

**Nampa  
Restorative Justice Board**

**A Cooperative Effort Between  
Law Enforcement and DD Providers**

## **Summary**

The Nampa Police Department has jurisdiction over several facilities for individuals with developmental disabilities, The Southwest Idaho Treatment Center (SWITC) being the largest of them. Most of the residents at the facilities are not competent to a suitable level for the criminal justice system; however, there is a select population which is at or just below the competency level. Officers responding to calls at these facilities perceived there was no accountability under the law and placing the onus back on the care providers. The staff at the facilities faced regulations which would not allow for them to take punitive actions against the clients. Law enforcement officers and the care providers were at odds with one another and nothing was being done to resolve the issue.

The Nampa Police Department responded to the SWITC 93 times in 2008 and 119 times in 2009, while taking 239 phone calls in 2008 and 227 phone calls in 2009 into the dispatch center. These phone calls ranged from 911 calls to non emergency calls, and included calls for the Nampa Fire Department as well. In 2008 and 2009, we observed the calls for service to SWITC were 93 and 119 respectively. Police reports showed a similar upward trend of 26 reports in 2008 and 44 in 2009. This workload was diminishing resources at the police department due to the economic conditions.

In 2010 the Nampa Restorative Justice Board formed and bridged the gap. The Nampa Restorative Justice Board is an innovated way to join Law Enforcement and Developmental Disabilities Professionals to maintain the rights of persons with developmental disabilities; at the same time holding individuals accountable while saving time and resources throughout the law enforcement and court systems.

Through the cooperative effort of the agencies with the Nampa Restorative Justice Board, after two years of operation the impact on calls for service equated to a 42% decline with a 48% decline in reports taken. The calls into the dispatch center declined 31% in the same period.

# Project Description

## Scanning

The Southwest Idaho Treatment Center (SWITC), formerly known as the Idaho State School and Hospital (ISSH) is located in the city of Nampa. This center is a residential treatment facility for individuals with developmental disabilities. According to Idaho Code 66-402 (5), “developmental disability” means a chronic disability of a person which appears before the age of twenty-two (22) years of age and:

- (a) Is attributable to an impairment, such as intellectual disability, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one (1) of these impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; and
- (b) Results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and
- (c) Reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and individually planned and coordinated.

Most of the residents at the facility are not competent to a suitable level for the criminal justice system; however, there is a select population which is at or just below the competency level

The Nampa Police Department has jurisdiction over the facility and responds to calls for service. Calls for service to the facility fall in a range from allegations of rape, battery, assault, malicious injury to property, among others. Officers responding to calls for service at SWITC had the perception these individuals were here for treatment and most of them were wards of the state. Being wards of the state officers believed the

clients lacked the capabilities of making daily life decisions for them and the courts felt it necessary to intervene. If an individual was not able to make these decisions coupled with the fact the courts traditionally would not do anything with cases involving them, the officers would take no enforcement action. While the officers were stating there was nothing they could do, they were putting the onus back on the staff of the facility to take care of the problem; however, regulations would not allow for them to take punitive actions against the clients. Not only was the staff frustrated because they could not take corrective action for the behaviors of the clients; they were also tired of the damage to personal and public property and personal injuries. Law enforcement officers and the care providers were at odds with one another and nothing was being done to resolve the issue.

This same problem existed at numerous residential care facilities in the city of Nampa. The de-institutionalization of the developmentally disabled created private entities caring for developmentally delayed individuals in a residential setting. Calls to these facilities were on the rise with the same problems faced at SWITC.

This problem was a cancer within the police department; when calls for service at the facilities would appear, officers did not want to respond. This volatility of the clients at the treatment centers created a problem as staff members at the facilities were facing frequent assaults and batteries from these individuals, knowing the response from law enforcement was going to equate to no consequence.

