuals meet for the first time, there are prescribed steps that are engaged in order to enable their social relationship. It represents the belief that it is worthwhile to take the time to employ these interactive forms. It also signifies that in taking the time to use *Usted* the person acknowledges regard for the other and communicates *respeto* (respect). The other is then free to employ the same vocabulary and confirm the existence of a *mutual* respect. Mutual respect opens the door to developing *confianza*, or trust.

As two core values, *respeto* and *confianza* operate in concert with one another. To develop the latter requires that there be a demonstration of the former; the verbal transaction is discernable to anyone within earshot. This, in turn, serves to reinforce this value system among the Spanish-speaking. People get to know one another with the proffering of acknowledgement of one another's worth. That validation is a first step in developing trust and mutuality. Verbalized, it would say, "I can trust you because I know you have communicated respect to me".

To demonstrate *respeto* is to engender *confianza*; while the English-Spanish dictionary translates this second term as "trust", in practice it is a broader concept. The parsing of the word into its component parts provides some insights into the premises behind the term. The first part, "con" means "with"; the second part, "fianza", translates as "bond". In common usage, the word "fianza" also means "insurance"; further examining its root can be instructive: the word "fi" derives from the latin for "faith". Thus, the outcome of demonstrating *respeto* is the development of *confianza*, a more intimate relationship in which there can be trust, mutuality, and more importantly, *faith*, in the connection between people.

Relating these cultural practices to the implementation of focus groups is critical to succeeding on a number of levels; the 'task orientation' cherished by the English speaking culture does not accommodate the time required for the *respeto* required by the "preferred interactional style" of Spanish-speaking culture. Nor does it hold such a transaction necessary for engendering trust. Proceeding with the expectation that non-dominant culture participants will provide the field researcher with quality data when the format is designed from an English-speaking world view, is not realistic.

There are specific steps that a practitioner can take to coalesce his/her objectives into the target population's world view. These *culturally-based* strategies operate on a different paradigm than that employed in conventional focus groups; their format is based on a different concept of time, relational system, interactive style and views about man and nature.

In conventional focus groups, the researcher sets the agenda; the world view of participants is not considered in the design, format or process. In culturally-based focus groups, the researcher corresponds to the outlook of the participants. The conventional concept of time (and task) must be adapted within social strategies that are meaningful to the participants, in order to elicit accurate input from them.

The Culturally-Based Format

The culturally-based approach to focus group implementation is centered on (a) demonstrating *respeto*; and (b) facilitating the development of *confianza*, within the group. These strategies are viable with monolingual, Spanish-speaking participants and also with people who are bilingual in English and Spanish. It may be that this approach can resonate with non-Spanish-speaking groups; the field researcher may want to experiment with this approach to determine its relevance to other segments of a diverse community. The common denominator will be communicating respect and trust.

As in the conventional focus group, a session starts with the introduction of the facilitator, the purpose and process of the session, consent and uses of the data. The facilitator specifies that the session will be recorded, emphasizing that this is for the purpose of gathering data, and not for attribution or identification. Using an easel and easel pad to write out their responses, the facilitator asks each person to introduce him or herself and in addition, answer a number of questions. This part of the process is presented as entirely voluntary, that no one is under any obligation to provide information they are not comfortable sharing.

The questions, after "name" will vary, depending on the type of data the focus group is designed to gather. Typically, participants are asked to state (a) where they are from originally (country of); (b) where they live now (community of residence); (c) the reason they are in the session (any reason is valid) and, (d)

one word about how they feel (subjectively speaking, rather than the conventional “fine”). As each one, including the facilitator, responds, a graphic record of names, countries, towns’ motivations, and feelings, materializes. The information is available for everyone to see; commonalities and differences are evident, and people have a discernible representation of the “community” of which they are now part. This process has enabled people “to get to know each other”. It is no longer a convening of strangers.

The purpose of this activity is to (1) demonstrate *respeto*, by acknowledging each person, where each comes from, what each thinks and feels; (2) facilitate a sense of community and membership; (3) create a visual record of the convened community; (4) set the basis for the potential development of *confianza* among the participants (and in their dealings with the facilitator). The soliciting of input is enhanced by the synergy that has taken place; the community is one.

Time is devoted to people getting to know one another and communicating that the participants are partners in the endeavor, not just static sources of information. A crux of this approach is that it utilizes the culturally-based beliefs and values of the Spanish-speaking community to enable the objective.

With this interactive foundation, the process can attend to the task; the facilitator guides the process, soliciting views from each participant. At times, he/she may ask a person to elaborate on their statements. Often, other participants may chime in with additional detail. The process often takes on a life of its own, as people feel *confianza*.

Upon expiration of the time frame, the facilitator can summarize the process, reiterate the purpose for gathering the data, expressing appreciation for the degree of participation by the group. The task has been completed by blending the objectives into an approach that functioned in concert with the world view of the consumer.

III. Community Context Assessment: What Makes Imperial County Unique? (Tab 3)

The Imperial County Superior Court is a unified trial court of 12 judicial officers and 115 staff serving a relatively small but rapidly expanding population of about 165,000 in a vast geographic area of 4,175 square miles along the US/Mexico border between Yuma Arizona and San Diego County, California. Current filings are about 82,000 cases per year and have been increasing by about 10% per year over the last decade. The Court maintains six service sites located across the County including the main court-house in El Centro, a town of about 40,000 people. Reflecting the general demographics of Imperial County and the service demands on the Court, many and likely a majority of the courts judges and staff are bi-lingual and many have strong family and historical ties to neighboring Mexicali or other parts of Baja California Norte.

Although the economy and demography of present day Imperial County reflect many of the opportunities and challenges typical of communities along the US/Mexican border, the community also enjoys unique advantages. With regard to similarities, census data and recent demographic assessments indicate that, compared to other communities in California and across the nation, yet like many borderland communities, the Imperial County population is far more Latino, faster growing, more rural and agricultural, and more disadvantaged.³

For example, Latinos, for the most part of Mexican heritage, account for just over 75% of the entire Imperial County population of about 165,000. Moreover, even though Latinos have been the numerically dominant population for most of the past century, nearly one-third of the entire current County population was not born in the United States, and English is the language used at home in only 30% of all households. In addition, only about 47% of the Imperial County adult population has completed high school and about 50% of all students in the schools have limited English skills. Family incomes in Imperial County are 60% of what they are in California generally, 20% of all residents live below poverty and, reflecting the seasonal nature of much of the farm based economy, unemployment rates hover between 25 and 29%.

Of special significant for the Court, labor force studies indicate that depending on the time of year, between 30,000 and 50,000 workers commute from Mexico to Imperial County daily to augment the full-time resident workforce of just under 60,000 workers. Also note that, consistent with trade and employment agreements which allow workers to commute between Imperial County and Baja, the vast majority of the commuting workers from Mexico are documented workers and thus in the United States legally, although it is likely that the Court's litigants include Mexican nationals of questionable work status too.

³ This section relies heavily on information from the US Census, Imperial County Historical Society (1991), Nuffer (1992), and Reisner (1986). A complete list of sources is located at the end of Section VI.

At the same time, Imperial County is the only rural US County along the entire 2,000 mile US/Mexico border located next to a major metropolitan region on the Mexico side. Neighboring Mexicali, the capital of Baja California, with a population approaching 900,000 is a major industrial center in Mexico, a burgeoning high-tech power-house, and one of that nation's most prosperous regions. The impact on Imperial County generally, and the courts in particular of the Mexicali giant next door will be examined in detail in the next section but for now as a preview note that purchases by shoppers from Mexico in El Centro, the Imperial County seat, likely account for about 35% of the community's sales tax revenue. Indeed, early reports indicate that a large regional shopping center recently opened in El Centro depends on buyers from Mexico as much as it does on local shoppers.

Also, a unique combination of geography, climate, and public policy has long been the major force driving the Imperial County economy and social fabric. With regard to geography and climate, the 4,175 square miles that make-up Imperial County are among the hottest and driest yet inhabited places on earth. Daily high temperatures typically exceed 100 degrees from May through September, with 110 degree highs routinely exceeded during the warmest months, and 115-20 degree days commonly recorded during the hottest months. Average annual rainfall is just 2.96 inches, with totals ranging from .01 to .06 hundreds of an inch during the driest months of April, May, June, and July.

However, since 1901 Imperial County has been an extensively irrigated desert. Early on, for the most part privately funded development of Colorado River water storage and irrigation systems resulted in 15,000 cultivated acres in the Imperial Valley by 1905. Soon public policy, geography and climate converged when catastrophic flooding along the Colorado in August 1905 and subsequent efforts to maintain irrigation systems led to formation of the Imperial Irrigation District (IID) and, ultimately, the massively federally subsidized Colorado River control effort with its twin jewels, the Boulder Dam and the All American Canal. Imperial County's current 500,000 irrigated acres, about one-fifth of all the land in the County and the largest single operating irrigation project in the United States, is a direct legacy of the 1942 completion of the All American Canal.

Further, federal and state immigration, labor, and land ownership policies have been, and will continue to be, a major force in shaping the economy and demography of Imperial County. In particular, even though immigration, labor, and land ownership policies targeting people from Mexico have been an obvious force in shaping Imperial County, historically these policies also have greatly contributed to the overall community ethnic mix and social structure.

For example, between 1900 and 1940, rapid development of an agricultural based economy and the infrastructure needed to support it, such as canals and railroads, encouraged many Lebanese, Filipino, Punjabi, Italian, Swiss, Portuguese, Chinese, Japanese and other immigrants to make new lives in

Imperial County. Yet laws excluding Asians from owning property also resulted in a complicated social structure characterized by contract labor, and employment and social stratification along ethnic lines. Perhaps most dramatic, and certainly most egregious, ethnicity-centered public policy choices resulted in a thriving Japanese community of farmers and merchants that at one time numbered 2,000 prior to the World War II, leaving the Imperial Valley permanently, following a long period of internment during the War at the Colorado River Relocation Center located in a remote portion of neighboring Arizona.

Finally, in addition to the challenges and opportunities that accompany being a border community, Imperial County is confronted by a variety of changes including:

- increased long-distance commuting between more affordable homes in Imperial County and jobs in San Diego and Riverside Counties;
- a burgeoning Homeland Security presence that will result in over 4,000 new jobs in the next few years;
- accommodating the presence of major California State correction facilities totaling 9,300 inmates and the litigation their presence brings;
- demands for improved community infrastructure including better housing, schools, shopping, and public facilities; and
- increased cultural diversity within the community.

Figure III-1 summarizes the salient features of the Imperial County community context.

Figure III-1: What Makes Imperial County Unique?

History of the Imperial Valley <ul style="list-style-type: none">• Early migratory, seasonal presence of indigenous population traveling freely across what is now US/Mexico border• Rapid agricultural development after 1905• Severe flooding followed by floor control and rapid expansion of irrigation between 1905 and 1942• Long-term presence of immigrant communities from Europe, Asia, India, and Mexico
Population <ul style="list-style-type: none">• Imperial Valley Centered Mexican-American Culture• Snowbird population in some parts of the county• Recent influx of people from other areas for Homeland Security and state corrections jobs.• Increased commuting to neighboring communities as a result of lower housing costs in Imperial County• Routine use of both English and Spanish and frequent intermixing of English and Spanish terms.
Geography <ul style="list-style-type: none">• Desert climate; agriculture dependent on irrigation and water diversion• Proximity to Mexicali• Proximity to San Diego• Isolation from other populated areas in the United States and Mexico has resulted in Imperial County and Mexicali having very close ties
Economy <ul style="list-style-type: none">• Interdependent cross-border regional economy• Strong economic development role played by United States and Mexican federal governments• Agriculture dominated economy• Hub of an expanding regional retail and service network• Expanding state and federal economic presence• Proximity to high-tech development in Baja
Political/Policy <ul style="list-style-type: none">• Water, immigration and border policies are major factors in the Imperial County past, present, and future

IV. Cross-Border Justice Issues (Tab 4)

Today, the geographic, demographic, economic, and public policy forces at play in Imperial County and the larger Imperial County/Mexicali Baja borderland region have resulted in the Imperial County Superior Court having to address four fundamental borderland strategic issues centered on:

- establishing a regional service network to provide assistance to a majority Spanish and limited English speaking litigant population which also includes numerous people with limited reading skills in any language, and numerous people who work in the United States but live in Mexico either part or full-time;
- providing culturally appropriate services, especially in cases involving families and children;
- establishing forums and processes for effective cross-agency and cross-national, regional planning and problem-solving; and
- anticipating and accommodating federal and state policy.

With regard to regional service networking to provide litigant assistance, borderland communities need to develop creative approaches which both recognize and build on the unique challenges and opportunities that emerge from the symbiotic US/Mexico relationship. To do this, the Imperial County Superior has been developing a four-fold approach that builds on the Imperial County/Mexicali Baja regions strengths. The first component in the approach is for the Superior Court to be the hub in a comprehensive community network of providers who have the materials and training needed to provide assistance to litigants. Participants in the network include representatives from health, social service, education, farm, church, and numerous other organizations potentially in contact with court users. The roles of network members include:

- helping to triage litigant assistance needs;
- providing basic information to litigants;
- providing research assistance to litigants;
- assisting litigants fill-out forms;
- helping to identify and maintain an inventory of litigant assistance needs;
- identifying additional network partners;
- making referrals to assistance resources; and
- developing, attending, and conducting litigant assistance training programs.

The Court's role as the hub of the network includes:

- preparing self-help materials which can be used by network partners as well as court personnel in helping self-represented court users;
- training network partners to use self-help materials and provide assistance;
- maintaining the litigant assistance network;
- providing electronic links to litigant assistance services;
- monitoring service provision; and
- obtaining resources to maintain the litigant assistance network.

The second component in the Imperial County approach to litigant assistance is to develop a comprehensive partnership with Mexican organizations to leverage resources in Mexico and from Mexico to:

- establish service locations convenient to Imperial County litigants who live in Mexico;
- help develop litigant assistance materials which target the needs of litigants who reside in Mexico but have dealings with the Imperial County Superior Court;
- help train US litigant assistance providers about Mexican culture and how perceptions of the Mexican courts and justice system might shape litigant assistance needs;
- help develop and provide training programs that address the needs of Mexico based Imperial County Superior Court litigants;
- provide infrastructure -- such as television production facilities in Mexico with established programs including the legal education program “Estas en Tus Derechos” -- that can be used by Imperial County Superior Court judges and staff, and Mexican and US network partners to provide information about the courts; and
- provide law school interns from the Universidad Autonoma de Baja California and Cety's University, and personnel from other organizations, including Mexican legal service organizations and the Mexican Consulate, who can help provide services at the Superior Court's main courthouse in El Centro, California and other locations across Imperial County, and in Mexicali.

The third litigant assistance component is to create a self-help center located in the main court-house law library. When fully operational, the scope of the Imperial County Superior Court self-help center will encompass:

- providing the equipment and materials litigants need such as word processing equipment, research materials, forms, and paper;
- holding workshops for network partners and litigants about particular aspects of law litigants find challenging;
- assisting people to fill-out forms;
- providing samples of properly filled-out forms;
- maintaining research materials;
- maintaining quiet work spaces; and
- offering staff to assist litigants.

The fourth component is to institutionalize the role of inter-mediators in all aspect of litigant assistance. To effectively serve many litigants in Imperial County and other borderland communities, assistance providers need the authority and tools to take on an assertive role as a mediator between cultures, counselor, educator, translator and interpreter, spokesperson and guide. In addition, to providing assistance about forms and processes, this more assertive role includes:

- helping litigants to understand and navigate the justice system;
- helping to define for people what is acceptable behavior and what is not; and
- promoting litigant self-esteem, motivation, and communication so that they can have if not a positive, at least a productive, experience with the courts.⁴

Finally, it is important to keep in mind that the questions confronting litigant assistance providers -- and in turn the knowledge and skills needed to provide adequate service -- in Imperial County, as in most borderland communities, can be extremely challenging. For example, as shown in Figure IV-1 which summarizes but a few of the many types of problems routinely presented to the Imperial County Superior Court family law facilitator, the types of litigant assistance needed often encompasses a very complicated mix of culture and law from both sides of the US/Mexico border.

Providing culturally appropriate service, especially in cases involving families and children is a second fundamental issue the Imperial County Superior Court must address. In any community culture plays an extremely important role in cases involving families and children because culture profoundly shapes fundamental assumptions and expectations, values, and behaviors about everything from the meaning of key concepts such as spouse, family, discipline, health, well-being, abuse, neglect, compliance, and treatment, to what is and is not acceptable behavior, and what are appropriate solutions to problems.

In borderland communities – as illustrated in Figure IV-1 -- the already difficult task of effectively working with families and children is further complicated by concerns about:

- legal status to work or be in the United States and the potential for there to be different legal status among members of the same family, including spouses and children;
- mistrust of court and justice authorities; and
- work and living arrangements that make it difficult to maintain contact between litigants and the court.

For example, there is considerable risk for courts to rely on postal services for the timely exchange of correspondence between the courts, probation departments, service providers, and litigants across international borders generally but especially so for correspondence to often mobile litigants, such as seasonal workers or long-haul truckers exchanged in cross-border commerce. Similarly, acceptable forms of correspondence vary between the United States and Mexico. For example, service of process in Mexico is accomplished only by a government official (actuário), never by a private individual. Also, phone service from one side of the border to the other is expensive compared to service within the United States. Figure IV-2, which was prepared jointly by people from

⁴ The role of inter-mediator is described in greater detail in Weller, Martin, and Lederach (2000).

the Imperial County Superior Court and the local Mexican Consulate office, provides a comparative summary of some of the main features of courts, justice systems, and law in Imperial County California, USA, and Baja, California, Mexico.

Regional planning and problem-solving is a third strategic challenge confronting courts in communities along the US/Mexico border. By now it should be apparent that a vast number of regional, state, national, and international forces play a significant role in creating both demands on the Imperial County Superior Court and the opportunities for effective responses to those demands. As one result the Court has learned that it must work with an extensive number of governmental and non-governmental groups on both sides of the border, as well as with the local justice partners typically engaged in problem solving efforts.

At the onset of the Borderland Justice Initiative, the Imperial County Superior Court recognized that existing regional planning and problem-solving efforts tended to be focused on a few topics, such as water policy, border security, and economic development and trade, and thus it needed to create an efficient regional planning and problem-solving network that more closely targeted the needs of court users and the courts. While creation of a regional planning and problem-solving forum and network is a work in progress, the Superior Courts current strategy emphasizes:

- establishing person-to-person relationships among judges, court personnel, and service providers on both sides of the border;
- establishing institutional ties with key support agencies, such as the Mexican Consulate and justice agencies in Mexico, such as the courts, the law school, Facultad de Derecho of the Universidad Autonoma de Baja California, the Baja California courts, and legal service providers; and
- expanding the scope of the Imperial County/Mexicali borderland justice planning and problem-solving effort to include partners in other border communities, such as Yuma County Arizona, and other communities with strong population ties to Mexico, such as Maricopa County Arizona.

Anticipating and accommodating federal and state policy is the fourth and likely most difficult strategic challenge facing courts along the US/Mexico border today. There are three reasons for this. First, federal and state policies shape both demands on the Superior Court and court and community capacity to respond to demands. Second, often times, the impetus for state and federal policy are political and economic factors that support state and federal agendas as much, if not more, than they support local needs. Third, it is difficult for the Superior Court to effectively engage state and federal policy makers on its own; the Imperial County Superior must built strategic alliances with similarly situated courts and justice systems.

