

CATALOG

BUILDING



A



COMMUNITY



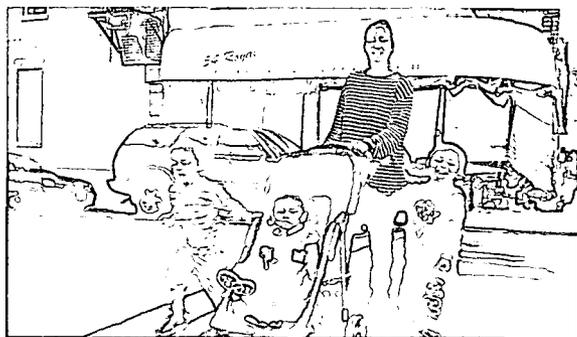
COURT

**T**HIS CATALOG OFFERS TOOLS, advice and resources about community courts. **What are community courts?** Community courts harken back to a bygone era, when courthouses stood at the center of the village green. Like the courts of yesterday, community courts embrace old-fashioned notions of accountability, tying a crime to its consequences, and lending a helping hand to those in need. Community courts are located in neighborhoods rather than centralized office complexes. More important than their location is their philosophy: **community courts take an aggressive approach to solving neighborhood problems like vandalism, landlord-tenant disputes, juvenile delinquency and drugs.**

Community courts use the authority of the justice system to restore neighborhoods that have been victimized by crime, neglect or disorder. They encourage greater citizen involvement, asking local residents and merchants to identify and prioritize neighborhood hot spots and eyesores. And they bring an array of new partners into the justice system — mediators, drug counselors, doctors, teachers, employment specialists — transforming the court into a hub for social services.



What's the point? Why would anyone want to spend the time and energy and money to build one of these new courts? The answer is simple: **community courts have proven effective in addressing quality-of-life problems and improving public confidence in justice.**



The first such court was the Midtown Community Court in New York. Since Midtown opened in 1993, a number of other states have picked up on the idea — from Florida to Oregon, from Pennsylvania to Colorado.



This catalog is a roadmap for anyone interested in community courts. The pages that follow will walk you through the three stages of planning a new court:

- ① Understanding the Problem
- ② Finding Solutions
- ③ Making It Happen

Along the way, you will be asked to consider some provocative questions. You will also be pointed toward resources that can provide further assistance.

**W**HILE COMMUNITY courts are still a new phenomenon, one thing is clear: there is no one-size-fits-all model. Different communities have

different problems. And different problems merit different responses. Planners should start by asking some basic questions: What do local residents think about the quality of life in their neighborhood? What are the neighborhood's strengths? What issues are chronic problems? And how do people feel about the court system? Talk with a broad spectrum of local voices — the store owner, the cop on the beat, the senior citizen on the park bench, the teacher at school.

Anecdotes alone are not enough. You also need data. Analyze statistics — census data, patterns of offending, types of dispositions — to corroborate what you have learned from talking to local stakeholders.



## HARTFORD, CONNECTICUT

Rae Ann Palmer, Office of the City Manager: *For the last several years, I have coordinated the Comprehensive Communities Partnership here in Hartford. Basically, this is a program that works to fight crime by building coalitions with police and community groups. To do this, we reached out to neighborhoods, talking with anyone who would listen. In the process, I really got to know Hartford. What I found surprised me. What was on people's minds? It wasn't the major crimes that get reported in the papers. Instead, the people I talked to were concerned about quality-of-life issues — loitering, public urination and street disturbances. At the same time, I heard a great deal of cynicism about the criminal justice system.*

*People didn't trust the police, didn't understand what judges do and didn't like attorneys. When you added it all up, it seemed like the perfect recipe for a community court.*

At the urging of the City Manager's office, the idea of a community court was taken up by a working group that included representatives from the court system, the prosecution and defense bars, and local police, probation and parole departments. With strong community support already in place, the group was able to win funding for the project from the state legislature. Hartford expects to launch its community court in November, 1998.

# RESOURCES

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The Midtown Community Court Video  
*a twelve minute video on the Court narrated by  
Charles Kuralt*

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The Midtown Community Court Experiment:  
A Progress Report  
*a review of Midtown's first three years of operation*

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Community Courts: A Manual of Principles  
*a discussion of the principles underlying community-  
focused courts, published by the Bureau of Justice  
Assistance*

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Community Justice Bibliography  
*readings on community courts and related community  
justice projects*

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Engaging the Community: A How To Guide  
*lessons learned from planning community courts  
in Midtown, Red Hook and Harlem*

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- ① What are the problems in your community?
- ② How are courts responding?
- ③ What could they be doing better?

**D**RAFT A DETAILED CONCEPT paper that outlines your best ideas. How will the court respond to your neighborhood's problems? The answer will depend on the problem. In some communities, the top priority may be juvenile delinquency. In others, it may be quality-of-life crime or domestic violence. Each of these issues demands a different kind of community court.

Don't confine your thinking to court cases, however. Community courts should be much more than just courtrooms. What does this mean? Because of their coercive power and symbolic presence, courts can be effective launching pads for programs like mediation, community service, job training, education and health care.

Courts cannot do all of this by themselves. Courts need partners. Who are these partners? A good place to start is with the stakeholders who were identified during the first phase of planning — businesses, social service providers, block associations and youth groups can all play a part.



RED HOOK, BROOKLYN

Wally Bazemore, Community Activist: *I grew up in Red Hook. I remember how this place used to be, before the drugs took over. Despite its image, Red Hook isn't a bad neighborhood — it's just a place that has some problems. Crime is an issue, but it's not the only issue. Families that live here in public housing also have to deal with domestic violence, kids acting out of control and problems with their landlords. And make no mistake: these issues are all inter-connected. Once I learned that a community court was in the works, I tried to encourage the court to take a holistic approach, to really be a one-stop center for people's problems. The court, the police and community leaders have to work hand-in-hand. People in this neighborhood always associate the*

*justice system with something horrendous. The community court can help them see that there's a flip side. Believe me, they'll get the message.*

By working with a neighborhood advisory group, Red Hook planners learned that there was broad support for a court that would take an aggressive approach to neighborhood problems. In response, Red Hook will be a multi-jurisdictional court, handling low-level criminal cases, family court matters and landlord-tenant disputes. Social services at the court, which is under construction and is expected to open in 1999, will be available to anyone who lives and works in the neighborhood.





# RESOURCES

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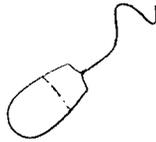
Neighborhood Justice at the  
Midtown Community Court  
*an essay published by the National  
Institute of Justice that looks at the  
challenges posed by community courts*

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How It Works  
*a step-by-step guide to case flow at  
the Midtown Community Court*

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Experiments in Technology:  
A Handbook for Court Innovators  
*a pamphlet on the use of technology  
at the Midtown Community Court*

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Dispensing Justice Locally:  
Effects of the Midtown Community Court  
*executive summary of an independent  
evaluation of the Court*

- ① Why is a community court the right response to your community's problems?
- ② What kinds of programs will be housed at the community court?
- ③ Who can help the court carry out its mission?

**N**OW COMES THE HARD part — turning your ideas into reality. Finding a site for a community court can be complicated — particularly in an era of “not-in-my-backyard”

activism. There are many possible models. Community courts can have their own buildings or they can share space with existing institutions. In either case, the courthouse should be as welcoming as possible — architecture should reflect the program’s mission.

Picking a site is one thing. Paying for the court is quite another. Be as creative as possible. Go back to your list of stakeholders and ask: who will benefit from this project? The answer may surprise you. Community courts can appeal to a broad range of funders, including those interested in health, housing and economic development.

Finally, remember that your court must be accountable to the community it serves. Honor this commitment by creating a meaningful evaluation plan and broadcasting the results. The community needs to know what’s working and what’s not.

## FORGERING COURT BUILDING



### BALTIMORE, MARYLAND

Hon. Martha Rasin, District Court of Maryland: *Soon after I became Chief Judge, I learned that a community court was in the works for downtown Baltimore. With the help of my predecessor, Chief Judge Robert Sweeney, a vision for the court was already in place. There was still plenty of work to be done. Operational details — finding a site, creating partnerships, winning the support of the Mayor — seemed insurmountable. How did we overcome them? With the help of some private foundations, the Greater Baltimore Committee, one of our oldest civic organizations, hired a full-time community court planner. She took on the challenge of bringing all of the relevant players to the table, meeting by meeting, to tackle*

*each problem separately. She kept us focused, and as a result we all feel a deeper investment in the project.*

In addition to hiring a coordinator, the Greater Baltimore Committee used private funds from the Abell Foundation to purchase a site near Baltimore’s waterfront. Researchers from the University of Maryland were brought on board to analyze crime statistics. Additional funds were raised from the Open Society Institute, the Governor’s Office and the state legislature. Operations in Baltimore are set to begin in 1999.

# RESOURCES

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Design Pak: Design Principles  
from the Midtown Community Court  
*how to use design and architecture to reflect and enhance  
the courts' mission*

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Street Outreach Services: A Snapshot  
*a description of Midtown's newest program –  
a street outreach project launched in concert  
with the New York Police Department*

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Resource Manual  
*practical tools for planners, including focus group  
protocols, sample budgets, guidelines for community  
service supervisors and other model forms*

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In the News  
*a selection of press coverage about community  
courts from across the nation*

- 1 Where will the court be located?
- 2 Who is going to help pay for the court?
- 3 How will you measure success?

**T**HE BUREAU OF JUSTICE ASSISTANCE (BJA) has underwritten this catalog as part of its commitment to providing technical assistance and support for the development of community courts. BJA, a component of the

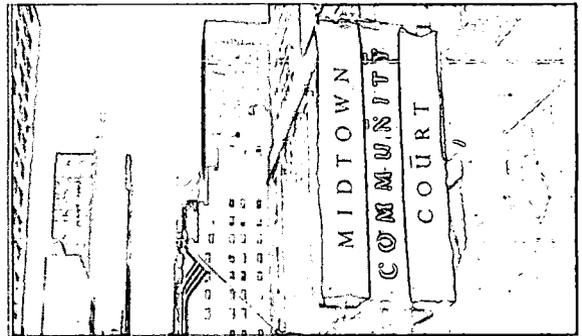
Office of Justice Programs, U.S. Department of Justice, supports innovative programs that strengthen the nation's criminal justice system. Its primary mission is to provide leadership and a wide range of assistance to local criminal justice strategies that make America's communities safer.

With a technical assistance grant from BJA, the Center for Court Innovation is available to assist anyone who is interested in developing a community court. The Center's staff can:

- Answer questions about community courts;
- Provide information and practical tools;
- Lead tours of the Midtown Community Court;
- Offer individualized support to planners as they progress.