The problem was readily apparent to officers, staff and management of both agencies. SWITC staff was contacting law enforcement seeking assistance with the issue and was receiving little to no support. Law enforcement was responding to the calls and

was frustrated by the requests to respond for assistance. Calls for service were placing a strain on law enforcement services. There have been numerous occasions where officers were responding multiple times a day for the same issue and no resolution was achieved. The result of the hours officers were spending at the facility was frustration; the problem remained unsolved. Members of both the NPD and SWITC staff voiced their frustrations to superiors. However, the staffs were under the impression that their concerns were falling on deaf ears. Each felt the other had culpability for the problem and sought change from the other agency to end the frustrations.

In 2008, the Nampa Police Department responded to the SWITC 93 times while taking 239 phone calls into the dispatch center. These phone calls ranged from 911 calls to non emergency calls, and included calls for the Nampa Fire Department as well. The amount of calls was draining valuable resources which were diminishing at the police department due to the economic conditions. Finding a solution to this problem could also lead to a solution for issues at other residential care facilities.

### **Analysis**

SWITC is a semi-contained facility, and as a result it was easiest to constrict the analysis of information to this facility rather than include data from all the residential care facilities. Initial analysis began in early 2009. Calls for service were reviewed for 2008. Results revealed officers were responding to the facility on average once every three days in 2008, and dispatch was taking approximately eight (8) phone calls every three days from the facility on average. Review of data was restricted to 2008.

Initial analysis of the problem was conducted by then Nampa Police Department Corporal, now Sergeant Donald Peck and Idaho Department of Health and Welfare,

SWITC Program Director, Tom Schneider (now retired). Both held the same vision of reducing tension between agencies, reducing unnecessary calls for police services and increasing the safety of clients and staff at the facility, while realizing each agency was going to have to shift their perception of the problem and meet in the middle. Bryan Taylor with the Canyon County Prosecuting Attorney's Office joined the conversations to assist in finding a way law enforcement would be able to respond as his office held the ultimate authority over charging the crimes.

Staff members were being injured because of the behaviors exhibited by the clients at SWITC. Some of the injuries resulted in staff members needing stitches and light duty because of injury. There were incidents that involved damage to the facility or personal belongings of staff and clients at the facility. Further, the actions of the clients were placing a strain on the services of the police department due to significant time at the facility; many of the calls for service required a two officer response.

There was little response from the criminal justice system. The general response from law enforcement was that of apathy. The issue was usually deflected back to facility policy and procedure, which, ironically was to contact police. Infrequently, a summons was issued for the subject to appear in court, and even less frequently the subject would be arrested.

With the apathy of the officers deflecting the problem back to the facility the problem was never resolved. The rules and regulations placed upon the facility by their accreditation process did not allow for punitive action to be taken. There was little, if anything, the administration could do to rectify the problem. This attitude only created resentment of law enforcement and a dangerous work environment for the staff.

In the rare occasion law enforcement took criminal action, the client would be placed in the slow judicial process. If a summons was issued, the client would not have an initial court appearance for approximately two weeks. At this appearance, they would receive another court date approximately a month out. The best case scenario would be if the client pled guilty and would be punished at this point. The consequence for their action is now rendered six weeks after the incident occurred. The client, often times, would not remember what happened to justify the consequence, thus the purpose of the action was lost.

The data was not the biggest driving force for this issue however; it was the perception of the problem by staff at both agencies. As we spoke with individual staff members the problem seemed to be larger than perceived; staff was extremely frustrated and it was affecting their desire to work. Reviewing the data supported the lack of enforcement action and number of calls which were cited on the respective sides as an issue. The perception of the parties involved aggravated the problem. It was the attitudes and behaviors of the individuals which made the problem worse than it was. The perception that nothing could be done had to be overcome so the legal system could operate.

To better understand the issue it was important to understand the rules which governed SWITC. The perception from law enforcement was the clients were committed to the state and thus, SWITC should have more powers over the individuals; however, this was not the case. Upon further review it was revealed that not all the individuals were committed to the state. The rules imposed on SWITC by the surveyors of the accreditation process also limited the facility and the staff on their actions to correct

problems. The rules which govern the facility are out dated and were not intended for the clientele which were housed there at this time. Facing regulatory constraints SWITC staff had few options and limited flexibility in responses to incidents.