In particular, as suggested previously, in Imperial County and borderland communities across the Southwest, federal and state trade, employment, and immigration policies largely determine how easy or difficult it is for people to move across the border to not only work, shop, and play but do business with courts and service providers. For example, in addition to litigants, law school interns from Mexicali need to be able to move across the border in a timely manner to serve people at the main Imperial County Superior courthouse in El Centro.

More broadly, for borderland courts to work efficiently and effectively, policies in the United States and Mexico regarding everything from appropriate border identification – e.g., passport, drivers license, or other form of ID -- drivers licensing, vehicle safety and Insurance regulations, to treaty agreements about parental access to children and the status of undocumented domestic violence victims, must be mutually supportive. Even safety and security policies regarding movement of judges and court staff back and forth across the border for meetings can play a role in how effectively the courts can do their work.

Finally, state level language and practice of law policies can be major factors shaping the quality of justice in borderland communities. For example:

- Is it permissible for Spanish to be an unofficial language of business, along side English, for most aspects of court service, including workshops, information exchange at traffic and other walk-in counters, and for other types of litigant assistance?
- Can the courts use Spanish as well as English versions of critical forms?
- Can assistance providers help litigants, including large numbers of litigants with limited reading ability in any language, complete forms?
- What level of Spanish language, as well as English language, proficiency should be expected of court personnel for various jobs?

Figure IV-1: Example Imperial County Superior Court Family Law Litigant Assistance Requests

- Husband currently resides in Imperial County, and wife currently resides in Mexicali, but previously resided with husband in Imperial County. Wife cannot legally enter the U.S. at this time. Husband intends to file for divorce in Imperial County.
- Wife filed for dissolution in Imperial County, and listed two children as having been born from the marriage. Husband presents to self-help staff two Mexican birth certificates for each child, one naming him as the father of each child, and another naming another man as the father of each child. Judgment entered in Imperial County Superior Court, establishing the children as children of the marriage.
- Husband and wife were married in Mexico. Wife currently resides in Imperial County, but is contemplating filing for dissolution. The parties acquired real property in Mexico which would be quasi-community property under California law. Mexican law provides that a person can be married in a manner that makes all property acquired during the marriage by that person, the separate property of that person. Wife was married in this manner, and for this reason, decides not to file for dissolution in Imperial County.
- Mother and children live in Mexico, but father lives and works in Imperial County. Mother obtained an order for child support in Mexico that provided for a much lower amount than would be available in California. Mother wants to open a child support case in Imperial County.
- Father has entered into a voluntary agreement with the court in Mexico (comprobante) to pay child support. Mother wants to receive child support according to California's guidelines.
- Following a judgment (sentencia) of dissolution in Mexico, with all parties living in Imperial County, the parties want to enforce the Mexican judgment in Imperial County. Similarly, they may wish to modify child or spousal support, or child custody or visitation.
- A judgment of paternity was entered in Imperial County by the local child support agency, after which mother registered the birth of the child in Mexico, naming a different man as the father. Mother marries the man named on the birth certificate. Bio-dad has no rights in Mexico to the minor, but is required to pay child support in Imperial County based on the judgment of paternity.
- Dad files a custody action first in Imperial County, and then while that is pending, files another for custody in Mexicali. Dad gets an order for 50/50 timeshare in Superior Court, but children go back and forth across the border all the time. Dad loses interest in the Mexicali case, and Mom obtains a judgment giving her complete custody and control, with no access to Dad. In contravention of that order, Dad brings the kids to US, and then Mom files a Hague Abduction case in Superior Court. Ultimately, after extensive hearings, including hearing involving Judge experts from Mexico, the Imperial County Superior Court rules that the children should be returned to Mexico.

**Figure IV-2: Courts, Law, and Justice Systems in Imperial County
California, USA, and Baja California, Mexico**

Legal Systems in General

CALIFORNIA

BAJA CALIFORNIA

There is no requirement of lawful immigration presence to use court system	There is a requirement of lawful immigration presence to use the court system
Based on Common law	Based on Napoleonic Code
Jury available in civil and criminal cases	No juries
Death penalty for certain crimes	No death penalty
A party can appear without an attorney	A party can not appear without an attorney, except on family law cases
Indigent persons have a right to a court appointed attorney in certain cases: criminal, quasi-criminal, and fundamental rights such as parentage	While indigent persons have a right to a court appointed attorney in family law, civil, and criminal cases through the “Defensoria Publica” (akin to Public Defender’s Office) these offices are not adequately funded, resulting in an inferior level of legal representation; normally carried out by law students or temporary staff called Defensor Adscrito (Court Defender)

Courts/Juzgados

All hearings are before the judge assigned to the case and are open to the public, except for juvenile proceedings, which are considered confidential.	Unlike United States’ Oral system, most Latin American legal systems are based on written pleadings and therefore, most information and/or evidence is presented in a written format. The bulk of the oral hearings are in the form of declarations, similar to depositions in the United States. These are regularly held in front of the secretario de acuerdos , who transcribes the testimony or information presented in these “audiencias” hearings. The Secretario de Acuerdos completes a document called (Acta) to later incorporate into the court file and present to the judge for review and decision making.
Judge personally hears all the evidence	Generally secretario-de acuerdos personally hear all the testimony and prepare “actas” declarations/affidavits for consideration by the judge and parties at a later time.
All files are public records and can be inspected by anyone except juvenile and parentage?	Only the parties and authorized persons can look in the file, but because of decentralization and insufficient software system, it may take several days before it is accessible.
Court will notify the parties by mail if there are any developments	Notification to attorney/parties regarding rulings is done in two fashions: 1) Notice of Order is attached to a Public Justice Bulletin (similar to bulletin boards used in US Courts to post calendar or legal notices); and 2) Court personnel (Notificador) will hand deliver the court order to the last known address. Mexican courts do not allow non-court personnel to serve legal documents.

Pleading and legal documentation are sequentially or chronologically placed inside high quality file folders fastening the contents with metal prongs (ACCO Fasteners)	The tradition of sewing the pleadings and legal documents with twine to a flimsy file cover is still prevalent in most Latin American court systems. This tradition has its origin in medieval times and currently it consumes a great deal of court staff time in removing and re-sewing pleadings to court files.
Courts can be sued	Court can be sued only through an "Amparo" similar to a Writ of Mandamus or Prohibition, but not as a regular civil suit for a money judgment. On rare occasions, an appellate court may rule that a particular judge erred with negligence in applying the law, resulting in immediate damage to the parties and thus allowing the matter to proceed as a regular civil suit against that particular judicial officer. Again, this standard is very high and is rarely invoked by the appellate courts.
Open from 8 am to 5 pm	Normal court hours are from 8 am to 3 pm. Also the on-duty criminal court is available 24 hours especially to recognize corpse (Levantamiento de Acta de Fallecimientos).
Does not close except for 13 legal holidays and weekends	Closes during judicial/governmental holidays, for judicial branch vacation for 3 weeks in August, and during the Christmas Holiday (approximately two weeks).
Court clerk	Oficialia de Partes
Superior, Court of Appeal, Supreme	Tribunal Superior, Camara de Apelación, Corte Suprema de Justicia
District Attorney and County Counsel	Ministerio publico
Oral proceedings are allowed and recorded in most cases	Most proceedings consist of written declarations and arguments advanced by the parties. Oral proceedings are normally limited to concluding arguments in court trials.

Judges/Juezes

A judge is either elected by the people or appointed by the governor	A judicial career law establishes the requirements to become a judge. Candidates participate in a competitive qualifying examination and are appointed based on their ranking. The appointments are automatically ratified by Congress.
Judges are paid more than any other court personnel and recently have parity with other governmental positions and legal community.	Judges are paid more than any other court personnel, but make less than many lawyers and business people in the community
Judges wear a robe during court proceedings	Judges do not wear a robe during court proceedings, since they are very few and normally the declarations are before the Secretario de Acuerdos. They can dress casual because they conduct most work from their chambers.

<p>Judge cannot preside over a case in which he may have personal knowledge of the facts, be a material witness, has served as a lawyer, has represented a party, was associated with a lawyer, has a financial interest, is a party, has a family member as a lawyer, has a personal bias, when excusing himself would serve the interests of justice, when he has a substantial doubt as to his ability to be impartial, or when a person aware of the facts might reasonably entertain a doubt as to the judge's impartiality. Code of Civil Procedure § 170.1.</p>	<p>Judge cannot preside over a case in which he may have personal knowledge of the facts, be a material witness, has served as a lawyer, has represented a party, was associated with a lawyer, has a financial interest, is a party, has a family member as a lawyer, has a personal bias, when excusing himself would serve the interests of justice, when he has a substantial doubt as to his ability to be impartial, or when a person aware of the facts might reasonably entertain a doubt as to the judge's impartiality. Baja California Code of Civil Procedures, Article 171 and 172, describe the judicial recusal process and enumerate all instances, which are more limiting than in the United States. Additionally, Code Section 172 allows one or both parties to complain to the Presiding Judge when a judicial officer knowingly fails to abstain from hearing the case. If the Presiding Judge finds that judicial officer failed to properly abstain from hearing the case, he or she may impose an appropriate discipline.</p>
<p>A judge must comply with a Code of Ethics, which includes requirements that the judge uphold the integrity and independence of the judiciary, that the judge conduct his life on and off the bench so as to avoid impropriety and the appearance thereof, that the judge perform the duties of judicial office impartially and diligently, that the judge conduct his extrajudicial activities so as to minimize the risk of conflict with judicial obligations, and refrain from improper political activity. California Code of Judicial Ethics.</p>	<p>A judge must comply with a Code of Ethics, which includes requirements that the judge uphold the integrity and independence of the judiciary, that the judge conduct his life on and off the bench so as to avoid impropriety and the appearance thereof, that the judge perform the duties of judicial office impartially and diligently, that the judge conduct his extrajudicial activities so as to minimize the risk of conflict with judicial obligations, and refrain from improper political activity. The code of ethics for all judicial branch employees are included into their Rules of Court (<i>Ley Orgánica del Poder Judicial del Estado de Baja California, CAPITULO IV DE LA RESPONSABILIDAD Y FALTAS ADMINISTRATIVAS; Artículo 123-131</i>) The article specifically applicable to judges, includes the following:</p> <ul style="list-style-type: none"> • Failure to rule on matters before the judge within the prescribed legal time frame • To render resolutions or effect court orders that are unnecessary and tend to delay proceedings • To render decisions or grant default judgments without verification of legal requirements and the merits of the legal pleadings and the law • Failing to receive the evidence provided by the parties

	<ul style="list-style-type: none"> • Prevent the parties to access or use remedies provided by the law • To grant bail without financial assurance or appointment of masters or bail bondsmen without financial surety • Making false or offensive comments or remarks about the parties appearing before the court • Allowing or making statements when taking judicial notice of matters before the court • To provide legal advice or assistance to the parties • Failing to attend to the proceedings at hand • Failing to ensure that court personnel are providing adequate customer service • To discuss or opine on legal matters before the court • Failure to report to work on time • Failing to include his/her complete name in signed court orders
A judge's term is 6 years and must stand for re-election if he/she desires to remain on the bench.	A judge's initial appointment term is for 6 years, but he/she can be ratified for an additional 6 years term by the Superior Court Magistrates and Congress

Attorneys/Abogados

Any attorney can go to court who has been admitted to the State Bar to practice law	Attorneys must have a license to litigate. Upon completion of their Law Degree they need to obtain their Cedula Profesional (Professional License) which could be either from the Federal or State level. The Federal License is obtained from the Secretaría de Educación Pública and from the Secretary of State of B.C. if it is the State License
Must be member of the State Bar	Bar Associations are voluntary associations without any official standing. Practicing attorneys are not required to be a member of their local bar association to practice
Must pass an examination that includes the law and ethics (Bar exam).	Must Pass the law school examination and obtain the license to litigate, as referenced above
License to practice law can be revoked for: Ethical violations	License to practice law can be revoked for: Ethical violations

Family Law

<p>Grounds for Dissolution/Legal Separation: Irreconcilable Differences or Incurable Insanity</p>	<p>Grounds for Dissolution, Legal Separation and Abandonment are enumerated in article 264 Baja California Civil Code. These are summarized, as follows:</p> <ul style="list-style-type: none"> • Adultery proven by one of the parties • Due to the birth of a child deemed to have been conceived prior to the marriage and not the child of the husband • Promoting and financially benefiting from prostitution of wife • Domestic violence or other criminal acts • Engaging in lewd or immoral acts by husband or wife with the purpose of corrupting their own children or allowing such corruption • One of the parties is suffering from syphilis, tuberculosis or some other chronic, incurable disease that is contagious or hereditary • Incurable mental illness • Separation from the family residence for more than six months and without just cause • Separation from the family residence due to substantial grounds for a divorce and the spouse that separated from the family residence has been absent for more than one year and has not filed for divorce • Spouse is presumed dead or a legal separation has been filed • Mistreatment, threats or great bodily harm committed against each other • Wrongly accused of a crime punishable by two years of prison by his/her own spouse • Spouse is convicted of a crime and sentenced to more than two years • Gambling, alcoholism, and persistent use of drugs that can result in family discourse and financial ruin • To require a spouse, against his/her free will to commit an offense punishable by more than one year of prison • Both parties have been separated and apart for more than two years • All aspects of domestic violence against any member of the family that disrupts or denigrate the integrity of the family unit • Mutual consent
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<p>Grounds for Annulment: Bigamy, Incest, Fraud, Force, Lack of Capacity, Age of Minority, Physical Incapacity</p>	<p>Grounds for Annulment:</p> <p>False identity, marriage between a minor (male under sixteen years of age and female under fourteen years of age), without legal consent of parent, guardian or judge when it involves a minor, marriage by fear, force or violence, pre-existing marriage without a final judgment</p>
<p>Service of Process: In person. Service of process is performed generally by third party not attached to the court.</p>	<p>Service of Process is Personal, Certified Mail or Publications and always conducted by court personnel.</p>
<p>Default – Respondent does not answer Petition after 20 days</p>	<p>Rebeldia similar to Default, but the time to answer may vary depending on the type of service and cause of action</p>
<p>Judgment – earliest judgment may be entered – six (6) months.</p>	<p>Sentencia earliest judgment may be entered – four (4) months</p>

Immigration

<p>Lawful Permanent Residents – Green card holders can live and work in the U.S. Student visa, work permit</p>	<p>A person becomes a resident of Mexico under the following circumstances:</p> <ul style="list-style-type: none"> - If he/she marries a Mexican citizen - If he/she has a child born in Mexico - If he/she has a job offer from an employer located in Mexico - If he/she is a retired person from the U.S. and wishes to reside in Mexico and can prove that he/she receives a monthly retirement annuity of not less than \$2,000.00 Pesos
<p>Permanent residents are eligible to become US citizens after 5 years of continuous residency in the US and meet other qualifications. (i.e. basic undertaking of citizenship requirements, free of criminal record)</p>	<p>After 2 years of becoming a Mexican resident, the person can petition to become a naturalized citizen. The document required by Mexico to become a Permanent Resident is known as “FM-3”</p>

V. Work Process Improvement (Tab 5)

Purpose, Goals, and Benefits

Work process improvements directed at civil, criminal, and traffic case processing, as well as litigant assistance services, were a key feature of the Imperial County Superior Court initiative. This aspect of the Borderland Justice Initiative, as shown in Figures V-1 and V-2, encompassed a variety of ambitious goals and resulted in numerous benefits directed at:

- increasing public access and convenience;
- better using court and justice system resources;
- improving judge and staff morale; and
- making processes more culturally appropriate and effective.

Moreover, the work process assessment and re-design aspects of the Imperial County Superior Court Borderland Justice Initiative revealed four major improvement themes that should be applicable to jurisdictions across the nation, as well as locally.

First, simplification of existing processes should include eliminating the Court's traditional role of often correcting the clerical mistakes of other agencies and attorneys. Project participants have estimated that between ten and fifteen percent of the Court's personnel time traditionally has been devoted to checking and correcting the work of others, and then communicating the results of the checking and correcting processes back to offending agencies and individuals. As a consequence, the Court is working hard with other agencies to get them to do the work right the first time or eliminate work that does not need to be done at all.

Second, faster work-flow should increase user access and satisfaction with court services. Similarly, court users should receive more targeted and timely information and assistance. In particular, as in most courts across California and the nation, resources for court personnel are not keeping-up with increasing public demand on the Imperial County Superior Court. Thus streamlining back office work processes, improving public contact processes, and assigning a proportionately larger share of personnel time to public interaction processes, have all become important components in the local improvement effort.

Third, staff time savings from use of more efficient processes should allow for more transparent decision-making and clearly rationales for redeployment increasingly limited resources to court priorities. For example, changes in delinquency and neglect work processes have allowed the Court to not only replace retiring staff by redefining the roles of existing staff in light of the improved processes, but also have enabled the Court to complete this transition

using a strategy that was developed by a work process improvement team that included both retiring and continuing personnel.

Fourth, more effective and efficient work processes should increase the chances that accurate information will be available when needed and minimize the need for extensive employee supervision. The Court discovered that many decisions were being made, checked, and remade in the absence of good information while employing cumbersome work processes. Considerable portions of the Court's redesign work has gone into simplifying processes and establishing mechanisms for assuring that staff have the training, information, authority, and other tools for making correct decisions.

Work Process Improvement Approach

The Imperial County Superior Court's approach to work process improvement borrowed heavily from contemporary thinking about court and justice system strategic planning and management, continuous quality improvement, and performance measurement.⁵

Contemporary strategic planning and management thinking is reflected in the approach's stress on:

- assessing and re-designing work processes in light of anticipated long-term, as well as more immediate, short-term, demand on the Court;
- carefully aligning the specific goals and outcomes of particular work processes with the broader mission, vision, goals, outcomes, and strategic priorities of the Court;
- being willing to dramatically modify or even eliminate work which no longer serves the Court's priorities;
- re-designing work processes to better address quality of justice concerns, as well as to increase effectiveness and resource efficiency; and
- inventorying the cumulative implications on the Court of what might initially appear to be incremental changes to very specific work processes.

⁵ The approach draws heavily on the work completed as part of other State Justice Institute projects and publications. For example, reference materials used to help shape the project include the following materials prepared under SJI sponsorship: B. Wagenknecht-Ivey, J. Martin and B. Lynch (2000) *Strategic Planning Mentoring Guidelines: Practical Tips For Court Leaders*. Denver: Center For Public Policy Studies; B. Wagenknecht-Ivey, D. Price and J. Martin (1998) *Continuous Quality Improvement in the Courts*. Denver: CPPS; J. Martin (2001) *A Guide to Court Performance Measurement*, Tacoma, WA: Pierce County District Court; and J. Martin and J. Bouch (2004) *The Details Make the Difference: Process Improvement in the Sonoma County Superior Court*. Santa Rosa: Sonoma County Superior Court.

The continuous quality improvement contribution is revealed by the approach's emphasis on:

- employing a customer and service consumer perspective as part of assessing the pros and cons of potential improvements;
- making improvement decisions based on reliable information and data rather than on personal preferences, gut feelings, intuition, or political whims;
- evaluating and re-designing work processes to ensure that every step or activity adds value to service delivery;
- creating an organizational climate that encourages honest, critical assessment, trust, willingness to improve, and wide-spread participation in improvement efforts; and
- using step-by-step, problem solving, and continuance process improvement models which stress problem and goal definition, assessment, consideration of alternatives, deliberate implementation, and evaluation.

Recent thinking about performance measurement is embodied in the approach's insistence on:

- specifying the purpose and desired outcomes of work processes;
- attaching performance indicators to work processes; and
- establishing work process performance standards, including time standards.