*For assistance, please call Jimena Martinez at (212) 373-8098*

*Visit our website at [www.communitycourts.org](http://www.communitycourts.org)*



## CENTER FOR COURT INNOVATION

Located in New York City, the Center for Court Innovation, a partnership of the Fund for the City of New York and the New York State Unified Court System, was established to create new court prototypes. The Center functions as the court system's independent research and development arm, exploring new ideas and testing new approaches to chronic problems like quality-of-life crime, family violence and addiction. The Center works to improve public confidence in justice by reshaping the frontline courts that citizens use on a daily basis — criminal court, housing court and family court. Planners from the Center have helped plan, design and implement the award-winning Midtown Community Court, the

Brooklyn Treatment Court, the Brooklyn Domestic Violence Court, the Manhattan Family Treatment Court, and two new community courts, one in Red Hook, the other in Harlem.

In addition to its work in New York, the Center works with the U.S. Justice Department's Bureau of Justice Assistance to help planners in other states develop their own court experiments. Through how-to manuals, workshops, site visits, a web site and catalogs like this one, the Center provides information and assistance to cities across the country.

# HOW TO ORDER

- ① Fax completed form to 212-397-0985
- ② Or mail to:  
 The Center for Court Innovation  
 351 West 54th St., New York, NY, 10019
- ③ Checks payable to: Fund for the City of New York

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Experiments in Technology		EMAIL
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Design Pak		
Street Outreach Services		
Resource Manual		
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Written by

Greg Berman

1999

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## Red Hook Planning Diary

### Introduction

*How does a community court move from concept to implementation? What strategies have proven successful at winning over skeptical neighborhoods? Is it possible to sell the idea of a community court to funders who have not traditionally supported court innovation? The diary that follows charts how one community court planner negotiated some of the challenges of early planning, including community needs assessment, fundraising and program design. It tells the story of the initial days of the Red Hook Community Justice Center, a neighborhood-based court currently in development in southwest Brooklyn. The Justice Center is still a work in progress. This diary offers lessons from a crucial moment in its development -- the early stages of planning. For regular updates on Red Hook, please log on to [www.communitycourts.org](http://www.communitycourts.org).*

### How Did I Get Here?

I remember the first time I ever heard of Red Hook. It was 1991. Against my better judgement, I was dragged by a couple of friends to one of those movie theatres that plays only artsy and independent films. The film that was showing that day was called "Straight Out of Brooklyn." At the time, I thought it was the most depressing movie I had ever seen. It depicted the struggles of a young man living in the Red Hook housing projects and dealing with an extremely dysfunctional family. I don't recall much of the plot, but I do remember that it ended with gunshots and heartache.

So three years later, when I got a call from John Feinblatt, the director of the Center for Court Innovation, asking if I was interested in planning a community court for Red Hook, I reacted with no small amount of trepidation. For me, like many New Yorkers, Red Hook conjured up images of a neighborhood under siege, a community that epitomized urban blight.

While I mulled over John's offer, I went out to spend some time in the neighborhood. I had expected to see a desolate ghost town, but it didn't take long for me to realize that there was more to Red Hook than its reputation suggested. I visited Red Hook on a beautiful summer day. I walked through Coffey Park, the central neighborhood park, and saw families enjoying the afternoon sun. I toured Red Hook's waterfront, with its spectacular views of the Statue of Liberty and lower Manhattan. I saw visible signs of economic development -- a warehouse had been refurbished and an art gallery and small waterfront museum were in the works. Finally, I met a couple of people, most notably Monseigneur John Waldron, the parish priest of the local Catholic church, who talked enthusiastically about the neighborhood's rich history and its recent progress in improving the quality of life. By the end of the day, I was sold. I took the job and began what has been one of the most fascinating experiences of my professional life.

### Why Red Hook?

This was a question that was answered before I arrived on the scene. In 1992, Patrick Daly, a local school principal, was accidentally murdered in a drug-related shoot-out. In the months following his death, Brooklyn District Attorney Charles J. Hynes told the local media that Red Hook would be an ideal location for a community court. DA Hynes' remarks started the ball rolling. There were other factors that made Red Hook an attractive site. Most important was the neighborhood's isolation -- it is one of the few communities in New York with easily identifiable borders. You know when you're in the neighborhood and you know when you're not. In a well-defined community like Red Hook, it is easier for a demonstration project like a community court to have a concentrated impact. It is also simpler for researchers to measure that impact.

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By the middle of 1994, the District Attorney's office and the Center for Court Innovation had agreed that it was worth exploring the feasibility of a community court in Red Hook. The next question was how to proceed. The two offices decided to go in together on a joint funding application. Their first target was the New York City Housing Authority. This made perfect sense: after all, more than 70% of Red Hook's residents live in public housing, so the Housing Authority is naturally one of the largest stakeholders in the community. The proposal was successful; it was this grant that enabled the Center for Court Innovation to hire me as a planner in the summer of 1994.

## Defining the Problem

One of the very first things that happened after I accepted the job was a series of focus groups with Red Hook residents. The Brooklyn District Attorney's Office helped put the groups together, bringing in an outside consultant to facilitate the conversations. We held separate discussions with community leaders, social service providers, young people and single moms. Red Hook is small enough -- it has less than 11,000 residents -- that we were able to get just about all of the major players in the neighborhood to come, as well as reach beneath them to talk directly with their constituents. More than 50 people attended the groups, which were held at the Red Hook Public Library. Participants were asked a series of fairly simple questions: What are the major problems in Red Hook? How might a neighborhood court help address them? What should be the court's priorities? The conversations were extremely lively. I remember that once people started talking it was difficult to get them to stop -- several of the groups ran well over their allotted times.

I learned a couple of important things from the focus groups. The first was that despite Red Hook's reputation for drugs and serious violence, the way that local residents' talked about their community was not markedly different from the way that residents of midtown Manhattan talked about their neighborhood in focus groups held before the creation of the Midtown Community Court. Quality-of-life conditions -- graffiti, littering, noise violations, loitering -- weighed heavily on the minds of those who participated in the focus groups. I remember one participant saying, "Violations do not receive any priority...we need a [better] quality of life. Even the schools are not safe." Another expressed the feelings of many when he said: "The court system has failed us...[offenders] go through revolving doors."

But low-level offending was not the only thing on the minds of the focus group participants. Red Hook residents had problems that took them to family court and civil court as well as criminal court. These included disputes with landlords, small claims cases and domestic violence issues. Several participants lamented the jurisdictional boundaries of New York's court system. One person said, "You can't divide a person up. You have to have a comprehensive look at the whole person. The community court could do that." Comments like this one confirmed our initial hunch that a community court in a neighborhood like Red Hook should be multi-jurisdictional, that it should attempt to address the full range of legal issues faced by local residents, not just criminal matters.

Finally, participants in the focus groups urged the court to be as aggressive as possible in providing social services. One recommended that the court look at "the total picture -- spousal abuse, victim services, teenagers, mentor programs, mock court, parenting skills." From comments like these, we began to fashion a notion that the court should provide services not just to defendants, as the Midtown Community Court does, but to everyone who is touched by crime in Red Hook -- defendants, victims and those in the community who are simply concerned about public safety. It was not long after the

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focus groups that we decided to call the project a "community justice center" instead of a community court. We thought that "community justice center" better signified our intention to build much more than just a courtroom in Red Hook.

## Engaging the Community

The focus groups were productive sessions, unearthing a treasure trove of valuable data about community attitudes and expectations. At the same time, they were a useful tool for building neighborhood support, as I discovered in the days that followed. Red Hook is a neighborhood with a deep skepticism about government initiatives, a skepticism that is rooted in a history of government neglect and unwanted intervention. Many Red Hook residents feel that their community is home to a disproportionate number of undesirable government projects. They point to the neighborhood's methadone clinic and waste transfer station as prime examples. They also feel that their neighborhood's character was forever changed for the worse by Robert Moses, the master builder of New York, who essentially cut the neighborhood off from the rest of Brooklyn when he constructed the elevated Gowanus Parkway in the 1940's.

Given this history, it is fair to say that many Red Hookers are hesitant about ambitious new government initiatives, no matter how good they sound on paper. In attempting to win community support for the Justice Center, this attitude would prove to be our largest obstacle. We got off to a good start in overcoming it with the focus groups. Almost by accident, we had sent a powerful message to Red Hook residents by convening the focus groups. And that message was: *your voice counts*. The focus groups were a visible sign that we intended to consult the community at each step of the process. This was not lost on participants.

Over the next several months, I met individually with every stakeholder that I could think of: business owners, clergy, tenant leaders, elected officials, police officers, Housing Authority administrators, local social service providers and others. As an outsider to the community, I took pains to emphasize that I was *there to learn from them*, that my job was to help translate their concerns and their ideas into concrete programs. In general, people were generous with their time and grateful to be asked about their opinion.

I also went to as many public meetings in Red Hook as possible. At some, I spoke about the Justice Center. At others, I went just to listen. This sent the message that I wasn't coming to the community as a carpetbagger, that I was interested in more than just selling a bill of goods.

What I learned from all of these encounters was that there is no substitute for face time. In other words, it is impossible to build meaningful relationships without investing significant time and energy. As the months passed, I found my connections with community leaders deepening. I met their children, attended their church services, wrote them letters of recommendation, ate dinner with them, and supported several of their neighborhood charity efforts. These ties would serve the Justice Center well when it was necessary to mobilize neighborhood support for a grant proposal, a newspaper article or a public meeting.

To my surprise, my outreach efforts revealed very few concerns about the Justice Center. The issues that I did hear were less about the concept than about process: Who would direct the Justice Center once it opened? What were we doing about jobs for neighborhood residents? Would the Justice Center have a community advisory board? Given these concerns, we decided to create a formal vehicle for community input. For

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the last thirty years, New York City has had a network of 59 "community boards" that are responsible for advising the City's administration about land-use and other neighborhood issues. Several dozen community representatives sit on each board. Early on, Community Board 6 in Brooklyn, which includes Red Hook, agreed to convene a special task force devoted to the Justice Center. For the past three years, this task force has functioned as a de facto advisory board for the project. They convene public meetings about the project every three months or so. These sessions are a valuable opportunity for community residents to stay informed about the Justice Center and for us to keep our fingers on the pulse of the neighborhood.

### **Building Partnerships**

I was not alone in trying to build community support for the Justice Center; from the start, I enjoyed the active partnership of the Brooklyn District Attorney's Office. Two attorneys in particular -- Gene Lopez and Carl Thomas -- were instrumental. Their presence, and the DA's early endorsement, lent the project immediate credibility. Gene and Carl have since given way to two new representatives from the DA's office (take a bow, Michael Frett and Maria Leonardi), but the relationship is the same.

I think it is important to note that the partnership with the DA's office is not a make-believe or paper partnership, but a real-world relationship fraught with real-world tensions and conflicts. Although we share a common goal -- creating a neighborhood justice center -- we both have our own organizational agendas and pressures outside of Red Hook. Inter-agency collaboration takes patience, but in my experience it is well worth the effort. The DA's office has helped enrich the planning process, bringing additional resources -- and a different institutional perspective -- to the table.