Initial analysis of the situation was conducted at an administrative level. Informal conversations took place with staff at both agencies; however, there was not public information disseminated nor input on the project. Due to the scope of the project being initially limited to SWITC's campus, the public was not directly aware of the issue. As the program progressed and was showing success, information began to be disseminated to the public through several presentations at various venues.

## **Response**

We evaluated different avenues of approach to the problem. The possible solutions ranged from continue doing nothing to a stiff no tolerance approach including probable cause arrests. Through the research, it was apparent a system needed to be incorporated to the current response to place a consequence for criminal behavior upon the clients, thus correcting the action. By implementing a system of consequences, both positive and negative, our goal was to not only reinforce to the staff that their safety was a concern, but justify and reduce calls for service to law enforcement as well. Fewer calls to law enforcement would also result in a reduction in work for the court system.

The method in which law enforcement applied to issues at SWITC was not an option as it only ignored the problem, thus no resolution ever emerged. The other extreme of probable cause arrests was not feasible as many of the individuals do not meet competency requirements for charging. The situation is further complicated as the county jail is overcrowded and is being monitored by the American Civil Liberties Union

to ensure proper care is given to the prisoners. The clients from SWITC pose a problem to detention staff as they cannot be placed in general population for safety reasons. The current housing arrangement for them at the detention center requires they be placed in a holding cell by themselves. This issue helped to bring more people to the table.

Ultimately we brought in a group of people who have knowledge with various aspects to this problem. The early building stage meetings incorporated representatives from the Idaho Department of Health and Welfare, SWITC, Nampa Police Department, Canyon County Prosecuting Attorney's Office, Public Defender's Office, Idaho Attorney General's Office and a judge from the Third Judicial District. The idea of modified court process was proposed to the group. Through discussion and debate, the process was refined to develop the Nampa Restorative Justice Board. Under the initial plan the Nampa Restorative Justice Board was a voluntary program restricted to the residents at SWITC. The hope was the program would be productive and would move into the community after a period of time.

In February 2010, the Nampa Restorative Justice Board began operation. The number of representative agencies on the board was reduced to keep it manageable. The board is now comprised of a representative from the Canyon County Prosecuting Attorney's Office, two representatives from the Idaho Department of Health and Welfare Developmental Disabilities and a representative from the Nampa Police Department. Most of the decisions and operations are handled by these four representatives; however, there are occasions when other individuals are brought in from agencies to assist in refining the operation and providing for its future.

The clients from SWITC began as voluntary participants to the program. The Southwest Idaho Treatment Center was provided with a reporting form which staff fills out when the participants would have a criminal behavior. Initially the Nampa Restorative Justice Board received numerous forms on individuals. Through training of both the staff and participants we were able to reduce the number of referrals. Referrals are restricted to criminal behavior; while the Restorative Justice Board does support behavior plans, it is not a crime to violate those plans. The focus is on restricting criminal behavior.

Once a month the Nampa Restorative Justice Board meets with all of the participants at the Nampa Police Station. Each participant comes to the front of the room and speaks with the board about the referrals or lack there of for the month. If a participant does not have any referrals, they receive a reward. If a referral is received, it is discussed with the participant and a sanction is given. The process of positive reinforcement proved to be the biggest motivator for the individuals. The reinforcements are usually small, a dollar, gift certificates to McDonald's, etc; however, these are not the biggest motivator. Simple praise and a round of applause is the greatest motivator for the participants.

In reviewing the issue and discussing the resolutions with the steering committee, this process was viewed to be the best solution. In order to get to the root of the problem, we felt it was necessary to address the participant and help them to realize the benefits of following the rules of society. All people enjoy accolades and individuals with developmental delays are no exception. Exploiting this need for public recognition of their good behaviors was believed to be the most effective method of changing behavior.