Taking all of the strategic planning, quality improvement, and performance measurement thinking listed above into account, the primary work process assessment, re-design, and improvement implementation mechanisms of the project included:

- extensive use of ad hoc work-groups to re-design work processes;
- participation by judges and court staff from throughout the Court at work process assessment and redesign sessions;
- detailed description and flow-charting of existing and potentially improved work-flow;
- preparation of step-by-step implementation strategies for each improved process;
- creating widespread awareness across the Court about the implications of changes in work processes; and
- on-going, but coordinated, implementation of improvements.

Use of a Framework

The primary reason for using the framework for court and justice system's assessment and innovation presented in this section is to provide a set of concepts and a vocabulary for thinking and communicating about the work of organizations and systems and how they might provide services more effectively. In addition to serving as a conceptual guideline for the planning, assessment,

and improvement efforts of the Borderland Justice Initiative, over the past few years, the framework has been used to:

- organize thinking about programs, policies, and work processes in light of client, community, and system needs;
- guide strategic planning efforts;
- guide process, outcome, and impact evaluation activities;
- encourage learning and knowledge exchange across programs with diverse target populations and treatment approaches;
- increase understanding of the causal relationships between core program components and outcomes;
- develop work process and program goals and distinguish between programmatic goals and measurable/achievable outcomes;
- build collaborative and integrative capacity across organizations;
- assess the adequacy of organizational networks and the supporting infrastructure needed to sustain, improve, and extend services;
- identify performance measures; and
- redesign work processes and programs in response to changing expectations and service demands, or resources, or the emergence of new treatment and service rationales.

Finally, note that the framework has been designed to accommodate both case responsive work, and non-case, or organizationally initiated work. A case responsive work process, as described in greater detail in Figure V-3, is a collection of inter-related procedures undertaken to fulfill one or more of the system's basic functions. The essential focus of case responsive work processes is on responding to and/or resolving individual cases. Easily identifiable examples of case responsive work processes include the responses to a criminal or civil case filing. Examples of less obvious but nonetheless equally as important work processes would include how cases are assigned to social workers, judges, or treatment providers.

An organizationally initiated work process is also a collection of inter-related procedures undertaken to fulfill one or more of a service systems basic functions. Yet unlike a case responsive work process, as shown in Figure V-4, an organizationally initiated work process focuses on a general project, program, approach, or style of management or service delivery. The non-case driven, day-to-day, work activities associated with establishing a litigant assistance program, a prevention program, community outreach, or staff training, are examples of organizationally initiated work processes.

Moreover, as a result of the numerous characteristics described in Figure V-4, it is likely that in most, if not every, court and service organization, both getting a clear picture of the details of organizationally initiated work processes, and the value of these processes, is far more difficult than it is when dealing with case responsive processes. Consequently, the importance of, and time devoted to,

non-case, organizationally initiated work processes often are underestimated because they are far more difficult to identify, fully describe, and assess.

With regard to components, the system innovation framework presented in Figure V-5 includes nine primary components, each of which is directed at particular aspects of system assessment and innovation.

Components 1 and 2 encompass the general public expectations and workload demands placed on a particular work process, program, technique, or innovation. This includes clearly defined, targeted, and data-driven, assessed needs as well as general public and stakeholder expectations.

Typically, stakeholder expectations for a process, program, innovation, or technique are defined broadly, and capture perceived need.⁶ The origins of expectations might be perceptual, legal, based in tradition, or reflect a variety of other ways that ground thinking and perceptions. In turn, assessed needs emerge more clearly from qualitative and quantitative inquiry that clarifies the scope and demand for action. They build off expectations and clarify what action is needed, for whom, and in what quantity.

For example, the general public expectations accompanying a system response to juvenile alcohol use might include the need to reduce alcohol use, increase awareness about the harm of alcohol use, and reduce public fear associated with exposure to intoxicated people. In turn, assessed need regarding juvenile alcohol use might focus on determining the number of potential clients and the specific types of services they might need.

Component 3 encompasses the specific goals of a particular work process or program and/or elements of a rationale for a program, technique, work process, or innovation, such as the theory behind a particular type of assessment process or a treatment program. The goals of a system service capacity development effort for example might include ensuring that resources will be available to meet well defined and understood needs by:

- using resources efficiently when developing options/programs;
- using theory and best practice principles and prior knowledge when developing resources;
- using a transparent process;
- working collaboratively; and
- using inclusive processes.

In addition, a rationale accompanies many programs and work processes. Usually, the rationale is a knowledge or evidence-based expression about why particular action will result in intended outcomes. Often, rationales are filters or

⁶ Note that throughout this overview, we use the term “technique” as a short-hand for a work process, program, or initiative.

lenses that shape and determine the details of competencies and activities associated with a process or program. For example, today behavior change theories, developmental theories, family systems theory, and system of care principles provide the rationales for many programs in the family and juvenile arena.

Component 4 includes aspects of the broader strategic direction of a court, agency, a few organizations, or of a system generally that are applicable to a work process, program, technique or initiative. For example, the features of a model court recruitment and hiring process might reflect aspects of the agencies broader strategic goal of maintaining an atmosphere of respect for the dignity of all individuals who work for or are served by the court.

Framework component 5 is the specific work process, program, technique, or innovation targeted for assessment. As suggested previously, component 5 within the framework can be a particular case oriented work process, such as juvenile substance abuse case processing, or an organizationally initiated work process or program, such as prevention program development or court capacity building.

Moreover, component 5 might be a particular technique or set of techniques for direct service delivery, and thus often are about the provision of an appropriate dosage, that is, about both the amount of intervention and the quality and type of intervention provided. For example, the wrap-around approach is a very specific service delivery technique with predefined components. The dosage (intensity) of its use may vary, however, according to an individual family's needs. A socially isolated family may require a higher dosage of the wrap-around technique to develop a supportive social network than a family with strong connections in their community.

Components 6 and 7 capture the desired and realized outcomes of a work process, program, or innovation. Often these outcomes include items associated with more traditional approaches to court, and justice and human service agency service delivery as well as more community-focused approaches. Thus, outcomes might include public satisfaction, reduction in fear and disorder, harm reduction, fulfillment of mission, values, and vision, and even long-term cultural change, such as changes in the alcohol consumption habits of youth. Moreover, the framework for system innovation focuses on both targeted and realized outcomes. Targeted outcomes are the measurable, intended, outcomes of a work process, program, or technique. They are derived from alignment between expectations, needs, rationale, and selected techniques or practices. Realized outcomes capture qualitative and quantitative performance.

Component 8 focuses on the inter-organizational networking required across organizations within a system to provide effective client services. Connections to clients and communities, as well as integration, collaboration and coordination of effort among system actors, are included here.

Finally, component 9 includes a variety of hard and soft infrastructure designed to support work processes, programs, techniques, or innovations. Hard infrastructure encompasses technology, equipment, and facilities. Soft infrastructure includes needed budgeting, planning, staffing and training, policy formation, communications and coordination mechanisms, and management activities.

It is imperative that a detailed assessment of both inter and intra-organizational infrastructure needs is conducted to ensure the infrastructure supports the work technique. In particular, clearly inventorying needed infrastructure is especially important because infrastructure for supporting effective services usually are extensive, undervalued by the public, difficult to maintain, constantly changing, and routinely cut across numerous agency boundaries within the court, human and justice service systems.

In addition, there are a variety of assumptions about the **relationships among the nine components** built into the innovation assessment and improvement framework. In particular, the framework assumes that the goals of a particular work process, program, or innovation should reflect public expectations. In addition, goals should be compatible with the broader values and principles of a particular court, agency, system, theory, or aspects of strategic direction that serve as a rationale. In turn, the characteristics of a work process, program, or other forms of technique should reflect both the goals as well as the broader strategic direction of an agency or system. Next, work processes, programs, or innovations should lead to desired outcomes. In turn, outcomes, in the long-term, should be translated back into public expectations and assessed needs. The framework also assumes that both organizational and inter-organizational infrastructure should both effectively support work processes and reflect fundamental system values and principles.

Work Process Improvement Steps and Examples

Much of the work process improvement portion of the Borderland Justice Initiative, for most of the processes targeted by the Court was iterative, even though the steps listed above appear to follow a linear progression. For example, multiple drafting and review of current and improved work process flow charts happened routinely, until improvement team participants had become satisfied that they had accurately described what was going on "today," and subsequently redesigned processes to optimally meet public service goals while also increasing resource efficiency. In addition, the total effort of the project was staggered so that groups assigned to a particular process were building on the

work completed by other groups, and so that improvement implementation could unfold with minimal disruption to court operations.

In particular, the steps involved in the work process improvement portions of the BJI were to:

- identify the general implications of the Court's strategic plan on work process redesign priorities and desired process improvement outcomes;
- train a cadre of court personnel about the purpose and techniques of work process improvement;
- form work process teams composed of personnel from all levels of the Court;
- identify work processes which either posed problems or promised opportunities for resource redeployment and gains in public service delivery;
- select specific work processes for detailed analysis;
- identify the purpose and desired outcomes of a particular work process;
- list the steps involved in a work process;
- flow-chart a work process;
- assess the origins, legal foundation, need for, and efficiency and effectiveness of work process steps;
- review the actual incidence or fall-out of cases or activities along salient steps within the work process;
- review how well time-standards are being met in a work process, where applicable;
- redesign and flow-chart what an improved work process might look like;
- prepare an action plan for implementing an improved work process;
- implement the work process improvements; and
- establish performance monitoring mechanisms.

(Example flow-charts, caseflow statistics, and process improvement action plans are located in Tabs 5a – 5c located at the end of this section.)

Work Process Improvements for Cultural Competency

Creating culturally competent work processes involves two primary steps: (1) assessing critical processes programs and services; and (2) developing culturally appropriate processes programs and services. To do this, combined, these two steps encompass a number of sequenced activities including:

- identifying priority improvement processes, programs, or other aspects of court operations and organization where culture matters;
- identifying facets/functions for priority processes or programs;
- identifying attributes of processes or programs potentially influenced by culture;
- identifying the characteristics of traditional service approach;
- Identifying the characteristics of alternative service approaches;

- preparing improvement action plans for each priority process/program improvement;
- preparing an aggregate court cultural competency improvement plan which includes culturally sensitive performance measures; and
- Integrating the cultural competency improvement initiative and other planning, policy, court improvement, and performance measurement efforts, including the courts strategic planning.

In short the purpose of these steps is to apply the knowledge about the cultures of the court and community to first assess and subsequently redesign critical work processes and programs with an eye towards improving the processes or programs while making them more culturally appropriate. All of these activities are centered around the use of a common assessment and improvement template which we designed and are using to guide improvements for seven processes and programs in the Imperial County Superior Court and a companion project in the Maricopa County (AZ) Superior Court – litigant assistance, juvenile, dependency, family, probate, and traffic case processing, court attached mediation, and personnel recruitment, hiring, and retention.⁷

Figures V-6 to V-8 illustrate the use of the cultural competency assessment and improvement template for dependency case processing, court attached mediation, and litigant assistance. The structure of the template includes four components – facet, function, form, and formula. Facets are the generic, universal aspects necessary for the work of a process or program to be completed, while forms are the more culturally constructed strategies and approaches for completing the work.⁸

For example as shown in Figure V-6 the universal facets of dependency case processing are: (1) entry, (2) gather perspective/assess litigant context, (3) formulate an issue agenda, (4) arrange/negotiate/ fashion responses, and (5) monitor progress and compliance. Along side these general universal facets, the specific functions of dependency case processing in American court culture correspond to general case-flow phases – case initiation, determination of jurisdiction, determination of dependency, disposition -- and numerous official events, such as referrals, investigations, petitions, hearings, and orders.

In turn, also as illustrated in Figure V-6, forms are the broader culturally constructed strategies and approaches for addressing facets and functions, while formulas are the highly culturally-based tactics, skills, techniques, and mechanisms – the specific means – for implementing formulas. For example, the forms and formulas for addressing the gathering perspective and formulating

⁷ Case types and programs to be targeted in the next two years in Imperial County include criminal and civil case processing, and judge and staff training approaches.

⁸ The facet, function, form, and formula framework used throughout this project is described in detail in Lederach (1995). Application of the framework to court attached mediation is described in greater detail in Weller, Martin, and Lederach (2000).

issue agenda facets and functions of dependency case processing in the traditional Anglo-European culturally based approaches now used in American courts place heavy reliance on incident reports to start the process, abuse and neglect subject matter specialists, interviews at official sites and clinical settings, family member “cooperativeness,” standardized assessment and diagnostic tools, and assessment being conducted by strangers to the family. In contrast, the forms and formulas for alternative more broadly culturally sensitive approaches might emphasize use of language and culture interpreters and intermediators as well as subject matter experts, interactions in family friendly settings, and a greater role for community elders and persons of respect.

Finally, note that in Figures V-6 – V-8 we have included lists of important attributes potentially influenced by culture to assist identification of the specific features of culturally-based forms and formulas.

With regard to the application of the framework, note that the three examples provided here, show how the framework can be applied to different types of processes or programs and to different types of culture. For example, the levels and types of culture targeted in Figure V-6 for dependency cases are the traditional American Court culture based approach as well as alternative approaches not so strongly grounded in Anglo-European cultures. Figure V-7 looks at court-attached mediation drawing distinctions between the Anglo-European based model used in most court’s today and a Latino culturally focused model, while Figure V-8 illustrates the application of the framework to traditional models of litigant assistance, and a very localized approach designed to serve Imperial County’s unique blend of majority Mexican and Mexican-American cultures, and minority Anglo, African American, Asian, and Native American cultures.

Knowledge, Skills, and Abilities for Work Process Improvement

Capacity development has been an important part of the Imperial County Superior Court Borderland Justice Initiative. Throughout the work process improvement portion of the Initiative, the project consultant, work-group leaders and session participants identified, learned, and taught the knowledge, skills, and abilities (KSAs) required by judges and court staff for successful work process improvement.⁹ Moreover, the project team kept track of the types of resources needed to facilitate work process improvement. In particular six categories of KSAs and resources have been identified by project participants as being especially important to effective work process improvement. As show in Figure V-9, these six categories are:

⁹ Note also that, throughout the project, care was taken to examine the links among the KSAs identified above and the broader KSAs of the court management profession identified in the National Association for Court Management core competencies.

- effective communication;
- leadership and court-wide commitment;
- technical skills and adequate supporting infrastructure;
- innovative thinking;
- session facilitation; and
- process facilitation

Figure V-1: Work Process Improvement Goals

Work Process Improvement Project Goals

Public Access and Convenience

- Improve the quality of services for court users; and
- increase the timeliness of service to court users.

Use of Court and Justice Resource

- Increase the visibility of work processes and importance of having effective and efficient work processes;
- demonstrate how what might first appear to be relatively small inefficiencies add up to large resource expenditures;
- provide information for making decisions about resource deployment/redeployment and staffing and workload priorities; and
- identify areas for budget savings.

Judge and Staff Morale

- Free-up time to meet individual judge needs and expectations;
- improve interactions with justice partners;
- provide the foundation for appropriate work distribution among court units and between the court and justice and human service partners;
- provide information for staff training and information for succession planning;
- allow opportunity for positive staff participation in court improvement; and
- establish a culture of continuous work process improvement throughout the court and justice system.

Culturally Appropriateness and Effectiveness

- Identify why culture matters for the Court and community;
- obtain the resources available in our own organization, our community and nationally to support and promote cultural competency;
- improve processes and ensure our processes support a culturally competent workforce; and
- implement performance measurement practices that support a culturally competent organization.

Process Improvement Goal: Simplification

- Less opportunity for mistakes.
- Increases morale by providing meaningful rather than busy work.
- Standardized work processes make it easier to deploy staff.
- Easier to train staff.
- Easier to adjust when staff leave.
- Helps to assure similar quality of justice across all cases.
- Provides opportunities for cross-training.
- Creates opportunities for more flexible staffing.

Process Improvement Goal: Faster Work-flow

- Contributes to more expedient justice.
- Frees up staff to do other needed activities.
- Increases user access and satisfaction.
- Provides opportunities and frees up staff time to participate in innovations and address longer term problems rather than exclusively focus on day-to-day problems and operations.

Process Improvement Goal: Staff Time Savings

- People not doing redundant work.
- Work being done at point where needed and in proper sequence.
- Potential for saving/redeploying resources.
- Identifies work that should be done by others (e.g., attorneys, human service staff) or work that no longer needs to be done at all.

Process Improvement Goal: Opportunities for Staff and Resource Redeployment

- Breaks down lingering status distinction between former municipal and superior courts.
- Provides opportunity to move resources to address higher priorities.
- Provides opportunity for staff to be part of a larger improvement effort and address longer-term problems.
- Identifies common problems and opportunities across court units and among court and justice/human service partners.
- Identifies work that does not need to be done.

Process Improvement Goal: Savings and Gains From More Effective Service Provision

- Provides higher quality information to the court, at the right time, in the right place.
- Increases chances that accurate information will be available for decision-making.
- Offer staff the bigger picture and general knowledge needed to make decisions with less supervision.
- Minimizes the need for supervisors to be involved in routine decisions.

Process Improvement Goal: Improved Quality of Justice

- Establishes processes that comply with law and mandates.
- Increases opportunities for equal treatment in similar circumstances.
- Provides opportunities to focus more attention on non-routine cases.

Figure V-2: Inventory of Work Process Improvement Benefits

<p>Litigant Assistance Improvements</p> <ul style="list-style-type: none"> • Established culturally appropriate litigant service approaches. • Built cross-border service network. • Built Imperial County service network. • Established court-house assistance center. 	<p><u>Benefits and Time Savings</u></p> <ul style="list-style-type: none"> • Reduces time spent by judges addressing litigant assistance needs in court. • Performs triage function to link people to services for resolving problems that can be addressed best in settings other than the courts. • Increases support for the courts. • Increases staff knowledge of customer needs. • Uses resources, including interns and volunteers, service providers, and interest groups from throughout communities across Imperial County and Mexicali, Baja to support litigant assistance. • Increases levels of assistance in culturally appropriate settings using culturally appropriate methods.
<p>Civil Case Processing Improvements</p> <ul style="list-style-type: none"> • Established an order to show cause program to reduce case back-log. • Streamlined work processes to establish meaningful court events. • Established continuance policies. • Redesigned forms to eliminate redundancy. 	<p><u>Benefits and Time Savings</u></p> <ul style="list-style-type: none"> • 40 hours per week. • Reduced backlog from 21,790 cases to about 5,000 cases. • Will be current by end of 2006. • All cases now processed within California State Court time standards. • Freed up staff to do other needed work. • Expedited case processing. • Reduced lengthy searches for files.
<p>Criminal Case Processing Improvements</p> <ul style="list-style-type: none"> • Streamlined criminal processes generally. • Revised minute order in case management system. • Revised jail processes • Revised probation document transfer procedures. • Web based payment • Fine schedule • Filing on information. • Implement complaint deemed information • Establish continuance policies • Establish plea policies and plea cut-off policies 	<p><u>Benefits and Time Savings</u></p> <ul style="list-style-type: none"> • Reduced misdemeanor case backlog from to cases. • Reduced felony case backlog from to cases. • Increased percentage of case complying with California State Time Standards to percent. • 2 FTEs when fully implemented. • Appropriate group is doing work. • Reduced opportunities for mistakes • More timely service delivery. • Eliminates need and opportunities for continuances.