While the relationship with the DA's office was the most intimate, it was by no means the only partnership that was forged in the early days of the project. Another crucial partner was Victim Services, New York's largest victim assistance agency, which runs programs throughout the City's neighborhoods, including Red Hook.

Bringing Victim Services into the planning process made perfect sense; Red Hook is a community in which nearly every resident is at immediate risk of being a crime victim. Similarly, many residents know someone, either a friend or a relative, who has been the perpetrator of crime. Often, the line between perpetrators and victims is blurred: many offenders find themselves preyed upon and many victims are engaged in illegal activity of one kind or another. In this environment, a community justice center must be aggressive about providing victims with assistance and giving them a voice in the justice process. Victim Services -- particularly Jeanne Mullgrav and Paula Calby -- has been instrumental in helping us think through these issues.

### **Red Hook Public Safety Corps**

The most visible sign of our partnership with the DA's Office and Victim Services is a joint project launched in the fall of 1995. The Red Hook Public Safety Corps is a community service program that puts 50 local residents to work on crime prevention and victim assistance projects. In many respects, the Public Safety Corps embodies the values of the Justice Center: it seeks to provide an underserved neighborhood with the tools it needs to address disorder and improve public safety.

The Public Safety Corps grew out of a desire to find aggressive and creative ways to solve community problems in Red Hook. Like the Midtown Community Court, the Red Hook Community Justice Center is built on the principle that courts can do more than just respond to crime after it occurs. This means engaging in activities like reaching

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out to victims, escorting the elderly and fixing broken windows. But to get this kind of work done requires manpower -- manpower that most courts simply do not have.

Luckily, we found a vehicle capable of providing us with the resources we needed: President Clinton's national service program, AmeriCorps, which provides participants with a small living allowance and an educational award of about \$5,000 in return for a year's worth of community service work. In 1995, in collaboration with the DA's Office, Victim Services and a third organization (the National Organization for Victim Assistance in Washington, D.C.), we applied for an AmeriCorps grant, requesting funding to support 50 national service volunteers (and four staff members) in Red Hook.

AmeriCorps turned out to be a perfect fit. The AmeriCorps grant enabled us to establish an ongoing presence in the neighborhood. I was able to use the grant as leverage with the New York City Housing Authority, which donated a ground floor apartment in the Red Hook housing project to serve as the home base of the Red Hook Public Safety Corps. Each day from this headquarters, Corps members fan out across the neighborhood, performing community service at local schools, health clinics, police precincts, and senior centers.

In spirit, the Public Safety Corps is somewhere between summer camp and boot camp. Our Corps members are bursting with energy and ideas. The challenge is to channel their enthusiasm in productive directions. The easiest way to do this has been to give Corps members a role in creating their own service projects. In the process, Corps members have pushed the program in some unexpected directions. For example, one member put together a weekend baseball league to keep young people off of the streets. Some observers may fairly question whether running a youth baseball league is an appropriate activity for a court. But this type of engagement with the neighborhood is at the heart of the Red Hook enterprise and is entirely consistent with the Justice Center's commitment to improving the local quality of life.

The Public Safety Corps is unique in a couple of other respects as well. Unlike many AmeriCorps programs, which parachute volunteers from Ivy League colleges into poor communities, our Corps members are recruited from Red Hook and surrounding neighborhoods. In the program's first year, more than 75% of the members were residents of Red Hook's public housing project. In addition, the Public Safety Corps is an inter-generational Corps, with participants ranging in age from 18 to 54. Most AmeriCorps programs are geared toward young people, particularly recent college graduates. Given Red Hook's high rate of unemployment, it came as little surprise that residents of all ages applied to participate in the Public Safety Corps.

Over the last couple of years, the program has had a major impact on its participants. The Corps has succeeded in offering its members -- many of whom are on public assistance -- a chance to broaden their horizons and learn meaningful work skills. Several program graduates are now in college and a number have gone on to full-time employment in public service.

More importantly, the members of the Public Safety Corps have made a visible difference in Red Hook, repairing more than 400 locks, painting over 4,000 square feet of graffiti and conducting conflict resolution workshops for more than 800 schoolchildren. The Corps is now an integral force in the neighborhood. Community leaders in particular have come to see the Corps as a valuable tool, calling on members to help them in implementing pet projects like a community garden, after-school tutoring and tenant patrols.

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## Developing the Site

Beyond its intrinsic value to the community, the Public Safety Corps served another important purpose: it kept talk of the Justice Center alive during some of the project's lengthy dry spells, when progress was slow. There were two principal reasons for these dry periods: problems with the proposed location of the Justice Center and the challenge of raising capital funds in a time of government cutbacks. As time went on, these two issues became inextricably connected. 

Siting a new project is almost always a tricky business, particularly in a city like New York, where real estate is an extremely precious -- and political -- commodity. Thankfully, Red Hook offered one major advantage in this regard. Because of the dramatic population and business flight out of the neighborhood over the preceding 25 years, Red Hook has a number of vacant and abandoned properties. After investigating all of the city-owned sites in the neighborhood -- and inspecting several privately-held properties as well -- eight sites emerged as viable options. Each was close to public transportation and each was large enough to house both a courtroom and social service programs.

In an effort to narrow the list further, we organized a bus tour for local community leaders from the Community Board 6 task force. After looking at all of the possibilities, their clear first choice was Visitation School, a vacant parochial school that had closed its doors in the 1970's.

Visitation struck their fancy for several reasons. First, it was located in between "the front" and "the back." In Red Hook parlance, "the front" signifies the public housing projects. "The back" is the area closer to the waterfront, which is composed of single-family row houses that are occupied primarily by Italian and Irish Americans. Visitation, in effect, is situated in neutral territory -- it "belongs" to neither the front nor the back. This is an important political consideration in Red Hook. 

On an emotional level, many residents were drawn to Visitation because it had once been an important community resource. They looked at the Justice Center as an opportunity to bring back to life a magnificent old building. And magnificent is precisely the word to describe it: built at the turn of the century, Visitation School has the kind of dignified street presence that you might expect from a neighborhood courthouse. And, as it turned out, Catholic Charities, which owned the building, was willing to lease it and play an active role in making the project happen. End of story, right? Wrong.

Visitation was not without its drawbacks. Although the structure itself was in good shape, the interior was a disaster. Asbestos and lead paint were major problems. The roof needed to be replaced. None of the windows were worth saving. It took several months to investigate the building properly -- conducting tests, analyzing results, meeting with engineers and construction managers, preparing preliminary architectural drawings. After all was said and done, we got the bad news: it would cost several million dollars to renovate the building.

## Fundraising

Many good ideas founder on the shoals of poor fundraising. No program, no matter how well-intentioned or creative, can survive without adequate resources. I won't lie about this: raising money for the Justice Center was not easy. There were days, even months, when I thought that the project would wither on the vine as we waited for grant proposals to be reviewed. 

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In addition to the New York City Housing Authority, some initial seed money for the Justice Center had been provided by a couple of local foundations -- the Schubert Foundation, the Fund for the City of New York and the Scherman Foundation. While this was enough to keep me employed, it was not nearly enough to support a multi-million dollar renovation project. The question quickly became: where do we find that kind of dough?

The answer came at the end of 1996. After several months of conversations, site visits and proposal writing, we received a grant from the Justice Department's Bureau of Justice Assistance to pay for the soft costs associated with renovating the Visitation School -- primarily fees for architects, engineers and renovation managers. With this money in hand, we were able to make a much stronger case to the Mayor's Office here in New York. Red Hook all of a sudden had attracted the interest of the federal government, which had shown its commitment to the project by making a two-year, \$1.2 million grant. Would the City step up to the plate as well?

This decision was made at the highest possible levels: New York State Chief Judge Judith S. Kaye and New York City Mayor Rudy Giuliani were personally involved in the conversations. Finally, after more than two years of reaching out to the community, building the concept and developing the site, in December of 1996 the City announced that it would cover the full cost of renovating Visitation. The next phase of planning the Justice Center was ready to begin.

#### Conclusion

*A groundbreaking ceremony for the Red Hook Community Justice Center was held in front of Visitation School in the summer of 1998. Several hundred local residents watched as Mayor Rudolph Giuliani, Chief Judge Judith S. Kaye, District Attorney Charles J. Hynes and other dignitaries shoveled the first ceremonial pile of dirt. Before construction could begin, the project had to pass a rigorous community review process that included the local community board, the Brooklyn Borough President and the City Planning Commission. Thanks to the groundwork that had been performed during early planning, the Justice Center passed each stage of review without objection. Renovation is now well underway. Operations are scheduled to begin at the end of 1999.*

Notes



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Center for Court  
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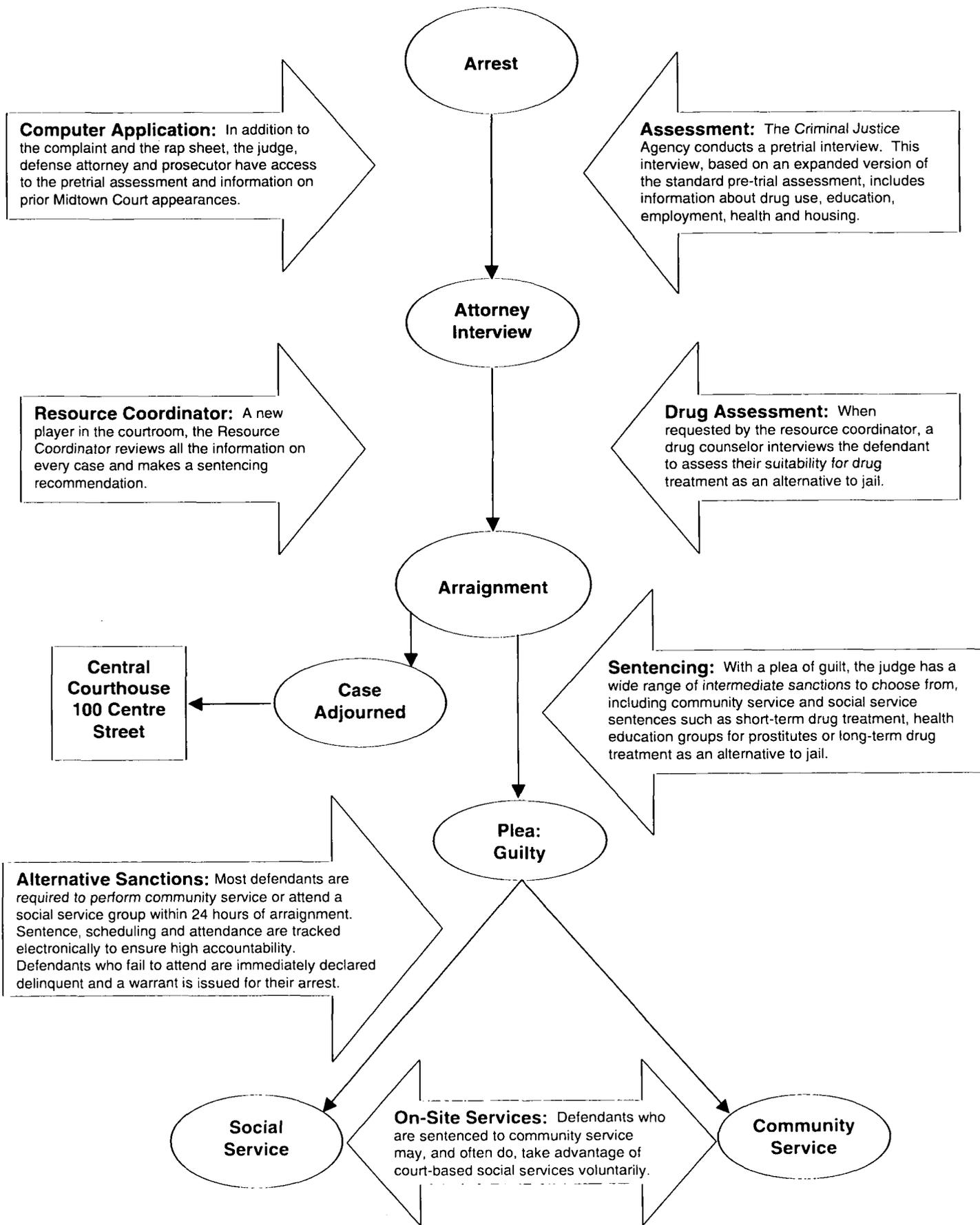
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## Midtown Community Court Case Flow Summary