By compounding this recognition with a disciplinary component we felt we could increase the effects of the recognition. The process as a whole mirrors the court system and brings a sense of accountability to the participants. We not only are changing behaviors but also educating the participants on some aspects of the legal system, increasing their competency if their behaviors ever rise to the level requiring judicial intervention.

It was important that the response reduced the impact of SWITC on the police department while implementing accountability of the clients and maintaining low to no cost. With the economic conditions not allowing for staff increases, there was no funding available to create a dedicated police officer for the board. Finding a way to conduct the business of the board while maintaining current duties was the only way the police department was going to be able to support their role. This response enables the police department to respond to issues during relatively slow call periods. Our goal was to reduce the impact of the calls to SWITC on the patrol division. By allowing the officer assigned to the Restorative Justice Board to allocate their own time to respond to issues during slow call periods, police presence at SWITC would increase while decreasing the burden on patrol during high call volume times.

The police department had minimal resources available as did the other partners. The Canyon County Prosecuting Attorney's Office and the Idaho Department of Health and Welfare both were long term partners in the resolution. Neither agency had a person they could dedicate to the board full time. All agencies were able to find resources within their agency to give partial time to the board. None of the agencies were

requested to nor did they have to increase staffing to handle their responsibilities with the Nampa Restorative Justice Board.

Prior to implementing the Nampa Restorative Justice Board, informative meetings were held with the staff at SWITC as well as the potential participants. Potential participants were identified by SWITC staff and then screened for compatibility by the board. The first meeting was with the staff of SWITC. This meeting informed them of the process and sought buy in from them. We held meetings which allowed for all shifts to attend, attempting to reach all the direct client contact staff. The meetings with the potential participants were conducted in their housing units to ensure their comfort. Initially we allowed for voluntary participation in the board as we did not have a referral source. We were able to engage the participants in a way which allowed them to understand the information.

Once the response was implemented, we did not receive any referrals from SWITC until the day before the board met. We were expecting to receive the referrals on a more frequent basis so we could discuss them as a board and have sanctions and rewards ready the day of our monthly meeting. We were also surprised by the number of referrals we received from the staff, with none of them being positive.

As a board we sought assistance from the administration at SWITC. We were able to open up the communication flow to make sure the referrals were received in a timelier manner. Through the administration we encouraged the use of the referral form to identify the good behaviors of the clients and to focus on those. The board also identified the frequent reporters of negative behavior and spoke with them individually. Through this we were able to speak with them about their frustrations and identified ways

we as a board could assist them. This communication created better information sharing among the board and staff.

### **Assessment**

Calls into dispatch, calls for service and reports taken were identified as three areas easily evaluated. These areas were identified as they were indicators of the burden the facility was placing on law enforcement services. Each category indicates further resources utilized. Tracking the sequence of a call gave a more complete picture of the impact SWITC was making on law enforcement resources. Realizing not every call into dispatch equates to a call for service was necessary as dispatch resources are just as limited as patrol.

This data is stored electronically in the Records Management System for the Nampa Police Department and in the phone history for the dispatch center. The raw data was retrieved from the system with the help of the Nampa Police Records Supervisor and the Dispatch Supervisor. Data was retrieved for 2008 and 2009 as baseline years prior to the implementation of the Nampa Restorative Justice Board. Initial review of the data was conducted at the end of 2010 and another review was done at the end of 2011.

In reviewing data for years 2008 and 2009, we observed the calls for service to SWITC in 2008 were 93 and rose to 119 in 2009. Police reports showed a similar upward trend of 26 reports in 2008 and 44 in 2009. The trend did not maintain for calls to dispatch as data showed they were 239 and 227 respectively.