<ul style="list-style-type: none"> • Establish mechanisms for timely filing of complaint and notice by DAs • Establish electronic complaint filing and notice • Have DAs and PDs available at arraignments • Identify how to effectively use probation personnel in Court. • Re-engineered warrant processes. • Establish more effective information transfer mechanisms among justice agencies 	
<p>Information/File Management Improvements</p> <ul style="list-style-type: none"> • Established procedures to assign next event dates in every case • Re-organized evidence room, revised evidence room processes, and prepared evidence room procedures manual • Cleaned-up file storage processes and facilities • Established file inventory processes • Implement scanning technology • Increased use of electronic information exchange 	<p><u>Benefits and Time Savings</u></p> <ul style="list-style-type: none"> • 30 hours per week • Reduced number of lost files • Reduced file movement • Reduced use of panic email lost file alerts • Reduced use of paper files • Reduced use of internal mail system
<p>Traffic Case Processing Improvements</p> <ul style="list-style-type: none"> • Established electronic citation transfer and entry • Automated phone system • Established website access for case resolution and payment • Established law enforcement officer specific court date assignment system • Prepared procedures manuals and trained court personnel • Revised collections processes • Revised courtesy notice process • Established Trial in absentia program • Eliminated calendar add-ons • Established Trial by declaration program • Established check conversion/payment verification procedures • Revised MIS form interface • Revised bail requirements and processing • Revised Spanish language materials 	<p><u>Benefits and Time Savings</u></p> <ul style="list-style-type: none"> • 4 FTEs when fully implemented • Reduced backlog from 72,000 cases to approximately 5,000 cases. • Will be current by March 2008. • 40% increase in non-sufficient funds collections. • 30% increase in collections • 20% revenue increase • Eliminated redundant data entry • Greatly reduced opportunities for mistakes • Expedited case processing • Placed burden for accurate data entry with appropriate agencies rather than the Court • Reduced Court's error correction role

Figure V-3: Characteristics of Case Responsive Work Processes

- *Focuses on cases as the common thread among steps in the work process.* Typically, a case responsive work process begins with a case filing. Subsequently, the case is processed, and records will be prepared and stored always referencing the case.
- *Reacts to an event initiated outside the service system.* Case responsive work processes address how to respond or react to events that have already occurred.
- *Reflects a variety of basic functions and core services.* Activities associated with most case responsive work processes can easily be seen as encompassing the core services located within an agency or system's basic mission and core values.
- *Has a beginning and end-point.* A case filing usually signals the beginning of a case responsive work process, and a final set of records archived signals the end of the process.
- *Encompasses a variety of sequenced steps.* Work processes are collections of sequenced steps that have a beginning and an end-point, and result in an outcome. Perhaps most importantly, work processes are a collection of interdependent steps, each of which, on its own, would not necessarily result in a meaningful outcome. For example, a case filing would mean very little unless further action was taken.
- *Involves a variety of system personnel.* Numerous system personnel are involved in every case responsive work process. For examples, school officials might report incidents. Social service workers might investigate incidents, and sometimes police officers further investigate incidents. Clerks file documents. Judges review documents and make formal decisions. Court staff prepare dockets. Treatment providers not only provide services but often monitor the adequacy of service provision.
- *Includes one or more critical decision-making points.* A "simple" juvenile assault case, for example, requires numerous decisions which impact how the case is handled as it moves through a general work process.
- *Requires reporting and records management.* Every case brought to the attention of the human and justice system should result in a series of records, all of which must be processed.
- *Impacts other inter-related work processes.*
- *Explicitly and implicitly reflects the values of the agencies within the service system as well as the values of individual personnel.* For example, which cases will receive what kinds of priority are aspects of work processes that reflect the broader values and philosophy of a variety of agencies and personnel within each agency.

Figure V-4: Characteristics of Organizationally Initiated Work Processes

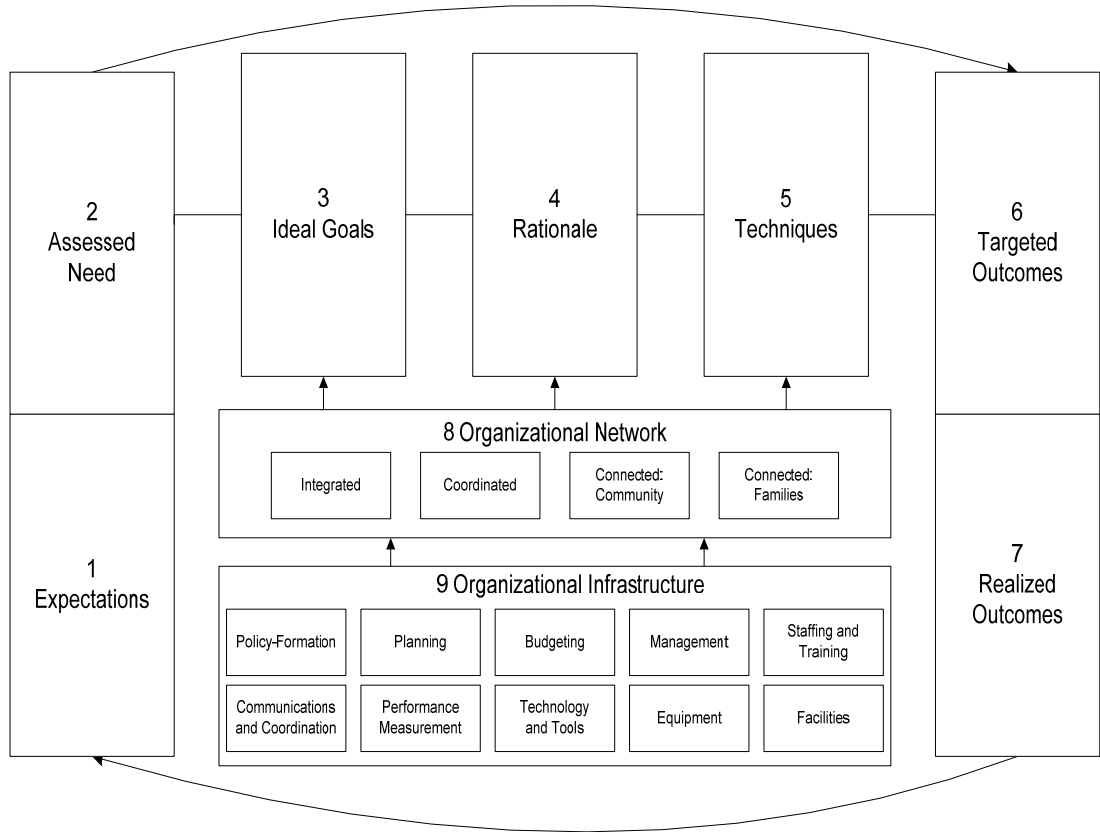
Organizationally initiated work process, similar to a case responsive work process will:

- reflect a variety of basic functions and core services;
- involve a variety of personnel;
- include one or more critical decision-making points;
- impact other inter-related work processes; and
- explicitly and implicitly reflect the values of agencies and individual personnel.

However, unlike case responsive work processes, organizationally initiated work processes also will:

- *Not necessarily have a clearly defined beginning and end-point.* For example, developing, implementing, and maintaining an on-going educational presence about child abuse in the community might have a few different phases (e.g., development, implementation) but where one activity begins and ends might not be very clear. Moreover, a typical information program likely will be on going until a policy decision is made to terminate or modify the program.
- *Encompass a variety of steps, but not necessarily a series of well defined, sequenced steps.* There is no single set of best practices much less a readily accepted standard operating procedure for doing an education program or other organizationally initiated work process. There may be goals and objectives and general guidelines to help direct the effort, but not clearly defined sequenced steps that can always be followed to promote a desired outcome.
- *Not necessarily result in a response to individual cases.* Sometimes an organizationally initiated work process might result in responses to individual cases. For example, the formation of a domestic violence court for teen offenders ultimately will result in responses to specific cases. However, often, the results of non-case driven work processes will not be clearly related to the presence or absence of cases. Rather, the outcomes of these work processes may be less apparent, or less tangible. For example, people in the community may simply have more respect for the youth service system and feel safer.
- *Usually not require systematic reporting and records management.* Much of this type of work currently is not well documented in any information management system and thus it is not available for further analysis, decision-making, and process improvement.

Figure V- 5: Work Process Improvement Framework



**Figure V-6: Cultural Variation in Dependency Case Processing
(Example From Maricopa County, Arizona Superior Court)**

<u>FACET/FUNCTION</u>	<u>FORM/FORMULA</u>	
<p>1. Entry</p> <ul style="list-style-type: none"> Litigants are referred into the social/justice system by formal and informal networks of mandatory and voluntary reporters. <p>Case-Flow Phase: Case Initiation</p> <ul style="list-style-type: none"> Referral 	<p align="center">Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> Cultural based differences in communication styles and appropriate demeanor between people and mandatory and voluntary reporters may lead to greater or lesser likelihood of incidence reports. It may be desirable for person who provides initial contact to the system to be connected to the culture of the parties. Degree of trust of officials may vary. Willingness to go to health, social or justice system for information about child-rearing may vary. Assistance or intervention may need to accommodate family and friends of immediate disputants as well as those immediately involved in incident. Willingness to discuss family matters in public places may vary. Likelihood of mandatory and voluntary reporters to view culture based differences about child rearing from own worldview as being suspect might differ. 	
	<p align="center">Traditional Approaches</p> <ul style="list-style-type: none"> Mandatory and voluntary reporters use professional expertise and decision criteria to identify potential incidents. Incidents brought to attention of child protection agency largely via telephone calls or written reports. Emphasis placed on “cooperativeness” of family members. Use of language interpreters and interpreter sophistication not viewed as being critical at this initial stage. Focus of phase is decision to start investigation. 	<p align="center">Alternative Approaches</p> <ul style="list-style-type: none"> Mandatory and voluntary reporters are trained to assess cultures and given assessment criteria, screening instruments, and other tools that are culturally sensitive. Incidents can be reported through a variety of community based sources. Language interpreters and culturally aware intermediators are available to help people navigate the system early in the process.

<p>2. Gather Perspective /Assess Litigant Context</p> <ul style="list-style-type: none"> • Determine the gaps between family and system understanding meaning about fundamental concepts such as abuse, neglect, discipline, and parenting. • Determine litigant capacity for effective participation. • Assess risk. • Determine case “facts.” • Express conflict and frustration. • Acknowledge grievances, feelings, experiences, concerns <p>Case-Flow Phase: Case Initiation</p> <ul style="list-style-type: none"> • Assessment and investigation • Intake and potential removal of child (if necessary) 	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • Beliefs about what is good for or harmful to a child, both physically and emotionally, might vary. • Beliefs about causality and responsibility for causes and effects, particularly with regard to the medical needs of a child and the uses of alternative medicines and approaches to healing, may vary. • Beliefs about what constitutes an authoritative source of information or advice may vary. • Beliefs about accepted discipline practices, children of opposite sex sharing bedrooms, presence of extended family in household, children caring for younger siblings, all may vary. • Beliefs about what will happen to the parents or child for doing or failing to do something might vary. • May be great variation in understanding of US courts and justice system • Understanding of who are authorities and what they can and can not do may differ • Notions of “fault” and the consequences of fault might differ • Levels of acculturation and familiarity with US court and justice system between children and parents and among family members might differ • May need to gather communal as well as individual perspectives. • May need perspectives of the extended families. • May need extensive case development before the intervention. • May need more opportunities for venting at outset. 	
	<p>Traditional Approaches</p> <ul style="list-style-type: none"> • Considerable reliance on initial incident reports to set direction of investigation. • Interviewing done by protection specialists – often an intake specialist -- largely at official offices. • Focus of investigation on risk to children. • Inspection of family home conducted by social work professionals. • Presence of language interpreters may or may not occur during various activities; family members might serve as translators. 	<p>Alternative Approaches</p> <ul style="list-style-type: none"> • Incident reports explicitly consider potential role of culture; reports alert future workers that culture might be a factor. • Interviewing done by culturally competent personnel, assisted by intermediators and language specialists. • People respected in the community and/or familiar with family are involved in the assessment process. • Focus of investigation on family needs as well as risk to children. • Intermediators help family understand and navigate system.

	<ul style="list-style-type: none"> Investigation typically is conducted by strangers to the family, unless family has history of system involvement. Focus of phase is also on whether or not to remove child from home. 			
<p>3. Formulate Issue Agenda</p> <ul style="list-style-type: none"> Triage for potential dependency related court and justice system issues, and other legal issues. Identify court and justice issues. Identify and acknowledge other issues. Identify core concerns. Create common meaning about fundamental concepts such as abuse, neglect, discipline, and parenting. Determine litigant capacity for navigating the system and using different types of assistance. Create a framework for advancing on concerns. <p>Case-Flow Phase: Case Initiation/Determination of Jurisdiction</p> <ul style="list-style-type: none"> Request for dependency petition Filing of petition Notice of petition and plea hearing Voluntary services (without invoking legal process) Temporary physical custody hearing Informal disposition (through legal process) 	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> Definitions of fundamental concepts – such as intentional infliction of physical injury or emotional damage, and sexual assault, lack of parent or guardian, abandonment, lack of appropriate care and supervision, lack of necessary food, clothing, medical or dental care or shelter – may vary. Interests of parties may be determined by collective as well as individual values and needs. Different interpretations of data based on culture may arise. 	<table border="1"> <tr> <td data-bbox="618 877 987 1864"> <p>Traditional Approaches</p> <ul style="list-style-type: none"> Heavy reliance on standardized assessment and diagnostic tools. Considerable reliance on previous incident and investigation reports to make filing decision. Interviewing done by experts/specialists at official offices and clinical settings. Focus of investigation on risk to children. Presence of language interpreters may or may not occur during various activities; family members might serve as translators. Assessments are typically conducted by strangers to the family; there may be multiple assessments conducted by multiple people or teams of people. Focus is on decision whether or not to invoke court jurisdiction. </td> <td data-bbox="987 877 1380 1864"> <p>Alternative Approaches</p> <ul style="list-style-type: none"> Assessment and diagnostic tools and techniques are culturally sensitive and appropriate. All standardized reports explicitly consider potential role of culture. Interviewing done by culturally competent personnel, assisted by intermediators and language specialists. Interactions with family occur in familiar, neutral settings, as well as office settings. People respected in the community and/or familiar with family are involved in the process. Focus of family needs as well as risk to children. Intermediators help family understand and navigate system. </td> </tr> </table>	<p>Traditional Approaches</p> <ul style="list-style-type: none"> Heavy reliance on standardized assessment and diagnostic tools. Considerable reliance on previous incident and investigation reports to make filing decision. Interviewing done by experts/specialists at official offices and clinical settings. Focus of investigation on risk to children. Presence of language interpreters may or may not occur during various activities; family members might serve as translators. Assessments are typically conducted by strangers to the family; there may be multiple assessments conducted by multiple people or teams of people. Focus is on decision whether or not to invoke court jurisdiction. 	<p>Alternative Approaches</p> <ul style="list-style-type: none"> Assessment and diagnostic tools and techniques are culturally sensitive and appropriate. All standardized reports explicitly consider potential role of culture. Interviewing done by culturally competent personnel, assisted by intermediators and language specialists. Interactions with family occur in familiar, neutral settings, as well as office settings. People respected in the community and/or familiar with family are involved in the process. Focus of family needs as well as risk to children. Intermediators help family understand and navigate system.
<p>Traditional Approaches</p> <ul style="list-style-type: none"> Heavy reliance on standardized assessment and diagnostic tools. Considerable reliance on previous incident and investigation reports to make filing decision. Interviewing done by experts/specialists at official offices and clinical settings. Focus of investigation on risk to children. Presence of language interpreters may or may not occur during various activities; family members might serve as translators. Assessments are typically conducted by strangers to the family; there may be multiple assessments conducted by multiple people or teams of people. Focus is on decision whether or not to invoke court jurisdiction. 	<p>Alternative Approaches</p> <ul style="list-style-type: none"> Assessment and diagnostic tools and techniques are culturally sensitive and appropriate. All standardized reports explicitly consider potential role of culture. Interviewing done by culturally competent personnel, assisted by intermediators and language specialists. Interactions with family occur in familiar, neutral settings, as well as office settings. People respected in the community and/or familiar with family are involved in the process. Focus of family needs as well as risk to children. Intermediators help family understand and navigate system. 			

<p>4. Arrange/Negotiate/ Fashion Response (Adjudicate)</p> <ul style="list-style-type: none"> • Address legal issues. • Address court and justice system navigation issues. • Address non-court and justice system issues that might influence litigant capacity to best address legal and court and justice issues. <p>Case-Flow Phases: Determination of Dependency and Disposition</p> <p>Dependency Determination</p>	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • Negotiation for solutions may include intermediaries. • Parties may accept hierarchical relationships and be willing to defer to authorities and superiors who are not part of the social and justice systems. • Officials may be required to serve as educator and persuader using a variety of approaches. • Officials might be more likely to provide advice about best options and explanations of consequences of best options. • Might need to fashion holistic solutions that address both legal/court/justice system issues and other issues. • Might be expectations that assistance providers will help assure litigants obtain just and fair outcomes. • Might be expectations that assistance providers will be available to help follow-up with all steps in legal process. • Methods for empowering people may vary. 	
<p>Disposition</p> <ul style="list-style-type: none"> • Plea hearing • Psychological, physical, mental, and developmental evaluations • Discovery • Pretrial motions • Pretrial hearing • Developing a consent decree • Fact-finding hearing <ul style="list-style-type: none"> • Investigation for permanency plan • Creation of plan and dispositional report • Dispositional hearing • Issuance of order 	<p>Traditional Approaches</p> <ul style="list-style-type: none"> • Heavy reliance on standardized assessment and diagnostic tools. • Assessments are typically conducted by strangers to the family; there may be multiple assessments conducted by multiple people or teams of people. • Considerable reliance on previous reports and cumulative case file. • Interviewing done by experts/specialists at official offices and in clinical settings. • Focus of investigation on risk to children. • Presence of language interpreters may or may not occur during various activities; family members might serve as translators. • May or may not have interpreters present in interactions with attorneys. • Interpreters in court expected to focus on interpretation not explanation. 	<p>Alternative Approaches</p> <ul style="list-style-type: none"> • Intermediators involved in explaining process and its implications, such as the practical Implications of a consent decree. All personnel, including judges and lawyers are culturally competent. • Assessment and diagnostic tools and techniques are culturally sensitive and appropriate. • All standardized reports explicitly consider potential role of culture. • Interviewing done by culturally competent personnel, assisted by intermediators and language specialists. • Interactions with family occur in familiar, neutral settings, as well as office settings. • People respected in the community and/or familiar with family are involved in the process. • Focus of family needs as well as risk to children. • Intermediators help family understand and navigate system throughout process.

	<ul style="list-style-type: none"> • Expectations for family performance are documented in written, formal documents, such as permanency plan. • Focus on formal legal process to resolve legal issues. 	<ul style="list-style-type: none"> • Instructions to families are made in ways that are culturally appropriate, for example greater reliance of verbal rather than written instructions, and increased use of intermediators.
<p>5. Monitor Progress and Compliance</p> <ul style="list-style-type: none"> • Determine how relationships will be repaired among family members. • Monitor compliance with orders and expectations. <p>Case-Flow Phase: Post-Disposition</p> <ul style="list-style-type: none"> • Revision of dispositional order • Extensions of dispositional order • Changes of placement • Monitoring and implementation of orders • Termination of dependency jurisdiction to obtain permanence 	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • Meaning of terms, time-frames, and consequences of compliance might vary. • Effective methods for monitoring – use of phone, interviews, meetings in official offices -- might vary. • May need to monitor for holistic solutions as well as immediate terms of compliance. • Solutions may be defined by culture, such as restoring harmony or balance. 	
	<p>Traditional Approaches</p> <ul style="list-style-type: none"> • Heavy use of standardized criteria to determine progress. • Service and treatment providers are key players in monitoring and determining compliance; contact with treatment providers is key. • Services typically are provided by strangers to the family; there may be multiple providers. • Presence of language interpreters may or may not occur during various activities; family members might serve as translators. • Considerable reliance on cumulative case files to monitor performance; written compliance reports are a key communication mechanism. • Focus is on determining compliance with orders and expectations of system personnel. 	<p>Alternative Approaches</p> <ul style="list-style-type: none"> • Indicators of compliance are tailored to needs of client. • Monitoring personnel and treatment providers are culturally competent. • Outcome measures are sensitive to culture. • Respected family and community members might be involved in monitoring compliance. • All standardized reports explicitly consider potential role of culture. • Interactions with clients done by culturally competent personnel, assisted by intermediators and language specialists. • Interactions with family occur in familiar, neutral settings, as well as office settings. • Focus of family needs as well as risk to children.