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## How it Works: A Summary of Case Flow and Interventions at the Midtown Community Court

### Introduction

The Midtown Community Court provides swift and visible justice for low-level offenses such as prostitution, shoplifting, minor drug possession, turnstile jumping and disorderly conduct. A project of the New York State Unified Court System and the Center for Court Innovation, the Midtown Community Court is an official arm of the New York Criminal Court. The Midtown Community Court arraigns misdemeanor cases from three mid-Manhattan police precincts. When Midtown opened, these precincts accounted for over 40% of all misdemeanor arrests in Manhattan.

Locating the Midtown Community Court in the neighborhood where crimes occur had some immediate effects. Before the Court's existence, arrest-to-arraignment time averaged in excess of 31 hours. The Midtown Community Court reduced this to an average of 18 hours. But Midtown's design does substantially more than replicate the routine case processing of low-level crimes that happens in traditional urban courts. Midtown uses a combination of punishment and help. The following is a summary of case flow at the Midtown Community Court:

### Prior to Arraignment

**Arrest** The Midtown Community Court's caseload includes "summary arrests," in which defendants are held in custody before arraignment, and desk appearance tickets (DATs), in which defendants are issued a summons to appear at court on a future date. All defendants are booked at the Midtown North Precinct. DATs return to court on the morning of their assigned appearance. Defendants detained by the police are escorted to the Court for arraignment.

**Pretrial Assessment** All defendants -- both summary arrests and DATs -- are interviewed by New York's pretrial services agency, the Criminal Justice Agency (CJA). The purpose of the pretrial interview is to help create a detailed portrait of each defendant -- something that high-volume arraignment courts rarely have time to do. In addition to the questions they typically ask in order to make recommendations about pretrial release, the CJA also administers a rudimentary assessment interview, with questions about defendants' substance abuse history, shelter status, access to public entitlements and history of mental illness.

**The Computer Application** One of the goals of the Midtown Community Court is to provide easily accessible information to court players so that they can make better decisions. The information from the pretrial assessment, the district attorney's complaint, the defendant's criminal record and information about prior appearances at the Midtown Community Court (including compliance with past sentences), are available to the judge, defense attorneys and prosecutor at the touch of a button through the Court's computer system. Information is color-coded to highlight problem areas, such as criminal history, drug use and homelessness. Court personnel use this expanded set of information to shape individualized sentences: Is the defendant a good candidate for drug treatment? What kinds of community service assignments -- street cleaning, graffiti removal, tree planting -- would be appropriate? These are the kinds of questions that technology helps answer.

**Attorney Interview** Defense attorneys interview all defendants prior to arraignment. The majority are represented by a public defender, but defendants may also retain a

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private attorney. Four defense attorneys are assigned to Midtown -- two from the Legal Aid Society and two private attorneys that the City hires to represent the indigent.

**Resource Coordinator** In addition to traditional court staff, the Midtown Community Court has stationed a new player in the courtroom: the resource coordinator. The resource coordinator, affiliated with neither the prosecution nor the defense, uses the Court's computer application to review all information available on a case, and then makes a sentencing recommendation to the judge. If a defendant has requested drug treatment -- either in the pretrial interview or in speaking to the defense attorney -- the resource coordinator will ask a court-based case manager to conduct a more detailed assessment interview. The resource coordinator also serves as the link between the alternative sanctions floor and the courtroom, verifying information if there are data discrepancies, or talking to the court-based counselors to get a better understanding of defendants who have received social services in the past.

### Arrestment

In New York, the arrestment is the first time the defendant appears before the judge. At arrestment, the prosecuting attorney formally presents the charges against the defendant, the defendant enters a plea, and the judge makes a decision on the case. If the defendant pleads not guilty, or if the case needs to be continued for another reason (e.g. the defendant has a case pending at another local court), the case is adjourned to Manhattan's centralized court. However, nearly 80% of the cases at Midtown are disposed of at arrestment (about the same as other New York City courts), either through a guilty plea or through an adjournment in contemplation of dismissal (ACD).<sup>1</sup>

Choosing among a greatly expanded set of sentencing options and equipped with unprecedented information on the case before her, the judge at Midtown is able to construct more meaningful sentences -- sentences that take into account the defendant's personal circumstances, past criminal history, and compliance with prior sentences at the Midtown Community Court.

Approximately 70% of defendants whose cases are disposed of at Midtown receive community service and/or social service sentences -- more than double the rate of other criminal courts in New York City.

The judge disposes the remaining cases with jail or fines. Although the Court sentences jail less frequently than other courts in the city, when it does, the sentences are longer. This reflects the Court's philosophy of increasing the consequences for repeat offenders.

### Alternative Sanctions

Defendants who are sentenced to community service and/or social services do not leave the building following arrestment. An officer of the court escorts them to the alternative sanctions floor, significantly increasing the likelihood that a defendant will complete the sentence. Such immediacy sets the Court apart from prior community and social service programs, many of which have foundered because they refer defendants to programs miles -- or days -- away.

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<sup>1</sup>Defendants who receive "ACDs" have their cases dismissed and sealed 6 months after disposition if court-stipulated conditions are satisfied. Midtown typically requires that defendants have no new arrests over the 6 months and that they complete community service or social service sentences. ACDs are generally reserved for defendants with little or no prior involvement in the criminal justice system.

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Although the cases heard at Midtown are not very complicated, they involve defendants with very complicated lives. Drug abuse, homelessness and illiteracy are common among misdemeanants and contribute to continuing criminal involvement. Because of this, the Midtown Community Court has devoted an entire floor to the scheduling and monitoring of alternative sanctions and the provision of court-based social services.

All defendants sentenced to alternative sanctions meet first with nurses from the city's Department of Health, who conduct health interviews, offer referrals to health services and provide on-site testing for HIV, TB and STD's, along with pre- and post-test counseling. Defendants in need of additional medical services may meet with a nurse practitioner assigned to the Court from the NYU School of Nursing.

After meeting with a Department of Health nurse, defendants speak with an intake counselor who conducts a more detailed needs assessment. The intake counselor is responsible for assigning the defendant to their community service or social service placement, describing the social and educational services available on-site and encouraging defendants to use the services. Whenever possible, defendants begin serving their sentence the same or the next day.

### Community Service

The Court designs community service sentences to both punish defendants and to pay back the community in which the crime was committed. Projects are divided into three levels: low, medium and high supervision. Defendants under low supervision have limited or no prior criminal history and have no immediate health, drug or homelessness concerns. Under the direction of community partners such as the Salvation Army or Times Square BID, defendants complete their community service sentences in the surrounding neighborhood. Medium risk defendants are either under 18 years old, or homeless and living in a shelter. They work in the community, but are supervised by court staff, cleaning streets, painting fire hydrants, eliminating graffiti and restoring tree pits. Defendants who require high supervision may have mental or substance abuse issues, or a violent criminal record. Managed by court supervisors, they complete their community service in the building, either cleaning the courthouse or working at Times Square Express, the Court's bulk mailing operation for local nonprofits.

### Social Services

A central premise of Midtown is that the courthouse can serve as a gateway to substance abuse treatment and related services for a population with multiple problems and limited access to assistance. While some defendants are mandated to participate in treatment, the Court strongly urges all defendants to make use of its services any time they feel ready, whether or not they are still coming to the Court.

The Midtown Community Court is the first court in the nation to house a comprehensive array of social service providers on-site, under one roof. Agencies at the Court include New York City's Human Resources Administration, Department of Homeless Services, Board of Education and Department of Health and New York University's School of Nursing. Clinical staff share office space with court personnel and thus are able to offer a coordinated response to defendants' problems with substance abuse, housing, health, education and employment.

The traditional response to misdemeanor crime is either a short-term jail sentence or "time served." One of the challenges for a community court is to craft meaningful, short term sentences as an alternative to the two extremes: jail or nothing.

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Short-term social service sentences at the Court include:

Treatment Readiness Program (TRP) TRP is a group counseling program for defendants with substance abuse problems. Each session consists of three general components: acupuncture, drug awareness and life coping skills.

Health Education Health education groups for prostitutes and “johns” address issues such as safe sex practices, street survival skills and other health-related information.

Prostitutes’ Group This group targets prostitutes with multiple arrests and appearances at Midtown. Groups focus on building self-esteem, goal setting and planning for the future.

Individual Counseling Individual counseling sessions can be arranged for clients who may have mental health problems that preclude them from participating in community service or for individuals who have multiple problems and would not benefit from other groups.

For jail-bound defendants with a more serious criminal history or offense, the Court offers an alternative to jail. The judge has the option of placing jail-bound defendants who are interested in drug treatment in short- or long-term drug programs. All candidates must be assessed by Midtown staff for suitability. Court-based case managers monitor defendants’ participation daily. During the course of their treatment, defendants appear before the judge regularly so that their progress can be reviewed and their urine tested.

In addition to the above services, the Court offers a variety of services that are open to any defendant or community member on a voluntary basis. These include English as a Second Language classes, high school diploma equivalency classes, voluntary drug testing, a health clinic run by New York University School of Nursing, a job employment training program -- Times Square Ink. -- and sessions of Alcoholics Anonymous.

## Compliance

Court staff monitor compliance with alternative sentences closely. If a defendant fails to report for service, the Court sends out a warning letter within two days. Within a week, the judge will sign a warrant for the defendant’s arrest. At the Midtown Community Court, the compliance rate for community service is 75%, the highest in the city.