During the course of the first year, calls into dispatch from SWITC held steady at 229; however, calls for service dropped significantly to 64 and reports taken fell to 30. In 2011 the program made an even greater impact with calls into dispatch declining to 179,

reports taken falling to 23 and a slight increase in calls for service to 69. Several of the reports taken and calls for service were created by the Nampa Restorative Justice Board through warrant requests and warrant services. Without taking into account the number of reports generated by the Nampa Restorative Justice Board, the two year impact on calls for service equated to a 42% decline with a 48% decline in reports taken. The calls into the dispatch center declined 31% in the same period. Each of these reductions equated into an increased ability for the Nampa Police Department to serve the community at large. While there is no data to support the statement, SWITC supervisors report their staff is happier and have a more enjoyable time working with the clients.

The entire board reviewed the data and this data was shared with the administrators of the respective agencies. During the review process of the first year, there was no impact on the calls into dispatch. This data was not pleasing, especially to the Dispatch Supervisor. Reviews of the calls were conducted and revealed an issue with 911 hang-up calls which occurred during the month of July. These were attributed to a client who was subsequently moved from the facility and was not competent enough to be a part of the board. To combat this issue in the future, the police representative began to work informally with clients who were not competent; however, were still causing issues and increasing police workloads.

After the first year we were very encouraged by the response we received from the participants. We were able to make a significant impact on the call load endured by patrol. In the second year we needed to focus on the calls into dispatch. Once the 2011 data came out, it was clear we were making an impact on the dispatch call load as well. All of this is heartening as we begin work on the third year.

While we are experiencing a reduction in call load for the police department, there is some concern for the work being placed on the staff of the care facilities. The staff at SWITC has developed their own system of filing the paperwork for consideration by the Nampa Restorative Justice Board. While this initially was a concern, it was later realized if the police department was responding for a call and taking a report on the incident, the staff would have been required to fill out approximately the same amount of paperwork in a victim/witness statement.

In order to achieve results far superior to those already attained will require further resources not currently held by the agencies involved. All the agencies are experiencing economic constraints on their ability to provide further services. At this time the Nampa Restorative Justice Board has self imposed the maximum number of participants to ten. This includes the expansion of the program into the community. The ability to only serve ten participants at a time proves to be a challenge as we are frequently receiving requests for participation in the Nampa Restorative Justice Board from individuals in the community. The main resources needed to expand the program and increase the effectiveness include, full time dedicated staff from the Nampa Police Department and the Idaho Department of Health and Welfare. Once both agencies are able to assign staff to the Nampa Restorative Justice Board the program will be able to support a much larger clientele base.

## **Agency and Officer Information**

The Nampa Restorative Justice Board was devised under the direction of Sergeant Donald Peck, Jr of the Nampa Police Department with the assistance of Tom Snyder of the Idaho Department of Health and Welfare and Bryan Taylor with the Canyon County Prosecuting Attorney's Office.

Current board members are: Sgt Peck, Dawn Moore, Canyon County Prosecuting Attorney's Office; Blake Brumfield, Idaho Department of Health and Welfare; and Russ Salyard, Idaho Department of Health and Welfare.