Figure V-7: Cultural Variation in Court-Attached Mediation

<u>FACET/FUNCTION</u>	<u>FORM/FORMULA</u>	
1. Entry <ul style="list-style-type: none"> • Locate acceptable third party • Seek help/remedy • Define process • Establish expectations 	Attributes Potentially Influenced By Culture <ul style="list-style-type: none"> • Conceptualizations of conflict may differ • There may be different expectations of behavior of others in the conflict • When it is appropriate to seek the help of others may differ • It may be desirable for the mediator to be connected to the culture and familiar with the parties • May use cultural go-betweens • May hold mediation in the community 	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Traditional Models <ul style="list-style-type: none"> • Parties contact official agency or organization • Mediator has formal training and perhaps certification and is a professional • Mediator is neutral, disinterested, unknown to either party • Process confidential and limited to the immediate parties • Mediator may talk to each party privately </td> <td style="width: 50%; vertical-align: top;"> Latino-Focused Models <ul style="list-style-type: none"> • In the neighborhood • Use existing structures such as churches, schools, police • Mediator older, respected in the community • Mediator knows the culture and maybe the parties • Elicitive training of mediators </td> </tr> </table>	Traditional Models <ul style="list-style-type: none"> • Parties contact official agency or organization • Mediator has formal training and perhaps certification and is a professional • Mediator is neutral, disinterested, unknown to either party • Process confidential and limited to the immediate parties • Mediator may talk to each party privately
Traditional Models <ul style="list-style-type: none"> • Parties contact official agency or organization • Mediator has formal training and perhaps certification and is a professional • Mediator is neutral, disinterested, unknown to either party • Process confidential and limited to the immediate parties • Mediator may talk to each party privately 	Latino-Focused Models <ul style="list-style-type: none"> • In the neighborhood • Use existing structures such as churches, schools, police • Mediator older, respected in the community • Mediator knows the culture and maybe the parties • Elicitive training of mediators 	
2. Gather Perspective <ul style="list-style-type: none"> • Forum/processes • Express conflict/vent • Acknowledge grievances, feelings, experiences, concerns 	Attributes Potentially Influenced By Culture <ul style="list-style-type: none"> • May need to gather communal as well as individual perspectives • May need perspectives of the extended families • May need extensive case development before the intervention • May need more opportunities for venting at outset 	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Traditional Models <ul style="list-style-type: none"> • One person talks at a time • Time limits on each session encourage a fast pace of revelation • Use of active listening • If not enough time, continue on another day </td> <td style="width: 50%; vertical-align: top;"> Latino-Focused Models <ul style="list-style-type: none"> • Must have sufficient time • Speak to extended family members, including godparents • Everyone gets their version out • Venting might be a big part of the initial process </td> </tr> </table>	Traditional Models <ul style="list-style-type: none"> • One person talks at a time • Time limits on each session encourage a fast pace of revelation • Use of active listening • If not enough time, continue on another day
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<p>3. Locate Conflict</p> <ul style="list-style-type: none"> • Identify core concerns • Create common meaning • Create a framework for advancing on concerns 	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • Interests of parties may be determined by collective as well as individual values and needs • Different interpretations of data based on culture may arise 	
<p>4. Arrange/Negotiate</p> <ul style="list-style-type: none"> • Address nature of relationship • Seek solution to issues and concerns • Create paths toward resolution and reconciliation 	<p>Traditional Models</p> <ul style="list-style-type: none"> • Create agendas • Summarize • Reframe • Identify core interests 	<p>Latino-Focused Models</p> <ul style="list-style-type: none"> • Importance of honor and saving face • Respect as an outcome • Interests of whole family or community network may be important to the parties
	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • May have greater mediator involvement in creating the solution • Negotiation may be through intermediaries • Parties may accept hierarchical relationships and be willing to defer to perceived superiors • Mediator may serve as educator and persuader • Mediator may criticize a party's behavior or attitude 	
<p>5. Way Out/Agreement</p> <ul style="list-style-type: none"> • How will relationships continue • Monitor/implementation 	<p>Traditional Models</p> <ul style="list-style-type: none"> • One issue at a time • Pick an easy issue first • Brainstorm options • Narrow list of options • Look for tradeoffs between issues 	<p>Latino-Focused Models</p> <ul style="list-style-type: none"> • Mediator generates options • Multiple interdependent issues
	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • May need to look for holistic solutions • Solutions may be defined by culture, such as harmony or balance • Mediator may maintain role in helping the parties obtain needed resources • Mediator may monitor compliance with the agreement 	
	<p>Traditional Models</p> <ul style="list-style-type: none"> • Written agreement • Enough specificity to be enforceable • Process for follow-up specified • Mediator's role ends — responsibility for solutions is exclusively in the hands of the disputants 	<p>Latino-Focused Models</p> <ul style="list-style-type: none"> • Use an ongoing arbitrator rather than detailed written provisions specifying what each party must do • Mediator may remain involved after agreement

Figure V-8: Cultural Variation in Litigant Assistance

FACET/FUNCTION	FORM/FORMULA	
<p>1. Access/Entry</p> <ul style="list-style-type: none"> • Locate source of assistance • Access source of assistance • Seek help 	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • It may be desirable for person who provides initial contact to the system to be connected to the culture of the parties • Degree of trust of official sources of assistance may vary • May be reluctant to go to justice system locations for information • Location of assistance may need to be attached to a variety of familiar locations across the community • Assistance may need to accommodate family and friends of immediate disputants as well as those immediately involved in dispute • Parties may be reluctant to discuss family matters in public places 	
	<p>Traditional Approaches</p> <ul style="list-style-type: none"> • Assistance provision is largely courthouse based. • Brochures, signs, and other written sources direct clients to services. • Assistance providers are court employees or attached to court. • Assistance providers are trained to respond to specific legal issues. 	<p>Imperial County Approach</p> <ul style="list-style-type: none"> • Court is the hub in an extensive service network who have materials and training needed to provide assistance. Network includes court-house and numerous other locations. Network participants include health, social service, education, farm, church and other organizations. • Assistance providers help clients navigate justice system and serves as link to other services, as well as address specific legal issues. • Assistance providers include persons familiar with culture as well as law such as interns from neighboring law schools in Mexicali and Mexican consulate.

<p>2. Gather Perspective/Assess Litigant Context</p> <ul style="list-style-type: none"> • Determine litigant capacity for self-help and level of assistance needed • Establish expectations for assistance • Formulate details of assistance approach • Express conflict/frustration • Acknowledge grievances, feelings, concerns, frustrations, experiences 	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • Trust and confidence in different types of oral and written forms of communication may vary; degree of direct/indirect, implicit/explicit, and linear/non-linear expression may differ • May need to gather individual as well as individual perspectives • May need perspectives of extended family • May be great variation in understanding of US courts and justice system • Understanding of who are authorities and what they can and can not do may differ • Notions of “fault” and the consequences of fault might differ • Levels of acculturation and familiarity with US court and justice system between children and parents and among family members might differ 	
	<p>Traditional Approaches</p> <ul style="list-style-type: none"> • Time limits on each session encourage fast pace of revelation • Service provider works one-on-one with client. • Service provider works in a court setting. 	<p>Imperial County Approach</p> <ul style="list-style-type: none"> • Length of sessions is typically longer than in traditional approach. • Service provider might work with family members, friends, etc., as well with disputant. • Sessions might be in form of clinics held with groups of disputants with similar backgrounds and provide peer support. • Assistance includes education about system, and strategies for system navigation. • Assistance provided throughout the community, such as at job sites.
<p>3. Formulate Issue Agenda</p> <ul style="list-style-type: none"> • Triage for potential court and justice issues that can be addressed by litigant assistance services • Identify court and justice issues • Identify and acknowledge other issues 	<p>Attributes Potentially Influenced By Culture</p> <ul style="list-style-type: none"> • What constitutes an authoritative source of information might differ. • Interpretations of facts and data might differ because of cultural perspectives (e.g., borrow children v. right of access to children). 	

	<p>Traditional Approaches</p> <ul style="list-style-type: none"> • Disputant identifies problems and concerns. • Service provider identifies facts. • Service provider triages law issues from “extraneous” issues. 	<p>Imperial County Approach</p> <ul style="list-style-type: none"> • Service provider more actively involved in identifying problems and concerns. • Service provider helps describe and assess relationship between “extraneous” and legal issues.
<p>4. Fashion Response</p> <ul style="list-style-type: none"> • Address legal issues • Address court and justice system navigation issues • Address non-court and justice system issues that might influence litigant capacity to best address legal and court and justice issues 	<p>Attributes Potentially Influenced by Culture</p> <ul style="list-style-type: none"> • Assistance might be more likely to provide advice about best options and explanations of consequences of best options. • Might need to fashion holistic solutions that address both legal/court/justice system issues and other issues. • Might be expectations that assistance providers will help assure litigants obtain just and fair outcomes. • Might be expectations that assistance providers will be available to help follow-up with results of next steps in legal process; might be expectations for long-term assistance relationship rather than single episode. 	
	<p>Traditional Approaches</p> <ul style="list-style-type: none"> • Service provider focuses on ascertaining what disputant “wants to do.” • Service provider provides assistance but does not fill-out forms or provide legal advice. • Service provider identifies potential options but does not recommend preferred option. 	<p>Imperial County Approach</p> <ul style="list-style-type: none"> • Service provider helps identify potential options, consequences of selecting options, and assists parties to identify best option. • Service provider helps litigant fill-out forms. • Service provider helps litigant fashion long-term system navigation strategy. • Service provider helps to identify resources for longer term assistance, including inter-mediators who can help litigants navigate the system.

Figure V-9: Work Process Improvement KSAs

<p>Effective communication:</p> <ul style="list-style-type: none">• clear goals for the work process improvement effort in general and for each particular work process;• established mentoring relationships;• court and system-wide mechanisms for informing all participants about the reasons for and direction of improvements;• communication and dialog about potential consequences of changes that occurs prior to making changes;• capacity to show potential consequences of alterations on people throughout the court and justice system; and• clear definition and description of the problems the process redesign will address.
<p>Leadership and court-wide commitment:</p> <ul style="list-style-type: none">• an organizational environment that encourages honest assessment and is supportive of change;• a long-term game-plan and careful documentation of process and progress;• opportunity for all court personnel to participate actively and take a leadership role in improvement efforts; and• ability to motivate system actors.
<p>Technical skill and adequate supporting infrastructure:</p> <ul style="list-style-type: none">• technical problem-solving, flow-charting, and work process analysis skills;• detailed knowledge about how the system works;• knowledge about collection, analysis, use, and presentation of data;• links between work process improvement and individual and agency performance measurement;• a reference and resource bibliography;• inclusion of appropriate stakeholders and participants;• a detailed overview about how the entire system is structured and how it works; and• a glossary of terms and definitions.
<p>Innovative thinking:</p> <ul style="list-style-type: none">• thinking outside the box; and• capacity to take a system perspective.
<p>Process facilitation:</p> <ul style="list-style-type: none">• presence of a long-term vision and a general plan;• familiarity with and use of a shared methodology;• presence of clear goals established collectively;• timely, accurate, comprehensive documentation;• on-going engagement of participants and stakeholders;• active facilitation;• ability to adapt to changing circumstances and opportunities;• generate enthusiasm; and• document and celebrate progress.

Session facilitation:

- have a clear agenda and outcomes;
- incorporate a variety of learning/teaching styles;
- active listening;
- ask questions;
- think, collectively, and out-loud;
- record progress;
- reframe;
- synthesize and summarize;
- facilitate mood and tempo;
- generate enthusiasm;
- empathize but always be positive;
- and know audience, participants, and group dynamics.

VI. Culturally Appropriate Court Performance Measurement (Tab 6)

Why Measure Performance?

A list of reasons for performance measurement in courts today can be generated from a synthesis of the important goals of the courts and judiciary found in both more traditional and more community responsive court service delivery models. For example, the traditional model of court services stresses that among the more important goals for courts are a need to:

- apply case processing time standards;
- assure that the courts operate independently by promoting ethical behavior and integrity, and professionalism among judges, court administrators and personnel; and
- promote efficiency by using proven, standardized, procedures and time-saving technologies.

Goals contributed by more recent community service oriented court service delivery models that should be reflected in a list of reasons for performance measurement include the need for courts to:

- make the community co-producers of justice, by building a strong relationship with the community and supporting restorative justice and other innovations;
- assure access to the courts for all litigants, including litigants from diverse cultural backgrounds; and
- incorporate therapeutic approaches to justice, such as drug and mental health courts.

When combined, the goals of court service drawn from both traditional and more recent approaches suggest that there are at least five reasons for performance measurement in the courts today. Each of the five purposes of performance measurement is reviewed in this section.

In addition, collectively, the performance measurement experiences of public and private organizations across the nation provide a variety of practical lessons or principles that should be considered when designing a performance measurement system and incorporating performance measurement as a fundamental aspect of a court's operations. Thus, this section also reviews, briefly, the more important general principles for performance measurement and comments on the implications of each principle on the design and implementation of a court performance measurement system.

First, performance measurement should provide the foundation for improving Court and justice system performance.

By now it is commonly recognized that the courts, similar to every other public organization, operate in dynamic, constantly changing, community environments.

Both long-term community trends and more immediate events lead to new problems and usually also contribute to changing and increasing expectations and demands for court services. As one result, courts now need to not only constantly assess their performance in light of the changing needs generated by the dynamic communities in which they serve, but also modify their organizational performance to better meet changing needs. In short, given the dynamic communities they are part of today, courts need to consider both how to develop new organizational practices, as well as improve existing practices, to better meet evolving community needs.

In part, performance measurement in courts can help provide the foundation for organizational performance improvement by first setting standards for what should be accomplished by the organization, subsequently examining actual work in light of standards, and finally by identifying improvement opportunities. In addition, court performance measurement can help provide a foundation for performance improvement by fostering an organizational climate of routine self-examination for continuous improvement.

Further, on a practical level, the performance measurement experience of both public and private organizations suggests that the chances of performance measurement being an effective tool for improving agency performance are greatly increased if the designers of performance measurement systems remember to:

- be selective by concentrating on significant indicators of performance -- measure what's important;
- be results oriented by focusing principally on outcomes and outputs;
- be useful by providing information which is valuable to both policy and program decision-makers; and
- be reliable by producing data that are accurate and consistent over time.

Moreover, the lessons of successful performance measurement also include recognition of the following principles:

- eliminate the use of numerical goals, work standards and quotas -- numerical measures are often achieved, even when improvement is not;
- don't make a commitment to measurement but rather a commitment to improvement;
- measure what employees translate into direct corrective action;
- measure group and team outputs, not individual outputs;
- support continuous organizational improvement; and
- use performance measurement results to facilitate change.

Second, performance measurement should increase the accountability of the courts to policy-makers and the public to use resources effectively and efficiently.

Here, the effective use of resources focuses on the capacity of the courts to use resources to achieve ends or produce outcomes that are acknowledged as being important by local policy-makers and the public as well as by the standards of the larger court profession. Efficient use of resources refers to the capacity of the courts to use all of the resources available to them to achieve important goals, with minimal waste.

Recent performance measurement literature suggests that the resources to be accounted for should include -- in addition to the dollars, personnel, and equipment typically addressed in annual budgets -- the good will and cooperation of neighborhood and community groups, justice system partners, and individual citizens.

As suggested earlier, performance measurement can help increase court accountability to policy-makers and the public for effective and efficient resource use largely by providing a review of the outcomes of court activity in light of (a) a comprehensive inventory of the types and magnitude of resources being accessed and used for court service delivery, and (b) a complete description of how resources are being used -- that is, by providing a complete description of the work processes used by courts within a community.

In addition, the public sector performance measurement experience suggests that to be effective performance measurement should:

- reflect community values in a form understandable to the community; and
- be accessible by ensuring the periodic and systematic disclosure of results achieved through agency efforts.

Third, performance measurement should promote ethical behavior and integrity among everyone employed by, or associated with, the courts.

Accountability to the rule of law by judges and court staff long have been central goals of court organization and management. Under more traditional management approaches, ethical behavior and integrity are promoted by a variety of mechanisms including the promulgation of standard operating procedures, specialized training, tight spans of control and close supervision, and establishing an effective chain of command.

To these mechanisms, more community service oriented court management approaches have added the need to implement ways for assuring that judges and staff understand and respect the people in the community they serve,

especially people from diverse cultures, and exercise their authority appropriately in public encounters.

Performance measurement can help promote ethical behavior and integrity within a court by determining how, and to what extent, important court values have and have not been embedded in significant aspects of agency structure and operations. In addition, performance measurement can help promote ethical behavior and integrity within the courts by assessing public satisfaction (or dissatisfaction) with important aspects of agency performance, such as the quality of interactions between the public and the courts in day-to-day encounters.

Fourth, performance measurement should help determine organizational progress in light of an articulated strategic direction.

Over the past decade, in the courts, as in other aspects of public service, there has been increased emphasis on the potentially important roles played by leadership development and strategic planning and management in improving organizational performance.

Strategic planning and management have been credited with helping to improve organizational performance by:

- clearly articulating what an organization should be doing by establishing an organizational mission statement, fundamental organizational values, and a vision of a desired future;
- assessing an organization's capacity for providing services in light of community and stakeholder needs;
- developing an enduring, future-oriented, service provision strategy that responds to critical issues by establishing general improvement strategies that include comprehensive goals, objectives, and tasks; and
- establishing a foundation for ongoing strategic planning and management throughout the organization and among all of its staff.

In turn, performance measurement can help determine whether or not a court is moving towards its long-term vision, fulfilling its missions, meeting its goals, and incorporating its fundamental values. More specifically, performance measurement can provide an integrated framework and method for assessing how the values, vision, mission, goals, and other aspects of the court's strategic direction are being reflected in:

- organizational work processes;
- the infrastructure -- such as the training, technology, and staffing -- used to support work processes, as well as;
- the outcomes of agency activity, such as public satisfaction with aspects of agency performance.

Fifth, performance measurement should help increase the capacity for leadership development within the courts.

Contemporary management thinking views leadership development as a means for increasing an individual's capacity to be effective in leadership roles and processes that enable groups to work together in productive and meaningful ways. Self-awareness, systemic thinking, and creativity -- the key skills associated with increasing ones leadership capacity -- are fostered by maximizing a person's exposure to experiences that simultaneously challenge them, support them, and provide them with an understanding of how they are doing.

Performance measurement can support leadership development for courts by modeling, on an organizational level, the capacity for self-awareness, systematic thinking, and creativity desired in individuals. In particular, performance measurement should challenge courts by:

- asking them to incorporate new values, and move beyond traditional roles and boundaries towards a more ambitious organizational vision;
- supporting a culture of continuous improvement and innovation; and
- providing the tools for evaluating both why and how well the court is doing what it set out to do.