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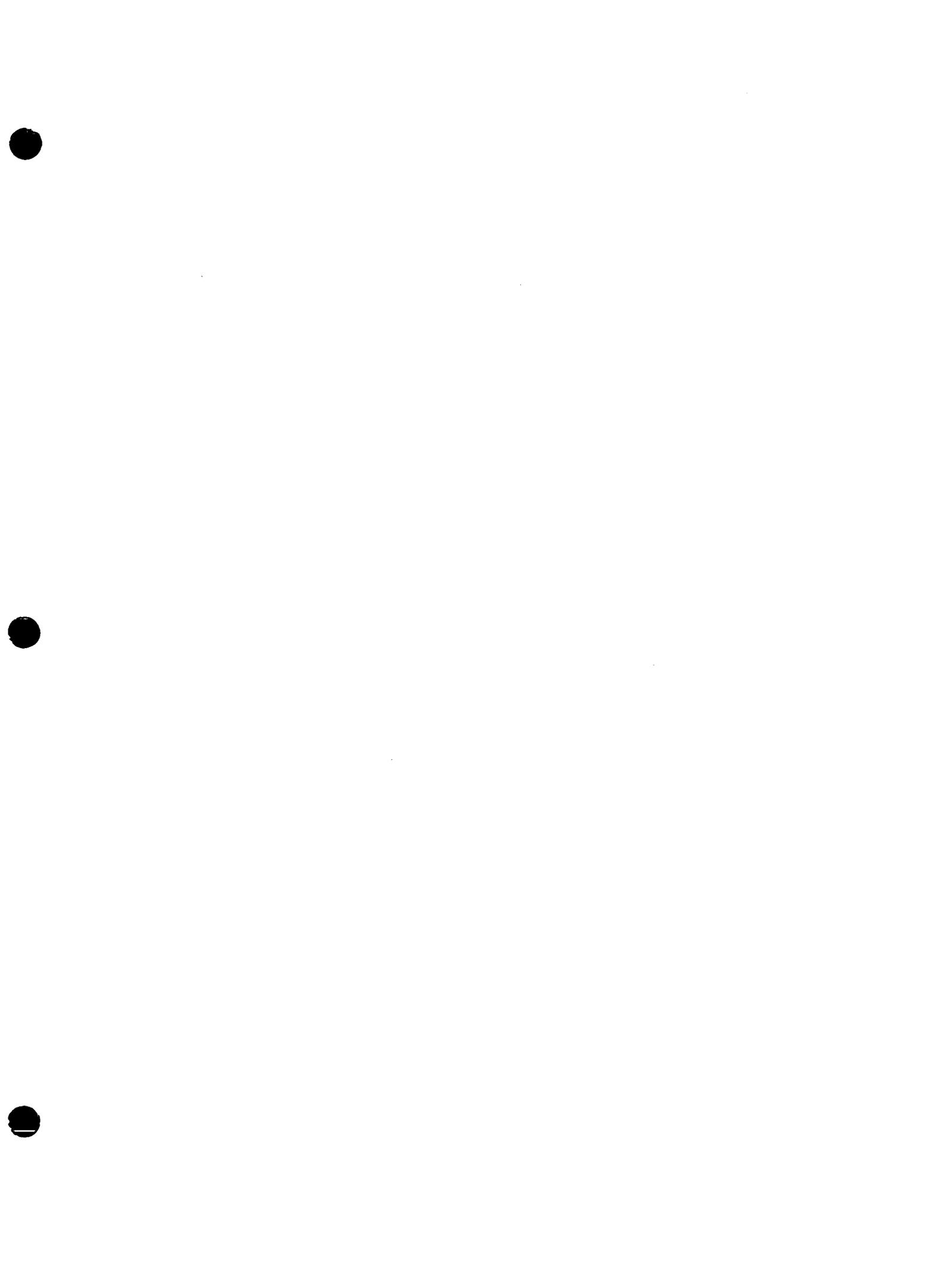
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## Neighborhood Justice: Lessons from the Midtown Community Court

### Introduction

In recent years, a disturbing gap has opened up between the criminal justice system and the communities that experience crime and its consequences. Many citizens have come to view the criminal justice system as a collection of remote, inhospitable bureaucracies more concerned with counting cases than making sure each case counts. Across the country, new trends in the administration of justice are emerging to respond to this crisis of faith. One of the most notable is the development of community courts.

Community courts are neighborhood-based courts that use the power of the justice system to solve local problems. These courts seek to play an active role in the life of their neighborhoods, galvanizing local resources and creating new partnerships with community groups, government agencies, and social service providers.

The potential implications of this new approach are far reaching. Community courts welcome neighborhood residents into the justice process in unprecedented ways, inviting them to sit on advisory boards and participate in community impact panels that confront offenders with the consequences of their behavior. Community courts ask judges to play new roles, lessening their judicial detachment and actively engaging defendants, victims, and community members. Community courts alter the dynamics of the courtroom's adversarial process, encouraging judges, attorneys, and outside service providers to work as a team to foster common outcomes.

These are just a few of the ways that community courts represent a significant departure from business as usual. Needless to say, each of these issues bears careful scrutiny. Now, while the community court movement is still in its infancy, is a particularly important time for reflection. More than two dozen community courts are currently in the works across the country in Maryland, Minnesota, Connecticut, Colorado and other states.

In many respects, this is a report from the trenches. It is not intended to be the final word on the subject -- community courts are too new and the questions they raise are too profound for any publication to have all the answers at this stage. Our thoughts about community courts have been shaped by four years of experience operating a community court in New York City known as the Midtown Community Court. This paper mines our experiences in Midtown, using the Court as a starting point for a broader discussion about the potential impact of neighborhood-based courts on the criminal justice system. After sketching the results of the Midtown experiment, we address some of the major questions that community courts have engendered to date. One of the most basic lessons of the Midtown experiment is that changing the way that courts operate has consequences. When courts engage in unfamiliar practices, they also raise new concerns -- about due process, the adversarial system, and the independence of the judiciary.

Creating closer connections between courts and communities is a tricky business. What follows are some observations -- and some questions -- from one such experiment.

### Context

The Midtown Community Court opened in October 1993. Located on 54th Street in Manhattan, it is the first neighborhood-based court in New York City since the city's courts centralized in 1962. Before that date, New York had a network of neighborhood

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courts that handled intake for the city's criminal court system, arraigning defendants and disposing of low-level cases. After 1962, arraignment duties shifted to centralized courthouses serving each of the city's five boroughs. The change was intended to increase efficiency and address problems of local corruption and mismanagement. While centralization may have achieved certain economies of scale and encouraged uniformity, it came with a price: remoteness. Courts were removed from the communities they were intended to serve.

As caseloads increased in the centralized courts, felony cases began to claim more and more attention. Fewer resources were devoted to quality-of-life misdemeanors like shoplifting, prostitution, and subway-fare evasion. Judges felt tremendous pressure to dispose of such cases quickly. All too often, defendants sentenced for low-level offenses received a fine that might or might not be paid or community service that might or might not be performed. More disturbingly, judges sentenced as many as one out of four defendants to the "time served" in jail while awaiting their court appearance. For these defendants, the process became the punishment. (See Malcolm Feeley's landmark study of a court of limited jurisdiction, in which urban courts typically impose few sanctions in response to high-volume, low-level crime: Feeley, M. 1979. *The Process Is the Punishment*. New York, New York: Russell Sage Foundation.)

It is important not to overlook the historical context. Courts in the 1960s and 1970s labored under a different understanding of crime and social order. It has been only recently -- James Q. Wilson and George Kelling wrote their landmark essay, "Broken Windows: The Police and Neighborhood Safety" in 1982 -- that we have begun to understand the impact of low-level crime on the social fabric of communities. According to Kelling and his supporters, low-level crime -- if left unaddressed -- erodes communal order, leads to disinvestment and decay, and creates an atmosphere where more serious crime can flourish (See Wilson, J.Q., and Kelling, G.L. 1982. "Broken Windows: The Police and Neighborhood Safety," *Atlantic Monthly*, March, pp. 29-38. See also Kelling, G.L., and Coles, C.M. 1996. "Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities," New York, New York: Free Press). With the benefit of hindsight, it now seems clear that criminal justice agencies -- courts, police, prosecutors, and others -- had become disconnected from the problems that communities experienced on a day-to-day basis. In many respects, "Broken Windows" put into theory what many community residents felt intuitively.

### Midtown Community Court

Recognizing the importance of low-level offenses, the Midtown Community Court was designed to re-create a neighborhood-based arraignment court with a number of modern updates. The hope was that such a court could focus on those offenses that may be minor in terms of legal complexity but have a major impact on the quality of life. The Midtown Community Court is located near Times Square on the West Side of Manhattan, an area teeming with quality-of-life crime. The Court seeks to honor the idea of community by making justice restorative and accountable to neighborhood stakeholders. Offenders are sentenced to pay back the community through work projects such as caring for street trees, removing graffiti, cleaning subway stations, and sorting cans and bottles for recycling. At the same time, whenever possible, the Court uses its legal leverage to link offenders to drug treatment, health care, education, job training, and other on-site social services to help them address their problems. In these ways, the Midtown Community Court seeks to stem the widespread crime and disorder that demoralize law-abiding residents.

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The Court building itself is an exercise in rethinking justice. The courthouse is designed to be a physical expression of the Court's goals and values, communicating a fundamental respect for all who participate in the legal process, including often-overlooked stakeholders like defendants, service providers, and community residents. For defendants, the courthouse has clean, well-lit holding rooms where glass panels replace iron bars -- a pointed contrast to the squalid downtown holding pens. For social service providers, who are often treated as an afterthought in other court buildings, the courthouse includes a full floor of office space. An innovative computer system allows the judge, attorneys, and social service workers to keep in touch with each other and access a defendant's record at the click of a mouse. This gives counselors, educators, and social workers the tools they need to work with defendants referred by the judge and implicitly acknowledges the importance of nonjudicial personnel to the problem-solving mission of the Court. For community residents, the courthouse contains well-marked entry ways, space for community meetings, and overhead computer terminals that prominently display the schedule of cases that will be heard in court that day.

Law-abiding citizens play a key role at the Midtown Community Court. Local residents and merchants sit on a community advisory board that serves as the Court's eyes and ears, identifying neighborhood trouble spots and proposing new community service projects. In addition, the Court keeps residents informed of its work through a community newsletter and by employing an ombudsperson. These mechanisms have enabled the Court to establish a dialogue with local residents and to keep abreast of neighborhood needs and problems.

### Measuring Success

Judging a community court's success is complicated. Like other courts, a community court must employ traditional benchmarks, measuring the number and types of dispositions and how quickly they are reached. But community courts must also answer other questions, such as: What impact do sentences have on community conditions and defendant behavior? What effect does the court have on local residents' perceptions of justice? These and similar issues were investigated by the National Center for State Courts in a recently completed independent evaluation of the Midtown Community Court (See Sviridoff, M., Rottman, D., Ostrom, B., and Curtis, R. 1997. "Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court." Alexandria, Virginia: State Justice Institute).