### **Project Contact Person:**

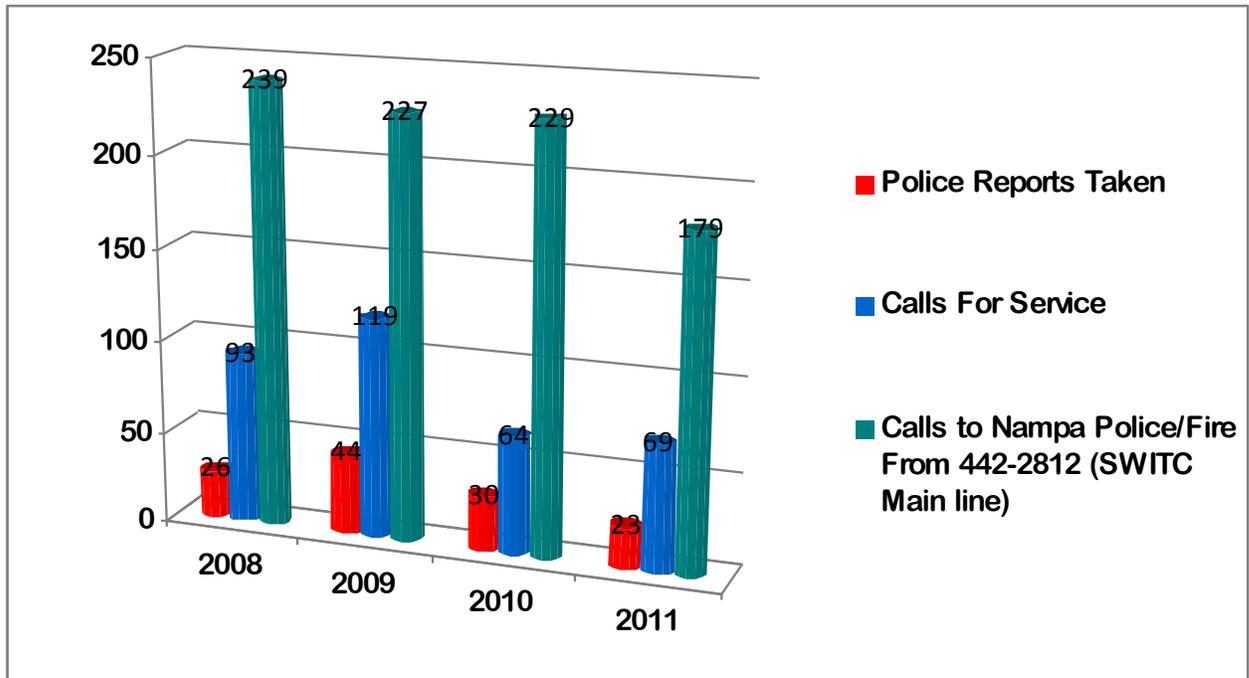
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## Appendix

**Table 1:**

	2008	2009	2010	2011
Police Reports Taken	26	44	30	23
Calls For Service	93	119	64	69
Calls to Nampa Police/Fire From 442-2812 (SWITC Main line)	239	227	229	179

**Graph 1:**



## **Program helps developmentally delayed adults**

**By NATE GREEN [ngreen@idahopress.com](mailto:ngreen@idahopress.com) © 2011 Idaho Press-Tribune | Posted: Friday, December 2, 2011 12:30 am**

NAMPA — Four years ago, Nampa Police Sgt. Don Peck saw something wrong with the way the criminal justice program treated people with developmental disabilities.

Judges often released them on unsupervised probation, so they weren't really held accountable for their crimes; or they were sent to jail but weren't given adequate treatment and counseling.

Either way, Peck saw the same people return to court again and again without changing their behavior.

Peck asked himself, "How can we hold them accountable under the law but recognize that jail is not the best place to put individuals with developmental delays?"

For nearly two years, Peck posed his question to local judges, attorneys, police and social workers. In January 2010, he came up with a solution: The Restorative Justice Board.

Now once a month Peck joins other board members — a representative from the Canyon County Prosecuting Attorney's office and two representatives from the state Department of Health and Welfare — to consider cases involving developmentally delayed adults from the state's Southwest Idaho Treatment Center in Nampa.

The board tailors each punishment to fit the individual.

"We will discuss the incident with them, and ask them what they should do. If they buy in to the punishment, then they'll comply," he said. Often the punishment is as simple as writing a letter of apology or giving up TV privileges.

The main emphasis, Peck said, is on "positive reinforcement."

Those who have gone before the board once are required to make follow-up visits. If they carry out their punishment and refrain from committing new crimes, they are rewarded by the board: usually something simple like a candy bar or a movie ticket.

In addition, Peck said he often visits his clients to chat with them or toss around a football.

Canyon County Prosecutor Bryan Taylor called the Restorative Justice Board "extremely successful." In 2008, police responded to 119 potential crimes at the Southwest Idaho Treatment Center. That dropped to 62 in 2009 and 28 this year.