Types of Performance Measures

Six different types of performance measures should provide useful information for comprehensive Court performance measurement. The specific types of measures needed are:

- ***need/demand*** measures of the magnitude of client populations and other sources of demand for court and justice system services, such as the relative size of a targeted population and public expectations for specific services;
- ***work input*** measures of the magnitude of work to be done by the courts, such as calls for information or cases filed;
- ***work output*** measures of the amount of work produced by the courts, such as calls responded to, public contacts, and cases disposed;
- ***productivity*** measures of the output per judge, courtroom, program, or other units and time periods;
- ***outcomes (effectiveness) and quality*** measures of the outcomes or accomplishments, and/or quality of services provided, such as satisfaction, and cultural change; and
- ***efficiency*** measures of the resource costs and benefits of court activity, such as dollar costs, and the percentage of personnel using technology appropriately.

Figure VI-1 provides a performance measures inventory.

Culturally Competent Recruitment and Hiring

In this section we apply the framework and performance measurement principles presented previously by sketching out a few of the many elements that might be included in measuring recruitment and hiring with an eye towards cultural competency.

As suggested in previous sections, the focus of performance measurement should be on examining the relationships among the framework components presented in Figure V-5 in the previous chapter. Specific questions to be answered should include:

- Does the court have the capacity, in general, to do the work needed to be done in an appropriate manner?
- Does the court's strategic direction, work processes, and infrastructure sufficiently anticipate and meet workload demand and its sources?
- Do work processes and the structure and operations of agency infrastructure incorporate and reflect aspects of the court's strategic direction, especially fundamental agency values?
- Does the court's strategic direction reflect desired outcomes?
- Do desired outcomes reflect the court's strategic direction?
- Does agency infrastructure efficiently and effectively support court work processes?
- Do work processes support desired outcomes?

Culturally competent recruitment and hiring in the Imperial County Superior Court embraces three goals. The first goal is to improve court services by hiring competent and successful court personnel throughout the entire Court. This includes:

- hiring people with the capability to work with diverse types of people;
- hiring people with the capability to deal with the stress associated with processing high case volumes;
- hiring people who are willing to learn new processes and approaches to doing the work of the court, and have strong written and oral communication skills;
- hiring people who are willing to work in groups and willing to use a variety of problem-solving approaches; and
- hiring people who will have long-term careers with the Court, as well as people who will move from the Court to other justice organizations, and careers.

The second goal is to recruit and select a workforce capable of serving a culturally diverse community. This includes:

- attracting numerous qualified applicants from culturally different backgrounds for each available position;
- attracting applicants who have personal values and philosophies that support the values and philosophy of the Court; and
- selecting a workforce that can meet the language and cultural needs of Imperial County.

The third goal of Court recruitment and hiring is to operate a fair, open, and non-biased recruitment and hiring process. This includes:

- seeking the views of judges, staff, and the community in recruitment and hiring decisions;
- providing applicants an overview of the philosophy, structure and organization, and organizational culture of the Imperial County Superior Court;
- using staff and supervisors to help evaluate the effectiveness of selection instruments to screen for potential problems; and
- using validated, standardized, and consistently applied selection standards.

Additional desired outcomes of Court recruitment and hiring might include:

- building public support for the Court and its policies and programs;
- acceptance and support for new personnel by existing staff; and
- improve personnel performance.

Important aspects of the Court's mission, vision, values, and strategic planning goals and objectives, incorporated into personnel recruitment and hiring might include:

- promoting respect for law, society, and individual rights, and assuring the dignified and fair treatment of all individuals; and
- employing a professional and well-trained workforce, and educating agencies that work with the Court and the public about the roles and mission of the Court.

Figure VI-2 presents a simplified performance measurement map of culturally competent recruitment and hiring while Figure VI-3 identifies the specific measures and data that might be used in a performance assessment of culturally competent recruitment and hiring processes. Finally, Figure VI-4 identifies the types of infrastructure needed to support culturally competent recruitment and hiring.

Figure VI-1: Example Trial Court Performance Indicators

NEED/DEMAND -- Measures of the magnitude of client populations and other sources of demand for court services.

- The relative size of the military, university, non-English speaking, mentally ill, and other potentially high service demand populations within the community
- Rate of population growth
- Modification of road and traffic infrastructure and policies
- Substance use trends
- New laws
- Public expectations for specific services, e.g., neighborhood court facilities
- The presence or absence of policy targeted offenses such as domestic violence

WORK INPUT – Measures of the magnitude of work to be done by the courts.

- Calls for information
- Reporting requirements
- Cases filed
- Fines assessed
- Jury pools formed
- Court sessions
- Community problems identified
- Requests for community activities and program participation
- Referrals from other agencies and organizations
- Administrative meetings
- Records entry requirements

WORK OUTPUT – Measures of the amount of work produced by the courts.

- Calls responded to
- Time spent in service activities
- Clients served
- Hearings completed
- Specific types of services provided to victims, litigants, and other clients
- Reports prepared
- Cases disposed
- Records entered
- Public contacts
- Programs initiated
- Community and agency meetings and other program activities
- Recruitment diversity

PRODUCTIVITY – Measures of output per judge, clerk, shift, program, or other units or time periods.

- Calls responded to per staff, etc.
- Time spent in training/service activities per staff, etc.
- Clients served per staff, etc.
- Dispositions per judge/staff, etc.
- Specific types of services provided to clients per staff, etc.
- Reports prepared per staff, etc.
- Hearings per judge/staff, etc.
- Cases resolved per judge, etc.
- Records entered per staff, etc.
- Public contacts per staff, etc.
- Programs initiated per staff, etc.
- Community and agency meetings and other program activities
- Speed in answering messages
- Response times to requests for information

OUTCOMES (effectiveness)\QUALITY – Measures of outcomes or accomplishments, and/or the quality of services.

- Public satisfaction with aspects of service provision
- Citizen complaints
- Positive cultural change, e.g., reduced substance use
- Court staff's knowledge of the community
- Lawsuits filed
- Reduction in fear and disorder
- Job satisfaction
- Harm reduction
- Morale
- Fulfillment of mission, vision, values
- Judge/staff self-esteem
- Courts perceptions of their public reputation

EFFICIENCY --- Measures of resource costs of court activity.

- Percentage of local government revenue spent on the courts
- Dollar costs per activity, judge/staff, incident, etc.
- Percentage of court budget obtained from non-local sources
- Personnel time savings per technological applications, program, innovation, etc.
- Percentage of personnel with optimal technology and equipment
- Percentage of personnel using technology and equipment effectively
- Percentage of personnel working up to abilities

Figure VI-2: Recruitment and Hiring Process Performance Measurement Features

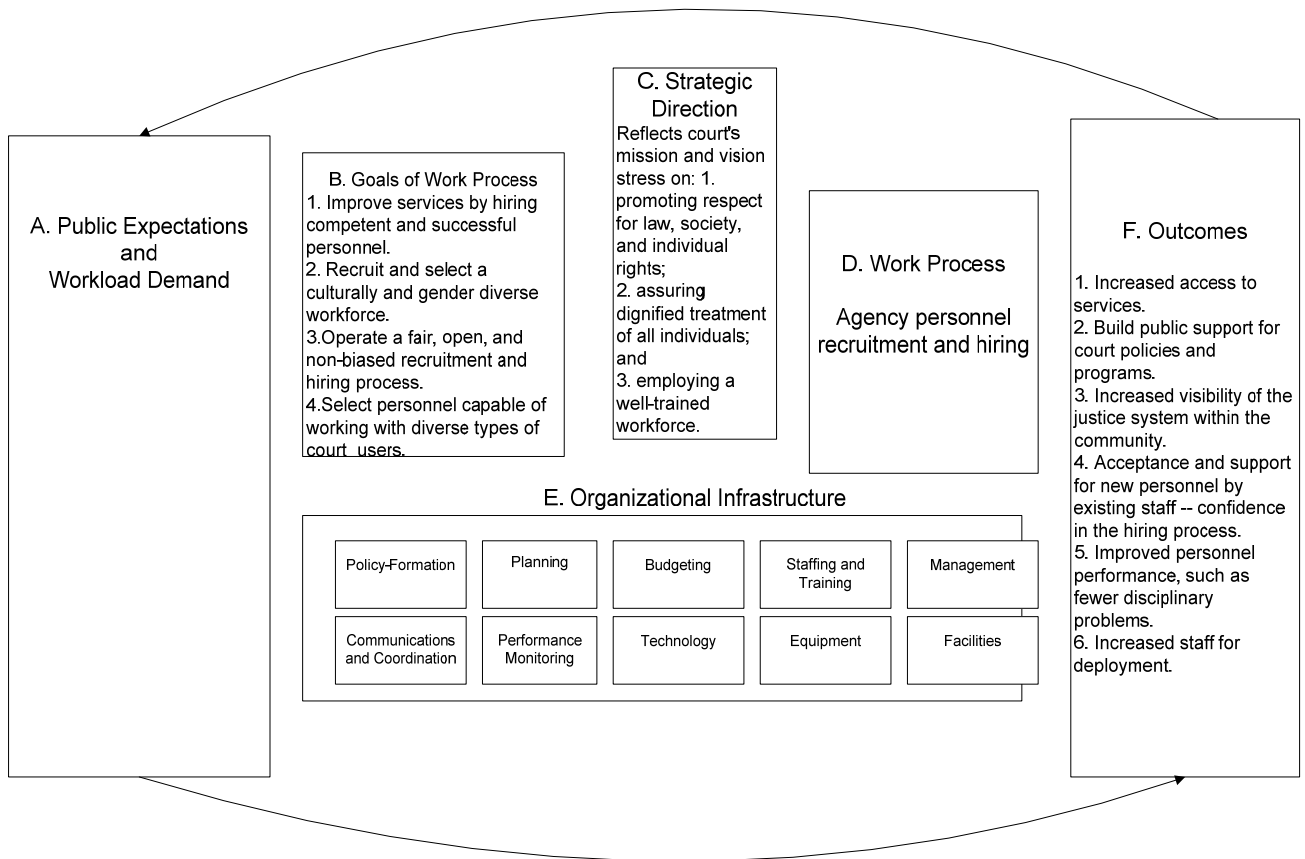


Figure VI-3: Personnel Recruitment and Hiring Measurement Summary

Goal 1: Improve court services by hiring competent and successful court personnel for the entire Court by:

- Hiring people with the capacity to work with diverse types of people;
- Hiring people with the capacity to deal with the stress associated with processing high case volumes;
- Hiring people who are willing to learn new process and approaches to doing the work of the court, and have strong written and oral communication skills; and
- Hiring people who are willing to work in groups and willing to use a variety of problem-solving approaches.

Goal 1 Performance Measures

Input measures of the types and magnitude of work to be done in recruitment and hiring are:

- Number of applications;
- Requests for information; and
- Meetings with other agencies to facilitate recruitment and hiring.

Output measures of the types and amount of work produced during recruitment and hiring are:

- Applications processed;
- Contacts with applicants;
- Interview panels established; and
- Number of interviews, tests administered, and background investigations conducted.

Efficiency measures of resource expenditures are:

- Processing time for steps in recruitment and hiring; and
- Costs for steps in recruitment and hiring.

Goal 1 Performance Measurement Data Collection

- Activity logs for each hiring process; and
- Court budget tracking.

Goal 2: Recruit and select a workforce with the capacity to serve a culturally diverse community:

- Attracting numerous qualified applicants for each available position;
- Attracting applicants who have personal values and philosophies that support the values and philosophy of the Court; and
- Selecting a work-force that can meet the diverse needs of Imperial County.

Goal 2 Performance Measures

Outcome measures of the results of court recruitment and hiring processes are:

- Applicant satisfaction with process;
- Personnel satisfaction with process;
- Match among community, workforce, and applicant profiles;
- Supervisor satisfaction with personnel performance; and
- New employee performance record.

Goal 2 Performance Measurement Data Collection

- Applicant focus groups;
- Supervisor and staff focus groups;
- Personnel records; and
- Applicant, workforce, and community profiles.

Goal 3 Operate a fair, open, and non-biased recruitment and hiring process by:

- Seeking the views of judges, staff, and the community in recruitment and hiring activities;
- Providing applicants an overview of the philosophy, structure and organization, and organizational culture of the Court;
- Using staff and supervisors to help evaluate the effectiveness of selection instruments to screen for potential problems; and
- Using validated, standardized, and consistently applied selection standards.

Goal 3 Performance Measures

Outcome measures of the results of court recruitment and hiring processes are:

- Applicant satisfaction with process;
- Personnel satisfaction with process;
- Supervisor satisfaction with personnel performance; and
- New employee performance record.

Goal 3 Performance Measurement Data Collection

- Applicant focus groups;
- Supervisor and staff focus groups; and
- Personnel records.

Figure VI-4: Inventory of Infrastructure Required to Support Culturally Competent Personnel Recruitment and Hiring

<p><i>Policy-making</i> infrastructure includes:</p> <ul style="list-style-type: none"> • capacity to identify the numbers and types of personnel needed over the next 5 - 10 years; • determining minimum and desired qualifications for new personnel; • determining the appropriate roles of judges, staff, administrators, and committees in recruitment and hiring; • determining the mechanics of candidate screening; • clarifying the specific knowledge, skills, and abilities required to perform well within a variety of jobs within the Court; • establishing workforce diversity expectations and policies; • establishing performance standards and time frames for new personnel to complete training; and • maintaining policies that encourage personnel to perform a variety of duties and develop new skills during their careers with the Court.
<p><i>Planning</i> needed to support the recruitment and hiring process include:</p> <ul style="list-style-type: none"> • court-wide strategic, long-range, and operational planning to integrate the recruitment and hiring process with the work of the Court in general; • county-wide strategic, long-range, and operational planning to integrate the recruitment and hiring process with the work of other County agencies and the California AOC; • strategic and long-range planning to determine labor market trends and community demographics; and • project planning to determine: (a) the activities required to hire a particular position, such as preparing a recruitment strategy, and conducting background checks and interviews, (b) the sequencing and staffing of recruitment and hiring activities, such as preparing a comprehensive candidate interview schedule, (c) the testing tools to be used in the hiring process; and (d) the consultants needed to support the recruitment and hiring process, such as search agencies.
<p><i>Finance and Budgeting</i> needed include:</p> <ul style="list-style-type: none"> • sufficient number of court personnel to serve on review panels and participate in other aspects of personnel recruitment and hiring; • sufficient and predictable resources needed to meet the goals of the recruitment and hiring process; • a capacity to obtain funds for labor analyses and purchasing selection tools from sources other than the Court, such as from federal government grants and coalitions of courts; • a capacity to increase resources and modify expenditures within an annual budget cycle, in light of unanticipated costs; and • a capacity to use resources from throughout the entire Court when needed, such as staff to conduct background checks.
<p>Types of <i>Staffing and Training</i> needed includes:</p> <ul style="list-style-type: none"> • personnel to coordinate recruitment and hiring efforts; • administrators and staff willing to participate in screening groups, and selection committees; • clerical staff for processing applications; • administrative staff willing to work on candidate records and background checks; • consultants for assisting with recruitment; • staff and consultants for evaluating the recruitment and hiring process; • strategies for succession planning and staff development; • certification programs with Imperial Valley College and other institutions; • new staff training programs and sufficient staff, particularly sufficient numbers of field training staff; and • training programs to inform judges and administrators about personnel policies and procedures, and management practices, such as termination.

Types of *Management* needed include:

- commitment by judges, administrators, and staff to use recruitment and hiring procedures, and uniform standards;
- capacity to provide adequate supervision and guidance to the diverse types of Court personnel, consultants, and committees participating in the recruitment and hiring process;
- capacity of the Court administrative chain of command to insure proper oversight of the recruitment and hiring process; and
- a capacity to instill confidence in Court leadership among all judges and personnel, and a willingness among all personnel to follow the direction of leaders.

Communications needed likely includes:

- capacity for those responsible for recruitment and hiring to communicate with personnel from throughout the Superior Court and other local, state, and federal government units; and
- capacity for those responsible for recruitment and hiring to communicate with citizen groups, individual citizens, and the public at large.

Technology needed to support recruitment and hiring includes:

- a candidate tracking/management data base;
- personnel training and management data base;
- standardized assessment instruments that measure reading and writing skills, and living skills;
- records production and management technology;
- office technology, e.g. word processing, presentation software; and
- computer work stations.

Equipment needed to support Superior Court recruitment and hiring likely includes:

- photocopiers;
- furniture;
- internet web-sites;
- video conferencing equipment;
- telecommunications, FAX, printers; and
- TV and VCR.

Facilities needed should include:

- Interview rooms, break rooms, and bathrooms;
- common and private work and meeting spaces;
- training facilities; and
- quiet testing spaces.

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Supplemental Documents (Tab 7)

IMPERIAL COUNTY SUPERIOR COURT 2006-2010 STRATEGIC PLAN: EXECUTIVE SUMMARY December 2005

Background

The capacity of the Imperial County Superior Court to effectively serve the community has not kept pace with rapid changes in local demand for services.

To shape a more positive future for the Court and the community, the Imperial County Superior Court initiated a strategic planning process for improving court services in the Fall of 2004. This executive summary highlights the results of the planning effort.

Mission and Vision

The mission, the essential purpose, of the Imperial County Superior Court is:

- rendering fair and equal justice;
- inspiring confidence and trust in the legal system; and
- serving the public with courtesy, respect, integrity, professionalism, and efficiency.

The Court's long-term vision is to become a trial court committed to excellence, fairness, integrity, and accountability. To do this, the Imperial County Superior Court will become a Court where:

- services are provided in a prompt and courteous manner;
- cases are processed in a timely and expeditious manner;
- litigants and court users are treated fairly, impartially and with respect and dignity;
- employees go the extra mile to provide excellent customer service;
- fiscally sound administration is institutionalized; and
- the judiciary and court staff is committed to lead by example and promote public trust confidence.

Strategic Issues, Strategies, and Priority Projects

The Imperial County Superior Court's improvement strategy for the next five years will focus on:

- building court and justice system service capacity; and
- enhancing court and justice system governance and decision-making.

With regard to building court and justice system service capacity, the Imperial County Superior Court must serve increasingly ethnically, economically, and socially diverse populations living in numerous communities located across a large geographic area. Moreover, the size and scope of the Imperial County justice system has grown considerably over the past decade and is expected to grow further in response to increasing community demand for services. As one result, the need for effective policy and work process collaboration and coordination among the courts, justice, and human service agencies have become critical.

Finally, there remains a lack of capacity for Court and justice system partners to collect and analyze, systematically and expeditiously, data to identify and understand the specific needs of changing communities.

The Court's strategy for increasing court and justice system service capacity includes:

- establishing a full service HR and finance capacity within the Court;
- improving Court facilities and technology infrastructure;
- reengineering critical work processes and establishing an analysis, process improvement, and planning capacity throughout the Court;
- working with other agencies to fully describe the community and community needs;
- putting in place mechanisms for monitoring needs;
- establishing on-going partnerships with racially, ethnically, and culturally diverse groups throughout the community;
- maintaining a work-force with the knowledge and skills needed to serve diverse groups across the community by inventorying existing workforce knowledge and skills, developing new skills, and recruiting and hiring employees who respect economic, social, and cultural diversity.
- assessing and re-designing work process that involve other organizations as well as the Court, such as criminal case processing and processes for providing mental health, substance abuse, anger management, and other services for offenders;
- improving inter-agency infrastructure, such as records preparation, exchange, and storage technology;
- implementing review mechanisms for monitoring compliance with court orders;
- establishing processes to determine court participant understanding of court orders;
- implementing follow-up and program evaluation mechanisms to determine the long-term effectiveness of service options; and
- developing and implementing a public information strategy.