One of the topics the National Center for State Courts focused on was the Midtown Community Court's ability to change the sentencing standards for low-level offenses. In particular, the Court created an array of intermediate sanctions, including community restitution and social services, that lie between short-term jail sentences and no sanction at all. These sanctions are designed to fulfill the Court's agenda of combining punishment and help -- an agenda that grew out of a dialogue between the Court's planners and the local community. During the Court's planning stages, local residents and merchants made it clear that they wanted the harm caused them by misdemeanor crime to be acknowledged and restoration made. At the same time, they felt that restitution in the form of community service was not enough. Community members also encouraged the Court to have an impact on the lives of offenders, offering them help that could curb their criminal behavior.

The National Center for State Courts' evaluation found that sentencing at the Midtown Community Court produced significantly more intermediate sanctions than at Manhattan's downtown court. Indeed, the Midtown Community Court more than

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doubled the rate of community service sentences. More important, the Court reduced the percentage of convicted offenders sentenced to time served. At the downtown court, 24 percent of the cases received these sentences; at the Midtown Community Court, less than 1 percent did.

Many early critics predicted that a community-based court would have no effect on sentencing, that the status quo was too ingrained to allow for a shift to alternative sanctions. Other critics argued that defendants who did not like the sentences imposed at the Midtown Community Court would adjourn their cases to Manhattan's downtown court with the hope of receiving no punishment at all. In other words, they predicted that defendants would shop for the forum of their liking. This has not been the case. The National Center for State Courts' investigation found that the rate of cases disposed at arraignment at the Midtown Community Court was comparable to the rate downtown -- there was no widespread forum-shopping.

The evaluation found that changes in sentencing at the Midtown Community Court had a substantial effect on defendant behavior. This was most evident among local prostitutes, who tended to receive lengthy community service sentences at Midtown. To avoid these sentences, prostitutes began to change how they conducted business. Some altered their work hours. Some moved indoors. Others took advantage of court-based services to help them get out of the business. Over the Court's first two years, neighborhood prostitution arrests dropped 63 percent. A similar effect occurred with illegal vending arrests, which dropped 24 percent.

The National Center for State Courts also found that the Midtown Community Court operated quickly and effectively. By keeping defendants, police officers, and paperwork in the neighborhood where the crime occurred, the Court cut arrest-to-arraignment times substantially, from an average of 31 to 18 hours. By emphasizing immediacy and using technology to enforce accountability, the Court improved community service compliance rates (75 percent compared with 50 percent downtown). By improving efficiency, the Midtown Community Court became one of the busiest courtrooms in the city, handling an average of 65 cases per workday, for an annual total of over 16,000.

## Perceptions of Justice

Before the Midtown Community Court opened, local residents expressed little confidence in the criminal justice system. Community members who participated in a series of focus groups complained that the court system did not pay enough attention to low-level crime. Their expectations of the new Court were muted -- they had been disappointed many times before by flashy new initiatives. Nor was the skepticism confined to residents. Court staff, including attorneys, clerks, court officers, and pretrial interviewers, were also dubious, particularly about the court's potential impact on their roles.

Over time, these initial reservations were replaced by enthusiasm. Community residents' doubts about the new Court ("Will it work?") soon gave way to new questions about whether aspects of the Court could be replicated in other settings. Although some early critics argued that it would be difficult for the Court to engage community residents in its work, the focus group participants expressed a desire to learn more about the outcomes of cases and community service projects. Many urged the Court to publicize its efforts as broadly as possible.

The attitudes of local police officers changed even more dramatically. Although upper management strongly supported the development of the Midtown Community Court,

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many local precinct officers were skeptical. By the end of the first year, however, local officers, impressed with the Court's impact on prostitution and other low-level offenses, had become vocal supporters. Most important, officers began to see the Court as a resource. Some started to use the Court's social service team to head off potential problems on the street -- even when no arrest had been made. For example, one officer brought a mentally retarded woman who had been robbed by con artists to the Court for help. Others requested that the Court's community service crews, staffed by sentenced offenders, clean up a local corner to make it less hospitable to neighborhood drug dealers.

A community's perception of its own well-being is difficult to quantify. The National Center for State Courts attempted to measure the Midtown Community Court's impact on community conditions through observations of local trouble spots; interviews with offenders; analysis of arrest data; focus group research; and interviews with local police, community leaders, and residents. There were two areas in which community residents felt that the Court had a particularly strong impact: graffiti and prostitution. Graffiti along the busy Ninth Avenue business corridor, once a symbol of Midtown's problems, is now virtually nonexistent. Focus group participants credited the Court's community service work crews, which each year contribute more than \$175,000 worth of labor to the community. A sign of the Court's impact on prostitution appeared when Residents Against Street Prostitution (RASP), a neighborhood group that for many years led the fight against local prostitution, disbanded, declaring victory. The Court is only one protagonist in this success story; changes in law enforcement, aggressive economic development, and public safety efforts by government and local businesses played a major part. However, local activists and merchants point to the Court as being important and acknowledge that communities that work together are communities that work.

These results did not come easily. To accomplish its goals, the Midtown Community Court had to make significant changes in court operations. These changes occurred in three areas in particular: philosophy, partnerships, and personnel.

## Philosophy

Community courts are problem-solving courts. This simple statement has profound implications for the way community courts behave. Above all, community courts must devote significant resources to learning about the unique problems of a neighborhood. This takes time. It also takes research and analysis -- reviewing data about arrests and court filings; convening focus groups with community members, offenders, and local police; and interviewing community leaders.

Solutions to neighborhood problems need to be created with community stakeholders in mind -- residents, businesses, victims, police, defendants, and community groups. This is a departure from business as usual for two reasons. First, it significantly increases the number of participants involved in the court's work. Where once those participants were confined to judges, clerks, attorneys, and court officers, a community court must open its doors to local clergy, business people, tenant leaders, neighborhood activists, and others. These community members have valuable roles to play in choosing the restitution projects and social services that make sense for their neighborhood.

Crafting solutions in conjunction with community stakeholders also affects the philosophical foundations of the court. Under the traditional model, there are only two interested parties in a criminal case: the government and the accused. Building on the pioneering work of the victims movement, community courts posit that there is another

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party with an interest in the case, the local community. In crafting sentences, community courts acknowledge that even so-called victimless crimes inflict injury that should be repaired. Apartment buildings, blocks, and neighborhoods all suffer from chronic low-level crime. They too should be restored when a crime has been committed. By restoring the community through service projects, the Midtown Community Court gives "standing" to the community it serves.

## Accountability

In developing new solutions, community courts must take care to monitor their performance rigorously. Being a member of a community means being accountable to that community. The Midtown community took a bold step when it welcomed the Court to the neighborhood: it agreed to accept offenders back on its streets to perform community service. Community courts cannot ask their neighbors to make this kind of commitment unless they demonstrate that offenders are subject to rigorous scrutiny.

At the Midtown Community Court, a single judge, rather than a rotating set of judges, presides over the courtroom. With the help of technology, the judge has information about the history of each case at his disposal, greatly limiting the ability of offenders to manipulate the system. Community service work projects are classified as high, medium, or low supervision, and offenders are matched to the appropriate level based on their criminal history, background, and arrest offense. Offenders with more extensive criminal histories and those considered less likely to complete their sentences are assigned to projects in the courthouse, such as building maintenance or a bulk-mailing operation. Offenders considered to be lesser risks are assigned to more visible outdoor projects such as removing graffiti and painting fire hydrants. Compliance is tracked by computer, enabling the Court to monitor offenders consistently and efficiently.

It is not enough for community courts to develop internal mechanisms for accountability. They must also provide regular feedback to their constituents about the kinds of sentences that are being handed out, how many defendants complete their sentences, and which court-based programs work and which do not. In order to respond effectively to community problems, they must evaluate their own performance and change programs and procedures to adapt to shifting realities on the ground. In sum, community courts have to be reflective courts.

For example, the Midtown Community Court recently expanded its menu of services to include a formal job training program for ex-offenders who successfully complete community service sentences. Although job training was not part of the Court's original design, research revealed that 75 percent of the defendants who appear before the Court are unemployed. In response, the Court launched Times Square Ink, a job training program that prepares ex-offenders for employment by having them staff a full-service copy center.

## Partnerships

Too often, courts hold themselves above the fray. Cases move from street to court to cell and back again without anyone questioning the impact on communities, victims, defendants, or the criminal justice system. A community court can change this equation by coordinating the work of police, probation officers, prosecutors, and corrections officials. Each of these groups loses heart in fighting low-level crime when they lack reliable ways to measure progress. By providing regular feedback on case outcomes and street impacts, a community court can create a greater sense of community among the diverse professionals who work in the criminal justice system. For example, by

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providing police with real-time information about court appearances and community service completion, the Midtown Community Court encourages law enforcement efforts, particularly the execution of low-level warrants.

Knitting together a fractured criminal justice system can have unexpected benefits. At the Midtown Community Court, the improved relationship with local police led to the creation of a joint program, Street Outreach Services (SOS), which brings together caseworkers from the Court with community police officers to perform street outreach. The SOS teams scour the streets of Midtown, reaching out to the homeless, prostitutes, substance abusers, and others who have fallen between the cracks of traditional law enforcement and social service networks. The goal is to enroll these people in social services before they get in trouble with the law.

It is not enough, however, for community courts to work in conjunction with criminal justice agencies. They must reach beyond the walls of the justice system to involve new partners. Locating a court in a neighborhood gives the community a sense of a stake in that court that would never exist with an impersonal, centralized facility. Residents and merchants who feel a connection to the court can make valuable contributions to the court's efforts. Local organizations can donate community service supervision, social service staff time, and supplies like paint and plants. When they see demonstrable community justice at work, local businesses and foundations may be willing to provide financial support for social services and other programs originating in the courthouse. Community courts require larger, more diverse staffs than traditional courts. In addition to clerks and security officers, community courts may need social workers, mediators, victim advocates, job developers, managers for community service work projects, and additional research and public information staff. At the Midtown Community Court, managing the Court's ongoing relationships with local merchants, community groups, and elected officials requires a community ombudsperson.

## Personnel

The Midtown Community Court asked the city's pretrial agency to expand its assessment interviews with each defendant before he or she sees the judge, a significant shift in the pretrial routine. In contrast to traditional interviews that focus only on information pertinent to bail decisions, these expanded assessments explore such issues as substance abuse, homelessness, and mental health. This information is crucial to devising individualized sanctions. The results are conveyed electronically to the Court, where they are reviewed by a new participant in the courtroom: a resource coordinator. The resource coordinator functions as a link between the Court, attorneys, and social service providers, keeping track of sentencing options and making sentencing recommendations to the judge based on assessment results.