With regard to enhancing court and justice system governance and decision-making, the growth in the size and complexity of demand for court and justice services has placed great strain on the existing decision-making and management structures of both the system and partner agencies. Moreover, within the court and across the broader justice system there is a lack of alignment about long-term strategic direction and priorities. As one result, both within the Court and among agencies, individuals and units sometimes work at cross-purposes. Often justice partners neither share common expectations about desirable system outcomes nor take collective, rather than agency by agency, responsibility for assuring that case specific and more general system outcomes are obtained.

The Court's strategy for improving interactions with justice and human agencies to improve service to the community stresses:

- establishing effective communications channels and forums;
- redesigning work processes to increase work process effectiveness; and
- establishing more effective policy forums.

Figure 1 summarizes the Court's five-year improvement strategy.

Figure 1: Improvement Strategy Components

<p>Service and Growth</p> <ul style="list-style-type: none"> • Enhance access to needed services. • Work collaboratively with local, state, federal partners, and partners in Mexico. • Expand and coordinate service networks by leveraging community resources. • Serve as a hub in a service network. • Modernize and expand the Court's essential infrastructure.
<p>Quality</p> <ul style="list-style-type: none"> • Identify and incorporate best practices when ever possible. • Apply standards and criteria to all aspects of Court operations and performance. • Establish model work processes and procedures. • Establish performance measures and monitor performance. • Focus on continuous improvement.
<p>People</p> <ul style="list-style-type: none"> • Hire and retain people with a commitment to self-improvement and a willingness to learn. • Implement employee development mechanisms. • Do succession planning. • Hold personnel accountable for their performance. • Create an organizational culture of excellence.
<p>Finance</p> <ul style="list-style-type: none"> • Focus on providing the essential services which only the Court can provide. • Work with justice and human service partners to distribute work appropriately. • Implement efficient and effective work processes. • Expand the Court's resource base to encompass a range of community resources. • Expand the resource base to encompass state, federal, and international partners.

IMPERIAL COUNTY SUPERIOR COURT 2006-2010 STRATEGIC PLAN

INTRODUCTION

The capacity of the Imperial County Superior Court to effectively serve the community has not kept pace with rapid changes in local demand for services. For example, Imperial County's extensive farm economy has now been greatly supplemented by its emergence as a regional shopping area, employment hub for daily commuters from Mexico, bedroom community to neighboring Riverside and San Diego Counties, and a field-headquarters for a rapidly expanding Homeland Security presence, as well as the site of major California state adult corrections facilities. In particular, a series of recent assessments conducted by local and regional economic and policy organizations have revealed that:

- as much as 40% of sales tax revenues in El Centro and nearby towns are accounted for by customers from Yuma, Arizona and Mexicali, Mexico;
- homeland Security recently has brought-in, or will soon bring-in, an additional 4,000 employees; and
- approximately 55,000 people commute from Mexico into the Imperial Valley to work each day.

Still, despite the additional stimuli to the local economy, on many measures, Imperial County remains one of the poorest counties in California. With a large part of the economy continuing to be tied to seasonal labor, the local unemployment rate typically soars to double the State of California rate during some portions of the year. Annual per capita income in Imperial County remains at only about 60% of the state median, and local communities continue to have some of the highest school drop-out rates in California.

Collectively, the trends listed above, along with many others, are having profound consequences on both the demands placed on the Imperial County Superior Court and the Court's capacity to respond to the demands. Specifically, recent assessments undertaken as part of on-going court work process improvement and strategic planning efforts have indicated that the Imperial County Superior Court is confronted by the need to:

- provide services to a sizeable population of litigants who are not residents of the United States but work in the United States and/or reside in Imperial County only part-time;
- offer culturally appropriate services – especially probation, litigant self-help, family support, domestic violence, traffic school, substance abuse treatment services – to a now largely Mexican-American and Mexican, but increasingly ethnically and socio-economically diverse, population;

- improve the Court's collaborative problem-solving capacity with other local, state, and federal agencies on both sides of the US-Mexico border, including numerous Homeland Security agencies, the US Courts, and Courts located in Mexicali, Baja;
- improve work process efficiency and effectiveness in light of stagnant state and local government resources; and
- identify additional resources and establish comprehensive community based resource networks.

In addition, despite the rapid changes in demands for court services only recently has the Court's essential service delivery infrastructure, such as level of staffing, and scope of programs, begun to significantly increase and qualitatively improve. Similarly, until recently, the change in the size and complexity of demand for services has exceeded collective court and justice system agency decision-making and management capacity. In particular, reliance on occasional, ad hoc, interagency committees, task-forces, and planning and policy teams has proven to be overly burdensome for many agencies as well as often ineffective in resolving the concerns of a particular agency, or system-wide concerns.

Moreover, sometimes within the Court, but often across the broader justice system, there is a lack of alignment about long-term strategic direction and priorities when serving the community. Finally, often the Court is unsure whether or not the decisions made by judicial officers are implemented or proven effective, while the general effectiveness and cost-benefits of particular programs, treatments, confinement, and other system interventions largely remain undetermined.

The Imperial County Superior Court initiated a strategic planning process for improving Court in the fall of 2005, with funding support from the federal State Justice Institute. This document summarizes the results of the planning effort. In particular, Section I presents the Court values, mission, and vision statements. Section II describes the important social, technology, economic, political and policy trends shaping the future of Imperial County and reviews the trends' potential implications on the mission, organization, and operations of the Court. Section III first describes the three fundamental, strategic issues that must be confronted by the Imperial County Superior Courts over the next five years and subsequently outlines the general strategies, goals, objectives, and priority projects the Court will pursue to address each issue. Finally, Section IV catalogs the next steps the Court will take to institutionalize strategic thinking and management as on-going tools for service improvement.

I. MISSION, VISION, VALUES

A *mission statement* expresses the fundamental purpose of a court. It explains why it exists. It should reflect the expectations of court users and stakeholders as well as the court's formal and informal mandates. A clear and concise mission

statement helps a court focus on what is truly important and it serves as a reference point for establishing organizational priorities. A *vision*, on the other hand, defines a preferred future of a court. It describes what a court desires to become or do in the future -- what it should be at its best. A vision should be compelling, challenging, and inspirational to justice system partners and the public, as well as judicial officers and court personnel.

Courts need both a sense of purpose and a clear vision if they are to function effectively in the long term. A mission statement helps a court stay centered on its main reason for existing and a vision statement defines the direction it intends to go. Both help determine a court's long term direction and priorities. In addition, values stating what a court stands for, often accompany mission and vision statements.

Also, both the mission and vision statements should reflect the expectations, needs, and desires of a variety of diverse stakeholders, as well as the mandates the Court is required to meet. Stakeholders include people, groups, or organizations that can place a claim on the Imperial County Superior Court's attention, resources, or services, or that are affected by what the Court provides.

FIGURE 1: IMPERIAL COUNTY SUPERIOR COURT VALUES

The Court's values are:

- Integrity – follow the law, be impartial, and act respectfully towards court users and colleagues.
- Equal Access – effectively serve all community members regardless of where they live, their ethnicity, income, or education, and consistently work to identify and remove barriers to court access.
- Independent Judicial Decision Making – serve as a check and balance on legislative and executive power, maintain independence in light of state and local political considerations and public opinion, and resolve cases on their merits.
- Fair and Efficient Administration of Justice – do individual justice in individual cases, treat all court personnel with respect and dignity, and use all resources efficiently.
- Awareness and Responsiveness to User Needs -- anticipate and develop services for meeting the changing needs of the community, court users, and court personnel.
- Professional -- employ skilled, well-trained, neutral, even-handed staff who demonstrate personal integrity.
- Innovative -- incorporate new approaches and technologies into all aspects of court operations.
- Understandable -- provide information and conduct proceedings in a manner that can be understood by court users.
- Protect Rights and Confidentiality -- protect individual rights and liberties while protecting the confidentiality of court participants.
- Work With The Community -- develop and implement services in partnership with the community.
- Thorough and Comprehensive -- provide a range of forums and services to meet diverse community needs while balancing Court's mandates and limitations.
- Collaboration and Integration – work across agencies with the common focus of most effectively serving the community.

- Transparency – assure that decisions and work processes are transparent to the public and other agencies.
- Customer Service-Oriented – Provide court services in an effective and efficient manner, treating all persons dealing with court personnel with respect, integrity and commitment to excellent service.
- Learning Organization -- Create a culture committed to learning and continuous improvement

FIGURE 2: IMPERIAL COUNTY SUPERIOR COURT MISSION AND VISION

Our Mission Is:

- Rendering fair and equal justice;
- inspiring confidence and trust in the legal system; and
- serving the public with courtesy, respect, integrity, professionalism, and efficiency.

Vision Statement

Become a trial court committed to excellence, fairness, integrity and accountability

The Imperial County Superior Court will provide a court system where services will be provided in a prompt and courteous manner, where cases will be processed in a timely and expeditious manner, where litigants and court users will be treated fairly, impartially and with respect and dignity, where employees will go the extra mile to provide excellent customer service, where fiscally sound administration is institutionalized, and where the judiciary and court staff are committed to lead by example and promote public trust and confidence as a result of carrying out their responsibilities in an excellent fashion.

- court participants will understand the role of the courts, its processes, limitations;
- court case work processes will be convenient to use, timely, and accessible to litigants across Imperial County;
- judicial officers and court personnel will be well-trained about how best to serve all court users;
- court participants will be treated with respect and dignity;
- court services will be customer focused and culturally appropriate;
- the infrastructure supporting case processing – including technology, work processes, and facilities – will be effective and will assure that court and community resources are used efficiently; and
- the Court will know how well it is serving all types of court users and will be able to report, routinely, its performance to the public.

II. TRENDS ASSESSMENT

A trend is a series of related events or activities that appear to have a demonstrable direction over time. This section:

- describes the nature, magnitude, and sources of trend-driven demands likely to be placed on the Imperial County Superior Court over the next ten years; and
- identifies the potential implications of the demands on the Courts' structure, organization, operations, and service delivery strategy.

As show in Figure 3, there are many types and categories of trends that may shape the demands on a court as well as the court's capacity to meet demands. Below is a list of trends planning team members identified as being likely to influence the state and local court and justice systems over the next decade.

Social Trends

- An increasing number of diverse expectations for the justice system and court's role in society.
- Increasing numbers of litigants who need legal assistance.
- Continued widespread substance use and abuse.
- Increased presence of people with mental illness in the courts and justice system.
- Increasing racial and ethnic diversity across Imperial County.
- Increasing numbers of abused, neglected, disabled, and disadvantaged children.
- Continued growth in the state population but very rapid growth in the County population.
- Increasing community infrastructure problems such as a lack of mass transit, high-volume traffic, and air and water pollution.
- Increasing demand for appropriate forms of dispute resolution and treatment services.
- Population aging in general but concentrated children and youth population growth in some portions of Imperial County.
- Alteration of traditional family norms and values.
- Increasing involvement of children in violent crimes.
- Increasing polarization of people on the bases of class, ethnicity, or religion.
- Increasing demand for acceptance of alternative life-styles.
- Population relocation within Imperial County.
- Increased expectations for scrutiny and monitoring of sex offenders.

Economic Trends

- Continued economic restructuring.
- Increasing use of part-time, temporary, and contractual employment.
- Continued demands on employers to provide employees benefits and conditions other than money, such as increased participation in managing work, control over work assignment, and developing structures for working in teams.

Technological Trends

- Rapidly developing telecommunications and information technology.
- Increasing networking of information.
- Increasing popularity of home-based operations and work arrangements.

Policy/Political Trends

- Increased scrutiny of court and justice system resources.
- Increasing dissatisfaction with government service delivery.
- Increasing attention paid to youth and family issues.
- Increased political competition and position polarization among the two major political parties.
- Increased emphasis on providing safe court facilities, especially facilities for juveniles and families.
- Increasing attention directed towards putting dollars into law enforcement without accordant resources being put into courts.
- Increasing tendency to define criminal behavior as a form of mental illness.
- Increased involvement of interest groups, e.g., MADD, in the justice system.
- Increasing emphasis on therapeutic approaches to justice service provision.
- Increasing state government involvement in local trial court funding and governance.

Caseload and Case Filing Trends

- Increasing traffic caseload.
- Increasing numbers of juvenile, dependency, and family case filings especially relative to the size of other caseloads.
- Increasing numbers of civil cases being resolved through alternatives to court.

Priority Trends and Community Dimensions

- The local and regional economy is increasingly multi-county, multi-state, cross-national and interdependent.
- The traditional rural farm economy is being transformed to a more diverse regional economy which includes large regional shopping facilities and an extensive state and federal government presence.
- Imperial County is becoming more integrated into a much larger regional labor market.
- Educational attainment levels in Imperial County lag substantially behind those of most California communities.
- Individual and household incomes remain only about 60% of the state-wide average.
- Spanish is the first language for many, if not the majority, of both Imperial County residents and non-residents needing assistance.
- There are more and more litigants with increasingly difficult problems, such as co-occurring mental health and substance abuse problems.
- Changes in community composition are being accompanied by increasing expectations for the types and quality of court services.
- Increasing numbers of Court litigants and defendants live in Mexico or have strong ties to Mexico.
- There are numerous opportunities to establish service networks that use resources from both the US and Mexico.
- Imperial County's circumstances provide numerous opportunities to provide insight and be a leader in justice innovation for borderland areas. This increases the potential for access to US government, private foundations, and other resources.

General Trend Implications

The collective implications of these trends on the Imperial County Superior Court and the larger justice system fall within two general types:

- the need to increase court and justice system capacity to provide and evaluate service delivery; and
- need to more effectively coordinate case processing and service provision through-out the justice and human service network.

In particular, with regard to increasing court and system capacity planning team members noted that over the next decade the Court and its partners will:

- be confronted by changing expectations for services from an increasingly culturally, ethnically, and socially diverse population, and thus will need to increase capacity to anticipate trends and develop flexible service strategies;
- be expected to provide services to an increasingly large population of children and youth, as well as an expanding elderly population;
- need to increase case and case-flow management skills in organizations across the entire justice and human service systems;
- need to develop approaches for serving children with parents and extended family members, as well as individuals, addicted to methamphetamine and other substances;
- need to develop better approaches for serving litigants with mental illness and other co-occurring problems such as substance abuse;
- need to develop ways to rotate workers periodically from direct, front-line, service to other types of positions;
- need to more aggressively explore opportunities for placing children with extended families and be prepared to provide support services to many different types of traditional and non-traditional families;
- need to anticipate that greater numbers of cases will stay longer in the system;
- need to develop a more flexible, more highly skilled workforce;
- need to shape, assertively, a more favorable future, because if allowed to play-out without active intervention, the trends shaping the future are very unfavorable;
- need to streamline and simplify court and justice system structure, organization, and work processes;
- need to implement mechanisms for assuring litigant and staff safety;
- need to dramatically increase training and mentoring programs for all system personnel;
- need to develop skills training programs that target problem-solving and decision-making capacity;
- need to implement a comprehensive aggregate system and agency performance measurement systems;
- need to increase the planning, policy-assessment, trends assessment, and organization development capacity; and
- need to improve technology support, especially case monitoring and management, and statistical reporting technology.

With regard to coordinated case processing and service provision, trends implication analysis identified the need to:

- form a variety of strategic alliances with local, state, and national, public and private service providers and interest groups, including faith-based and non-profit, and profit organizations;
- clarify the role, mission, and functions of agency and system partners, both internally and to policy-makers and the public;
- assume an increasing role in brokering service provision among a larger and larger network of public and private service providers;
- develop system appropriate outcomes and measures; and
- obtain additional resources from new funding sources and service providers.

FIGURE 3: TYPES AND CATEGORIES OF TRENDS

TREND TYPE/ CATEGORY	DEFINITION/EXAMPLES
Continuation Trends	<p><u>Definition:</u> Trends that describe the continuation of past and present. <u>Example:</u> Population aging</p>
Cyclic Trends	<p><u>Definition:</u> Cycles are events that might not be part of our present, but were some part of the past and could possibly be important in the future. <u>Example:</u> Depressions, droughts</p>
Emerging Trends	<p><u>Definition:</u> Issues that may affect the future, but which are barely visible now, and were nonexistent in the past. <u>Example:</u> 25 years ago the use of personal computers would have been an emerging issue</p>
Social Trends	<p><u>Definition:</u> Trends that describe changes in the composition, order, and structure of interactions among individuals within a society. In large part, they define the size and nature of the justice system client population, particularly the size of its indigent client population. <u>Example:</u> Changes in drug use, family formation</p>
Economic Trends	<p><u>Definition:</u> Trends that describe changes in the relationships among individual well being, the nature and composition of work and the work force, and societal prosperity. Economic trends directly affect the composition of caseloads, shape the basic resource foundation of the court and justice system, and shape basic social conditions. <u>Example:</u> Rate of business formation/failure, employment growth rates</p>
Technological Trends	<p><u>Definition:</u> Trends that describe changes in the composition, application, and broader social effects of tools. They also describe changes in techniques for developing, producing, and distributing products and services. Technological trends shape the types of demands confronting service organizations and perhaps even more importantly, hold the potential for dramatically altering the way organizations can do their work. <u>Example:</u> Genetic engineering, telecommunications patterns</p>
Political and Policy Trends	<p><u>Definition:</u> Trends that describe changes in the structure, receptiveness, responsiveness, priorities, and effectiveness of forums for collective, public decision making, and for resource distribution. They also describe preferred responses to societal problems and the appropriate roles of individuals — as well as public and private organizations — in developing, implementing, monitoring, and modifying actions to group responses. <u>Example:</u> Minimum sentencing laws, immigration policy, drug control</p>

III. STRATEGIC ISSUES, STRATEGIES, AND PRIORITY PROJECTS

Introduction

Identifying strategic issues and developing institutional responses to those issues are the heart of the strategic planning process. Strategic issues are the trends, events, or policy choices that affect the basic mission, values, and activities of a court and the court's capacity to respond to service demands.

Strategic issues typically focus on general direction rather than on specific operations. In fact, strategic issues are often the underlying or more encompassing issues of what might superficially appear to be numerous unrelated or loosely related problems. In addition, strategic issues routinely involve conflict and focus on:

- ends or what Courts should be doing;
- means, that is, how Courts can do what they should be doing;
- timing and philosophy; and/or
- the particular interests of groups within the Courts and justice system that might be advantaged or disadvantaged by different ways of resolving issues.

Strategies encompass the policies, programs, actions, and decisions that define how the Courts can position themselves to respond to strategic issues. Goals are normative expressions of what you would like to achieve. Objectives are specific concrete statements of what needs to be accomplished to implement goals and strategies. Tasks are very detailed statements about how a goal will be accomplished. In short goals specify "ends," while objectives and tasks describe "means" to an end. Finally, strategies should not only address important issues systematically and comprehensively, but also be supportive of the Courts' mission and long-term vision.

This section:

- describes the Imperial County Superior Court's three strategic issues; and
- identifies the strategies, goals and objectives and priority action projects for addressing each issue.

Strategic Issues and Strategies

Issue 1: Build Court Service Capacity

Issue Description

The Imperial County Superior Court must serve increasingly ethnically, economically, and socially diverse populations living in numerous communities

located across a large geographic area. In addition, as a result of a variety of regional and local trends the Court and its justice system partners are now being confronted by more numerous and more complicated expectations for the types and scope of services they should provide. For example, there are more and more children and families involved in the courts with serious problems but limited skills and resources, and reduced capacity to negotiate, successfully, the extensive justice and human service provision systems, as well as the complexities of everyday life.

Similarly, long-term trends, such as increasing income stratification, economic restructuring, and differing expectations about the role of social institutions, are altering what were once more commonly held societal norms and values. Moreover, demand for alternative resolution forums and services, such as restorative justice programs, system of care and other service-intensive wrap-around programs, are likely to increase over the next five years, even as state level funding commitment is very likely to fall far short of current levels. Finally, there remains a lack of capacity for Court and justice system partners to collect and analyze, systematically and expeditiously, data to identify and understand the specific needs of changing communities.