Creating assessment interviews and hiring a resource coordinator seem like simple steps, but implementation was difficult. Adding new information and new voices to the mix altered traditional courtroom dynamics of the judge-attorney relationship. The response was predictable. Defense attorneys did not like the idea of the resource coordinator having a direct line to the judge. Prosecutors worried that the resource coordinator would make recommendations inconsistent with their office's sentencing guidelines. The assessment team's prearrestment interview, meanwhile, raised questions on both sides of the courtroom about confidentiality. How would a defendant's admission of drug use -- which is, after all, a criminal act -- be used in the courtroom? Who would have access to this information and for what purpose?

By developing protocols about the handling of information gathered from prearrestment interviews and used at trial or subsequent hearings, the Midtown

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Community Court gradually relieved defense and prosecution concerns. Over time, the resource coordinator established relationships with the attorneys in the courtroom, and many have come to see the coordinator as a valuable asset. Indeed, defense attorneys frequently ask the coordinator to find help for their clients. The assessment interview and the work of the resource coordinator are critical to promoting the Court's problem-solving mission.

## Challenges and Concerns

The Midtown Community Court experiment has demonstrated that by playing a variety of unconventional roles, a neighborhood court can have a visible impact on a community. With new roles, however, come new questions. Community justice is not without its critics. Some are insiders with deep attachment to (and professional investment in) the traditional criminal justice system. Others are residents concerned about their safety and the potential impact of any new initiative on their neighborhood.

Over the course of its planning and operation, the Midtown Community Court has had to confront a number of issues about neighborhood-based justice. Some are misconceptions that can easily be allayed. Others are questions that are too fresh and too profound to be fully answered yet. At this point, there are no definitive answers to these questions. The observations in this paper are based on a single case study; other community court experiments may yield different solutions -- and raise new questions.

Nevertheless, we are convinced that if community courts hope to be more than just a series of provocative but isolated demonstration projects and if their true goal is broad-ranging institutional change, they must address the following questions:

## Do Community Courts Widen the Net of Governmental Control?

Concerns about net-widening are not unique to community courts. Indeed, drug courts face them frequently. Before the Midtown Community Court opened, the local defense bar was concerned that the Court's emphasis on paying back the community would lead to punishment for offenders who otherwise might have been released with no sanction.

Do community courts widen the net of social control? Yes. The more provocative question is: Should they? That so many low-level offenders walk away from criminal courts without any meaningful response is a fundamental problem. With their overwhelming caseloads, these courts find it difficult to hand out sentences that demonstrate that all crime has consequences. When these courts allow offenders to walk, letting the process become the punishment, they send the wrong message to offenders, victims, police, and community residents. The message is that nobody cares, that the justice system is little more than a revolving door.

It is precisely this perception that the Midtown Community Court was created to address. At Midtown, many defendants who might have escaped sanctions in a traditional court find themselves ordered to paint over graffiti or participate in drug treatment. Clearly there were holes in the net; the Midtown Community Court simply sought to mend them. The Midtown Community Court approached this issue with great care, choosing to target a specific set of crimes that were going largely unpunished. The Court's approach emphasized proportionality -- making the punishment fit the crime. This meant creating short-term sentences for low-level offenders -- one or two days of community service. It also meant that the Court did not attempt to send drug addicts with no prior record to 18 months of inpatient drug treatment.

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**Do Community Courts Lead to Vigilante Justice?**

Many fear that community courts will unleash an insatiable community hunger for harsher, more punitive responses to low-level crime. In fact, the Midtown Community Court experiment has shown that, when given options, community residents will generally support constructive sanctions like community restitution and social services (See Edna McConnell Clark Foundation. 1992. *Americans Behind Bars*. New York, New York: Edna McConnell Clark Foundation.ND). For example, residents were among the first to suggest that Midtown provide health services to prostitutes. This suggestion did not necessarily grow out of altruism -- residents were justifiably concerned about public health implications. But it does show that community residents have more on their minds than just "throwing the book" at low-level offenders.

This is true even in neighborhoods plagued by drugs and guns. Our experience planning a second community court in the Red Hook section of Brooklyn confirmed this impression. Despite Red Hook's reputation for drugs and armed violence, focus-group research and door-to-door community surveys revealed that local residents want the community court to provide low-level offenders with education, counseling, and help in reintegrating into the community.

**Do Community Courts Expose Judges to Undue Influence?**

There is an important distinction to be made between judicial independence and judicial isolation. While community courts encourage judges to become more sensitive to community needs and concerns, they must take pains not to compromise the independence of the judiciary. This can be a delicate balancing act.

At the Midtown Community Court, it is clear that the judge's job is not to manage community relations; instead the Court has a community ombudsperson and an administrative staff charged with this responsibility. Nonetheless, the Court's decision to create a community advisory board -- and have the sitting judge attend its meetings -- made some local judges uneasy. Would the advisory board seek to second-guess judicial decisions? This has not been the case. The members of the advisory board, while actively engaged in thinking about the Court's programs and community service projects, have never tried to lobby the judge about individual cases. Rather, they have been a valuable resource for the judge, helping to expand the array of community service options and create postdisposition opportunities such as job training. At some point, however, being responsive to a community could militate against important concepts of judicial independence. Freedom from popular influence is a basic element of judicial independence. Judges in community courts must therefore struggle to identify which forms of interaction with community residents and leaders are acceptable and which are not. They must also think hard about what types of information about community problems or concerns should be taken into consideration in deciding individual cases.

**Are Community Courts Soft on Crime?**

It is difficult to characterize community courts as either "soft" or "tough" on crime. The intermediate sanctions offered by the Midtown Community Court are alternatives to the polar ends of the sentencing spectrum: no sanctions and jail. The Court thus sends a double message: All offenders must be held accountable for their crime, no matter how small; and a court can also use its coercive power to move offenders toward rehabilitation. In short, the Midtown Community Court argues that punishment and help can be combined.

Given the previous discussion about widening the net, it will come as no surprise that, in the main, the Midtown Community Court is tougher on crime than Manhattan's

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downtown court. According to the National Center for State Courts' evaluation, "walks" -- sentences that are attached to no penalty whatsoever -- are more than twice as common at the downtown court as they are at the Midtown Community Court, where offenders by and large receive community service and social service sentences. Jail sentences are another side of the story. Interestingly, the National Center for State Courts found that although the Midtown Community Court issued fewer jail sentences in the aggregate, offenders received longer jail sentences than those imposed downtown. Midtown increased the percentage of misdemeanor jail sentences of more than 30 days by 57 percent.

None of this has been lost on defendants. Interviews revealed that defendants who have appeared before both courts believe that Midtown is "tougher" than the downtown court. When asked which court they preferred, however, defendants chose Midtown. Why? Because Midtown's staff treat them with a measure of dignity and at Midtown they can get help with their problems. This response is one clear sign that Midtown's double message of punishment and help is working.

**Do Community Courts Stigmatize Offenders?**

Offenders at the Midtown Community Court receive a great deal of attention. The Court's computer system records the results of each defendant's assessment interview as well as their compliance with community service. For some, the Court's collection of this information evoked images of an impersonal "big brother" amassing data and increasing the court's remoteness. Would this information be used to brand people as offenders for life?

Ironically, the Midtown Community Court has instead used modern technology to recreate the familiarity of a small town. Judges need to understand who is standing in front of them. Without information, courts can feel like assembly lines. With information, the process becomes more personal. Both punishment and help can be tailored to fit the individual needs of each defendant.

Another element of the Midtown Community Court that raised similar concerns was the visibility of the Court's punishments. Offenders sentenced to perform community service outdoors must wear vests that announce they are from the Midtown Community Court. The Court also has experimented with victim-offender reconciliation panels that bring offenders face-to-face with those they have harmed. Are these just exercises in public shaming? Is the net effect to widen the gulf between offenders and law-abiding citizens? For Midtown, the answer has been "no." Instead, these initiatives, like the Court's use of technology, have helped put a human face on crime. No longer can residents, merchants, and court personnel deal in abstractions or talk about offenders as a separate class of people. This is important groundwork for the Court's problem-solving mission.

Still, the potential for abuse exists. What happens when a community court becomes the domain of a judge with highly idiosyncratic views? How and to whom should community courts be held accountable for their treatment of defendants? These are issues that will become more important as community courts continue to multiply.

**Are Community Courts Cost Prohibitive?**

Decentralization costs money. Initially, it is less expensive to run one large courthouse with dozens of courtrooms than it is to run dozens of separate small courthouses, each with its own staff and physical plant to maintain. If that's all that community courts are -- boutique versions of the status quo -- they would not be worth creating. But they

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are much more than that. By placing a variety of social services under one roof and providing community restitution, community courts add a significant amount of value to the court system. The questions are: How much? Is it enough to offset the expense?

Community courts must analyze the costs and the benefits of their work. Among the benefits that community courts must be prepared to articulate are drops in crime rates, reductions in arrest-to-arraignment processing times, improved community service compliance rates, and community service labor contributed to the community. More difficult to measure are a community court's effects on a neighborhood. For example, by addressing neighborhood blight, improving public safety, and providing social services, a community court can help spur neighborhood economic development. After all, meaningful and lasting economic development rarely takes place in areas where residents, merchants, and employees fear for their safety. All of these arguments can be used to explain why a community court is worth an initial outlay of funding and how, over time, it might pay for itself. These arguments are particularly crucial in the current political climate of government cutbacks and public cynicism concerning government reform efforts.

What will the community courts of tomorrow look like? How can we be sure that they are cost-effective? Perhaps video technology could be used to link litigants in communities with judges located in centralized facilities. Perhaps selected housing cases could be filed, and even resolved, via computers located in public housing developments and with tenant advocacy groups. The Midtown Community Court model is just that -- one model among many possibilities.

In developing community courts, concerns about diminishing the adversarial process go with the territory. A similar criticism has been leveled at drug courts, which are often called "nonadversarial" because they focus on supporting and sustaining defendants in treatment and recovery rather than on determining criminal responsibility. Likewise, it can be argued that procedural protections and advocacy often take a backseat to other objectives of community courts. It is worth considering what types of protections need to be built into community courts to guard against the possibility of arbitrary decision making.

### Do Community Courts Erode the Adversarial Nature of the Legal System?

There is no denying that the Midtown Community Court's focus on problem solving led to some important structural changes in the courtroom. The assessment interview and the resource coordinator provide an unprecedented level of information directly to the judge that is not filtered by attorneys. With more information and a broader array of sentencing options at hand, the judge has taken greater control of decision making. For some, this has created the perception that the balance of power in the courtroom has shifted too far in the direction of the judge, that the Court is more concerned with outcomes than with process.

The differences between a problem-solving model and a more conventional adversarial system may not be as stark as some seem to think. The Midtown Community Court has maintained the core components of the traditional courtroom model. Visitors to the Court are sometimes surprised that the district attorney's office prosecutes each case and that each defendant is represented by a defense attorney.