In short the important dimensions of this strategic issue include:

- a need to enhance the Court's soft (such as, planning, policy-making, communications and coordination mechanisms, management structure, workforce capacity, performance monitoring capacity) and hard infrastructure (such as technology, facilities, and equipment) to meet challenges of the future;
- on-going transition from local county funding support to shared local/state support is challenging;
- the skill and knowledge required of court personnel has increased greatly over the past decade and will continue to increase rapidly;
- there is greater competition for quality staff with the expansion of local economy and emergence of greater state and federal government presence;
- there are numerous opportunities for improving capacity of current court personnel;
- some of the skills many Imperial County Court Employees have – such as bi-lingual, bi-cultural skills – are becoming increasingly valuable in regional, state, national, and international economy;
- the impacts of the long-term role of AOC in workforce development are emerging but remain unclear;
- increased numbers of individual children and families with serious mental illness;
- increased reliance on the courts as a last resort for addressing community problems;

- increased numbers of unrepresented parties;
- a need to redefine caseload measures to reflect caseload complexity;
- a need to increase the types of disposition options available to the Court;
- greater demand for language and "culture" interpreters;
- increased need to develop mechanisms for accommodating the dispute resolution needs of economically diverse but culturally similar people within a racial or ethnic group;
- increased numbers of time-intensive court cases, that is, cases that involve people with limited education, newer arrivals to the United States, people with diverse language expectations and skills, and varying levels of understanding of court process;
- increased need to implement dispute resolution mechanisms for resolving disputes and misunderstandings between people from different cultures;
- increased opportunity to build new sources of political support for the court among Latino and a variety of other racial and ethnic groups;
- increased opportunity, as well as need, to incorporate new forms of dispute resolution into the courts and justice system; and
- increased need to educate judges, attorneys, and court staff about cultural diversity, mental illness, and treatment innovations.

Finally, the potential consequences for the Court if this issue is not addressed adequately include:

- inability to keep-up with more complicated work load;
- backlog reduction gains of recent efforts will be lost;
- low morale as a result of frustration may emerge;
- increased conflict with justice and human service partners resulting from the Court not being able to fulfill expectations of partners, especially expectations raised as result of recent court improvement efforts;
- loss of local court control of local operations to AOC, and other local, state, and federal agencies; and
- increased public dissatisfaction with Court performance.

Strategy Components

The Courts general strategy for addressing this issue includes:

- establishing a full service HR and finance capacity within the Court;
- improving Court facilities and technology infrastructure;
- reengineering critical work processes and establishing an analysis, process improvement, and planning capacity throughout the Court;
- working with other agencies to fully describe the community and community needs;
- putting in place mechanisms for monitoring needs;

- establishing on-going partnerships with racially, ethnically, and culturally diverse groups throughout the community; and
- maintaining a work-force with the knowledge and skills needed to serve diverse groups across the community by inventorying existing workforce knowledge and skills, developing new skills, and recruiting and hiring employees who respect economic, social, and cultural diversity.

In addition, Figure 4 summarizes the primary components in the Court's general improvement strategy for addressing all three of its strategic issues. Generally, Figure 4 shows that the focus of Imperial County Superior Court improvement is on increasing organizational and system capacity to more efficiently and effectively process cases.

Goals and Objectives

Strategic Goal 1.1: The Courts will understand and provide quality services that respond to community needs.

- Objective 1.1.1: Monitor trends, workload, emerging issues, and events that could affect the Courts.
- Objective 1.1.2: Monitor court stakeholder interests.

Strategic Goal 1.2: The Imperial County Superior Court will use best practices throughout the organization.

- Objective 1.2.1: Develop programs and processes for implementing best practices.
- Objective 1.2.2: Continuously evaluate best practices.
- Objective 1.2.3: Implement incentives for adopting best practices.
- Objective 1.2.4: Evaluate and implement improved work processes.

Strategic Goal 1.3: Imperial County Superior Court infrastructure will optimally support Court operations.

- Objective 1.3.1: Re-engineer civil, criminal, traffic, family case processing, and records/information work processes.
- Objective 1.3.2: Establish a full service Court HR function.
- Objective 1.3.3: Implement litigant assistance improvements.
- Objective 1.3.4: Design and implement facilities improvements.
- Objective 1.3.5: Design and implement technology improvements.
- Objective 1.3.6: Establish a full service finance and budget function to obtain and manage resources.

Strategic Goal 1.4: The Imperial County Superior Court will have a highly skilled workforce that provides high quality services.

- Objective 1.4.1: Identify the characteristics of highly skilled personnel in light of evolving community needs.
- Objective 1.4.2: Establish staff development mechanisms, which emphasize the skills needed for working with diverse types of litigants.
- Objective 1.4.3: Establish judicial skills development mechanisms
- Objective 1.4.4: Do succession planning.
- Objective 1.4.5: Obtain the number of personnel prescribed in AOC allocation standards.

Issue 2: Build Justice System Service Capacity

Issue Description

Over the past few decades, the size and scope of the Imperial County justice system has grown considerably and is expected to grow further in response to increasing community demand for services. Also, the complexity of service provision and the magnitude of interdependence among the courts, justice, and human services agencies have increased greatly. At the same time, resources for serving the community, both within particular agencies and for the system generally, have either declined or not kept pace with increasing demand. As one result, the need for effective policy and work process collaboration and coordination among the courts, justice, and human service agencies have become critical.

In addition, routinely the Court is unsure whether or not the decisions made by judicial officers have been:

- implemented by justice partners and treatment providers or;
- proven effective in meeting litigant immediate or long-term needs.

**Figure 4: Imperial County Superior Court
General Improvement Strategy Components**

<p>Service and Growth</p> <ul style="list-style-type: none"> • Enhance access to needed services. • Work collaboratively with local, state, federal partners, and partners in Mexico. • Expand and coordinate service networks by leveraging community resources. • Serve as a hub in a service network. • Modernize and expand the Court's essential infrastructure.
<p>Quality</p> <ul style="list-style-type: none"> • Identify and incorporate best practices when ever possible. • Apply standards and criteria to all aspects of Court operations and performance. • Establish model work processes and procedures. • Establish performance measures and monitor performance. • Focus on continuous improvement.
<p>People</p> <ul style="list-style-type: none"> • Hire and retain people with a commitment to self-improvement and a willingness to learn. • Implement employee development mechanisms. • Do succession planning. • Hold personnel accountable for their performance. • Create an organizational culture of excellence.
<p>Finance</p> <ul style="list-style-type: none"> • Focus on providing the essential services which only the Court can provide. • Work with justice and human service partners to distribute work appropriately. • Implement efficient and effective work processes. • Expand the Court's resource base to encompass a range of community resources. • Expand the resource base to encompass state, federal, and international partners.

Moreover, the general effectiveness and cost-benefits of particular programs, treatments, confinement, or other system interventions largely remain undetermined. Similarly, the Court along with justice and human service providers need to be accountable to the public by demonstrating that agencies as well as the systems generally:

- have defined and articulated their missions in a manner consistent with community needs;
- are using resources effectively and efficiently; and
- are reporting to the public the system's progress.

Other important dimensions to this issue are:

- a need for system-wide infrastructure improvement focused on efficient and effective case processing;
- addressing infrastructure priorities including system-wide/across organization planning, work process improvement, and technology support, especially records and information exchange and case and client tracking technology;
- a need for mutually supportive system-wide work processes;
- a need for mutually supportive funding strategies and budget processes among system organizations;
- a need to align professional and organizational cultures across the justice system;
- a need to understand diverse ethnic/national cultures in the community and shape culturally appropriate responses;
- the need for a common set of performance measures and a shared outcomes-oriented performance measurement system; and
- addressing the problem that the Court is often unsure whether or not its decisions are being implemented by justice partners and treatments providers, and whether litigant needs are being met.

The potential consequences for the Court and justice system if this issue is not addressed adequately include:

- the Court will be unable to provide adequate client services, especially litigant assistance and treatment services;
- case processing delays will continue as a result of inadequate partner performance such as performance by the DA Office;
- greater Court per case costs resulting from not taking advantage of more appropriate use of other local, state, and federal resources;
- expanding case backlogs; and
- increased public dissatisfaction with Court and system performance.

Strategy Components

Essential elements in the Court's strategy for addressing this issue include:

- assessing and re-designing work process that involve other organizations as well as the Court, such as criminal case processing and processes for providing mental health, substance abuse, anger management, and other services for offenders;
- improving inter-agency infrastructure, such as records preparation, exchange, and storage technology;
- implementing review mechanisms for monitoring compliance with court orders;

- establishing processes to determine court participant understanding of court orders;
- implementing follow-up and program evaluation mechanisms to determine the long-term effectiveness of service options; and
- developing and implementing a public information strategy.

Goals and Objectives

Strategic Goal 2.1: The Imperial County Superior Court will have good working relationships with other justice agencies to manage the justice system effectively.

- Objective 2.1.1: Identify and establish contacts at local justice and human service agencies.
- Objective 2.1.2: Develop mechanisms to involve justice agencies effectively in Court service provision.
- Objective 2.1.3: Establish mechanisms for increasing compliance with sentences and Court ordered treatment services and monetary sanctions.
- Objective 2.1.4: Obtain court personnel and justice partner views to help identify and communicate problems.
- Objective 2.1.5: Debrief crises to develop improvement strategies.
- Objective 2.1.6: Monitor the needs of other branches of government, and other public sector agencies.
- Objective 2.1.7: Establish system wide planning capacity.

Strategic Goal 2.2: The Imperial County Superior Courts and the Court's justice partners will be able to monitor aggregate system performance to continuously improve justice services.

- Objective 2.2.1: Develop a performance measurement framework.
- Objective 2.2.2: Prepare performance measures for outcomes and critical work processes.
- Objective 2.2.3: Develop data collection tools.
- Objective 2.2.4: Establish report formats and protocols.
- Objective 2.2.5: Develop system support technology.
- Objective 2.2.6: Establish performance reporting procedures.
- Objective 2.2.7: Train Court and system personnel to support on-going performance measurement.

Strategic Goal 2.3: The Imperial County Superior Court will know the outcomes of decisions.

- Objective 2.3.1: Implement review and reporting procedures with partner agencies.
- Objective 2.3.2: Implement evaluation mechanisms to determine the effectiveness of service options.

- Objective 2.3.3: Establish processes to determine court participant understanding of court decisions.

Strategic Goal 2.4: Imperial County justice system infrastructure will optimally support system operations.

- Objective 2.4.1: Establish system-wide work process assessment and improvement procedures.
- Objective 2.4.2: Identify needed system-wide infrastructure improvements.
- Objective 2.4.3: Establish personnel cross-training programs.
- Objective 2.4.4: Identify and obtain additional funding from local, state, and federal justice and human service sources, and private foundations.

Issue 3: Enhance Court and Justice System Governance and Decision-Making

Issue Description

Growth in the size and complexity of demand for court and justice services has placed great strain on the existing decision-making and management structures of both the system and partner agencies. For example, heavy reliance on interagency committees, task-forces, and planning, and policy teams has proven to be overly burdensome for many agencies as well as ineffective in resolving the concerns of a particular agency, or system-wide issues and concerns.

In particular, often:

- system-wide policies established in interagency policy groups are not followed within individual agencies;
- participants in interagency policy efforts do not have the authority or support needed to formulate policy on behalf of their organization;
- previously agreed-upon work processes are not known or followed by line personnel;
- agency personnel do not understand the role of the Court as an independent branch of government in individual case decision-making and monitoring;
- court orders are not followed or sufficiently implemented;
- mechanisms for resolving interagency conflicts are not efficient;
- mechanisms for establishing system policy, processes, and programs are inefficient;
- agencies are extremely reluctant to share resources;
- training and staff supervision of interagency work processes is inadequate;

- judicial officers are feared by agency workers;
- performance varies greatly from person to person within the system; and
- individual case decision-making is concentrated too heavily in a few agency positions.

Moreover, within the court and across the broader justice system there is a lack of alignment about long-term strategic direction and priorities. As one result, both within the Court and among agencies, individuals and units sometimes work at cross-purposes. Often justice partners neither share common expectations about desirable system outcomes nor take collective, rather than agency by agency, responsibility for assuring that case specific and more general system outcomes are obtained.

In summary, the important dimensions to this issue include:

- the role of the State AOC relative to court management and operations is in transition towards increased state level involvement in court governance, administration and operations;
- the Court has assumed more responsibilities from County level agencies for basic infrastructure such as HR, finance, technology, and planning;
- there are increased expectations that all Judges and Court personnel will develop and use more standardized procedures and work processes which stress more effective and efficient case processing;
- community demands and complexity of work has required the Court to become assertive justice and human service leader;
- the Court needs to interact effectively with officials in Mexico and to a lesser extent Arizona to address regional court problems;
- borderland policy and infrastructure, including justice infrastructure, is increasingly determined by federal and state level decision-making and politics, as well as local activity; and
- the size and complexity of the local justice system has grown dramatically with the increased Homeland Security and state corrections presence.

The potential consequences if this issue is not addressed include:

- increased conflict among local judges, agency heads, and policy-makers about appropriate policy and processes;
- greater State AOC control of local court administration and operations;
- greater conflict among local system actors;
- many lost opportunities for more effective and efficient service delivery; and
- decreased public respect for Court and system operations.

Strategy Components

The Court's strategy for improving interactions with justice and human agencies to improve service to the community stresses:

- establishing effective communications channels and forums;
- redesigning work processes to increase work process effectiveness; and
- establishing more effective policy forums.

Goals and Objectives

Strategic Goal 3.1: The public, justice system partners and all court personnel will understand and support the mission of the Court, and work together to maintain high quality justice services throughout Imperial County.

- Objective 3.1.1: Foster and build teamwork between all staff and judges.
- Objective 3.1.2: Promulgate the Court mission, vision, values, and priorities throughout the Court, justice system, and community.
- Objective 3.1.3: Provide information about the Court's progress in advancing its strategic direction.
- Objective 3.1.4: Establish public outreach programs.

Strategic Goal 3.2: There will be effective and efficient justice system policy-making in Imperial County.

- Objective 3.2.1: Review the strengths and weakness of current internal Court policy mechanisms and establish improved forums, processes, and practices.
- Objective 3.2.2: Review the strengths and weakness of current system policy mechanisms and establish improved forums, processes, and practices.
- Objective 3.2.3: Establish processes for working with local, state, and federal legislatures to address local and regional justice needs.

Priority Projects

The Imperial County Superior Courts priority projects for the next few years are cataloged in Appendix A. The priority projects are focused on six improvement areas:

- facilities and security;
- technology application and information management;
- planning and work process reengineering;
- operations enhancement;
- establishing a full service finance capacity; and
- establishing a full service human resources capacity.

Figure 5 lists the strategic plan objectives targeted by each of the Court's priority improvement areas.

IV. NEXT STEPS

Successful implementation of this plan requires the Imperial County Superior Court to continue to move from strategic planning to strategic management. The Court needs to institutionalize an approach to management which emphasizes continuously evaluating general performance in light of the goals and strategies articulated in this document. In particular, the Court's strategic plan implementation will include:

- evaluating and communicating successes and failures;
- getting staff to take responsibility for ongoing strategic planning through self-evaluation;
- developing strategic planning performance indicators;
- rewarding staff who commit to making the plan succeed;
- communicating with local government, and other state and local organizations, about Court priorities and how they might be addressed;
- training Court staff about the philosophy and techniques of strategic planning and management;
- fostering and acknowledging incremental improvements; and
- being patient and not attempting to try and change too much at one time.

Over the next few years, four primary institutionalization mechanisms will be used to implement strategic planning and management throughout the Imperial County Superior Court. The four mechanisms are: (1) distributing the plan to judges and staff throughout the Court; (2) forming and maintaining a standing strategic planning team to coordinate and oversee plan implementation progress; (3) using established committees and establishing temporary work groups, and individuals to carry-out specific priority projects outlined in the strategic plan; and (4) holding stakeholder meetings to inform the broader community about the Court's anticipated direction over the next few years.

In addition, it is anticipated that the Court will designate a strategic planning coordinator responsible for a variety of strategic planning and management activities including:

- maintaining records and the strategic planning document;
- monitoring and coordinating strategic planning activities and work group timelines;
- serving as a coordinating link among temporary work groups, and;
- facilitating planning sessions.

The planning teams' role in strategic management will include:

- facilitating implementation of the strategic plan and strategic planning throughout the Court;
- identifying the budget implications of strategic plan implementation;
- teaching about strategic planning and management;
- setting annual priorities and a workplan;
- maintaining a "big picture" perspective on progress towards the Court vision;
- providing guidance to work groups, and;
- advocating the value of strategic planning and management.

Individuals and work groups from throughout the Court will participate in the strategic planning and management effort by:

- defining and carrying-out the specific tasks needed to meet goals and strategy objectives outlined in the plan;
- developing evaluation and performance indicators;
- documenting processes, and;
- reporting progress and results to judges and staff.

FIGURE 5: PRIORITY PROJECT/STRATEGIC OBJECTIVE ALIGNMENT

Facilities and Security

- Provides foundation for addressing all Court objectives

Technology Application and Information Management

- Provides foundation for addressing all Court objectives

Full Service Finance Capacity

- Provides foundation for addressing all Court objectives

Planning and Work Process Reengineering

- Objective 1.3.1: Re-engineer civil, criminal, traffic, family case process and records/information work processes.
- Objective 2.1.5: Debrief crises to develop improvement strategies.
- Objective 2.1.6: Monitor the needs of other branches of government, and other public sector agencies.
- Objective 2.1.7: Establish system wide planning capacity.
- Objective 2.3.2: Implement evaluation mechanisms to determine the effectiveness of service options.
- Objective 2.4.1: Establish system-wide work process assessment and improvement procedures.
- Objective 3.1.3: Provide information about the Court's progress in advancing its strategic direction.

Operations Enhancement

- Objective 1.3.1: Re-engineer civil, criminal, traffic, family case process and records/information work processes.
- Objective 2.1.1: Identify and establish contacts at local justice and human service agencies.
- Objective 2.1.2: Develop mechanisms to involve justice agencies effectively in Court service provision.
- Objective 2.1.3: Establish mechanisms for increasing compliance with sentences and Court ordered treatment services.
- Objective 2.1.4: Obtain court personnel and justice partner views to help identify and communicate problems.
- Objective 2.1.5: Debrief crises to develop improvement strategies.
- Objective 2.1.6: Monitor the needs of other branches of government, and other public sector agencies.
- Objective 2.1.7: Establish system wide planning capacity.
- Objective 2.3.1: Implement review and reporting procedures with partner agencies.
- Objective 2.3.2: Implement evaluation mechanisms to determine the effectiveness of service options.
- Objective 2.3.3: Establish processes to determine court participant understanding of court decisions.

Full Service Human Resources Capacity

- Objective 1.2.3: Implement incentives for adopting best practices.
- Objective 1.2.4: Evaluate and implement improved work processes.
- Objective 1.3.2: Establish a full service Court HR function.
- Objective 1.4.1: Identify the characteristics of highly skilled personnel in light of evolving community needs.
- Objective 1.4.2: Establish staff development mechanisms, which emphasize the skills needed for working with diverse types of litigants.
- Objective 1.4.3: Establish judicial skills development mechanisms
- Objective 1.4.4: Do succession planning.
- Objective 2.2.7: Train court and system personnel to support on-going performance measurement.
- Objective 2.4.3: Establish personnel cross-training program.
- Objective 3.1.1: Foster and build teamwork between all staff and judges.