In fact, most of the problem-solving tools -- drug treatment, health care, education, and others -- located on-site at the Midtown Community Court come into play only after a case has been decided. They are housed under the same roof as the courtroom to

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improve the chances that defendants will use them and to enhance the Court's ability to monitor performance.

In addition, the Midtown Community Court is the home of several unconventional programs, such as community mediation, job training, and homeless outreach, that bear little relation to the day-to-day work of arraigning misdemeanor cases. These programs do not involve the judge directly and do not emanate from the courtroom, but they do represent the Court's commitment to improving the quality of life in the community. These programs take advantage of the Court's presence, using its institutional authority to lend them credibility. The Midtown Community Court has thus demonstrated that the courtroom does not have to be the only entry point into a courthouse -- a court can serve as an institutional base for a variety of programs that seek to tackle persistent neighborhood problems.

### **Do Community Courts Create Inequity?**

Community courts raise concerns about equity. Some observers question whether paying attention to community concerns means that justice will vary from neighborhood to neighborhood. They ask whether the location of an arrest should have any impact on sentence outcomes.

This is a challenging issue, but it is not necessarily new. Consistency has always posed a challenge for court administrators: sentences vary dramatically from city to city, courtroom to courtroom, and judge to judge. Community courts further complicate the mix, but the challenge they pose is not unheard-of. Other observers have argued that neighborhoods should benefit equally from the resources of the court system. Court administrators are understandably sensitive about resource allocation. The appearance that one neighborhood is receiving more than its fair share of resources is a major issue for community court planners to confront.

But it is also clear that some neighborhoods are disproportionately burdened by specific problems that require unique solutions. In midtown Manhattan, quality-of-life crime was the problem to be addressed. This may not be what fuels community courts in other settings. In other neighborhoods, the primary problem may be juvenile delinquency or domestic violence or housing issues. In still other neighborhoods, the most pressing problem to be addressed may be the gap between the community and the criminal justice system itself. Each of these problems calls for different resources and a unique set of partners.

Community courts will always be intrinsically different from each other because each must focus on the problems of a specific community. The relevant question then is: Does this conflict with the notion of fair, equal, and evenhanded justice?

### **The Future of Community Courts**

We know from the Midtown Community Court and other recent experiments that courts can wear many hats: justice dispenser, peacemaker, service provider, and, most important of all, problem solver. In playing these roles, the new courts have challenged traditional notions about the nature of the criminal justice system and tested the extent to which courts can serve as catalysts for change in neighborhoods.

Some questions remain: Where does all this lead? Will the new wave in court reform result in systemic change or will it always be ancillary to traditional case processing? What is the purpose of the community court movement? Is it to create a mosaic of

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unique courtrooms narrowly targeted to handle specific groups of cases? Or is it to bring a new problem-solving focus to the work of courts in general?

The short answer is that it is still too soon to tell. Community courts are still in their infancy. For the moment, two competing images of justice operate side by side: one actively engaged with the noisy and messy problems of neighborhoods and individuals; the other shielded from the din, protective of its detachment.

We envision the community courts or, perhaps, "community justice centers" of tomorrow as multiservice facilities, offering help to offenders, victims, and community residents alike. The new justice centers would house the kinds of treatment and prevention programs typically found in social service centers. They would mediate neighborhood disputes and enlist residents in defining responses to crime and delinquency. They would use community restitution to eliminate signs of neighborhood disorder. They would cross jurisdictional boundaries, hearing civil court and family court matters in addition to criminal cases in order to address in a coordinated fashion the multiple problems that confront so many individuals and families.

Everyone who enters the justice center of the future as a litigant would be entitled to legal representation, but not everyone would reach the courtroom. Several different tracks would be available: a mediation track, a social service track, a courtroom track, and others. Where a matter ended up would depend upon the case and the person. The interesting questions would be: Who decides? Would litigants be allowed to opt for whatever track they chose? Would opposing counsel determine which track was appropriate in a traditional adversarial fashion? Or would court personnel serve as gate keepers, assessing and referring each case? Would community members or victims have a say? What would become of the judge? Perhaps the judge would function like an air traffic controller, presiding over the whole enterprise, making sure that the justice center stayed on course.

Although the future of community justice remains unclear, experiments like the Midtown Community Court already have made several valuable contributions to the national conversation about courts, communities, and criminal justice. Community courts posit that some fundamental changes must be made in the way that courts conduct their business. As a first step, courts must acknowledge the damage that crime has done to both individuals and communities. This will not be easy. To do this, courts must look beyond the narrow issues presented in any given case to address the underlying problems of individuals and communities. They also must recognize that solving problems like community disorder, addiction, and criminal recidivism requires new partnerships with social service providers, victim organizations, businesses, schools, and others. Finally, to perform all of this new work, courts must create new structures, experiment with new technology, and hire new personnel. In testing these ideas, community courts demonstrate that our system of justice can help repair injured neighborhoods and that our courts warrant public confidence and respect.

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## Center for Court Innovation

Located in New York City, the Center for Court Innovation works in partnership with the New York State Unified Court System to improve public confidence in justice. The winner of a 1998 Innovations in American Government Award from the Ford Foundation and Harvard University's Kennedy School of Government, the Center is the only one of its kind in the nation: an independent unit, broken out from day-to-day court administration, that works to improve how courts do business. Administered as a project of the Fund for the City of New York, the Center functions as the Court System's research and development arm, conceiving, planning and implementing new court prototypes. The Center's model projects include:

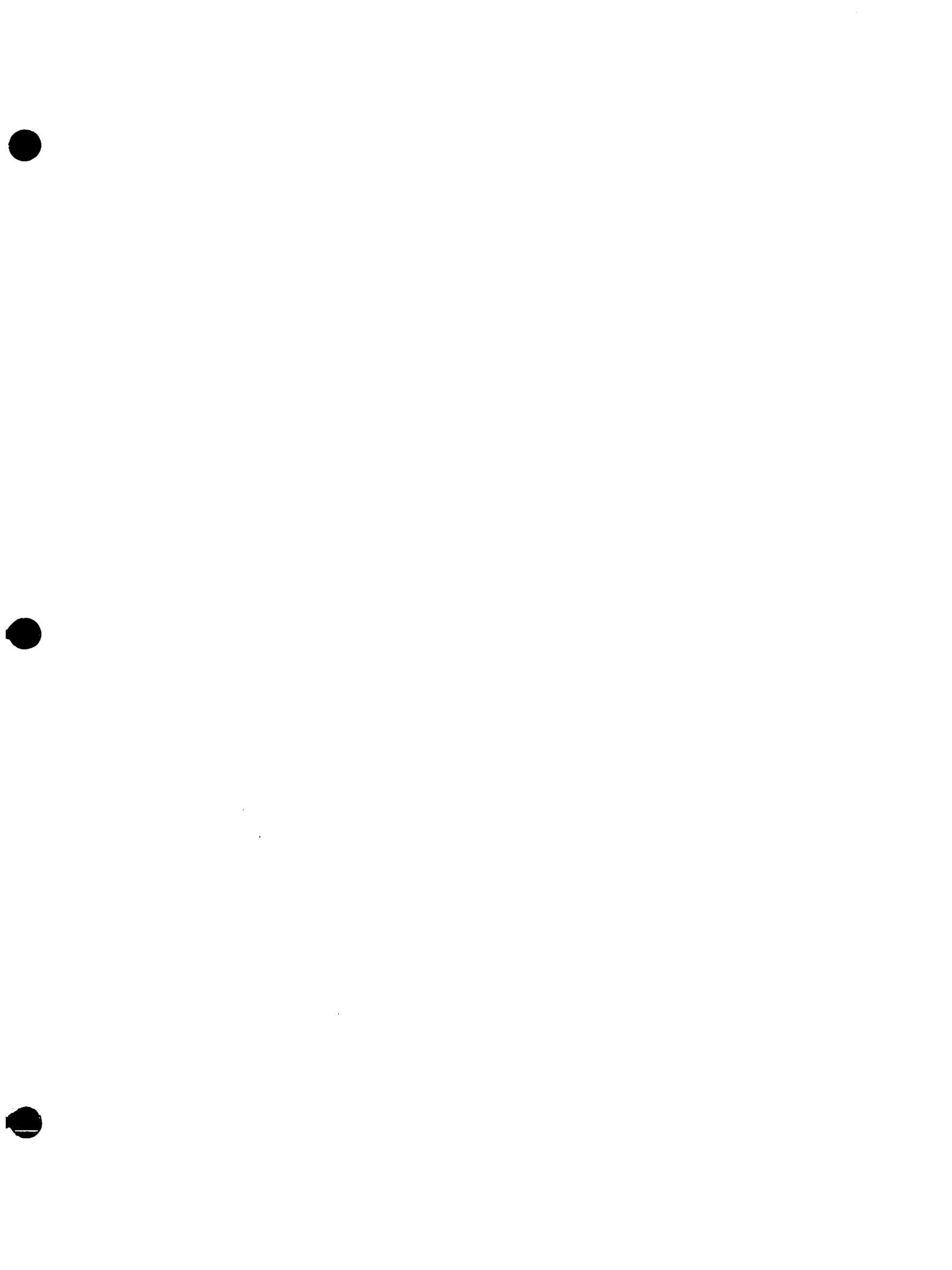
- Bronx Domestic Violence Court
- Brooklyn Domestic Violence Court
- Brooklyn Treatment Court
- Crown Heights Community Mediation Center
- Harlem Community Justice Center
- Manhattan Family Treatment Court
- Midtown Community Court
- Red Hook Community Justice Center

With the support of a grant from the U.S. Justice Department's Bureau of Justice Assistance, the Center for Court Innovation also assists planners in other states who are developing community-focused court initiatives. The Center's technical assistance team:

- answers questions and provides information about all of the Center's projects
- hosts site visits to New York and uses the Center's projects to demonstrate the impacts of new court prototypes
- sponsors [www.communitycourts.org](http://www.communitycourts.org), a web site with tools and practical advice for community court planners
- offers individualized assistance to jurisdictions that are developing community courts

For more information, please call Jimena Martinez at (212) 373-8098.





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## Introduction

*High street lamps cast a ghostly light across the 3 a.m. sidewalk — cool now, before another steaming summer day — and on the two old men seated on a piece of cardboard. They are wide awake but warily still as the police van rolls up nearby and three men get out.*

*Two are police officers in something like a uniform: blue polo shirts, Bermuda shorts, guns concealed in belly packs. The third wears a dark green tee-shirt bearing big white initials: SOS. As they approach, one of the cops begins to talk: “Hi, there. How are you doing?”*

*The men respond with stares.*

*“I’m not here to bother you tonight,” the cop continues. “I just wanted to introduce my friend Dave, here” — he indicates the man in the green shirt — “he’s from the Midtown Community Court, and he wants to tell you about some of the services they offer.”*

*Dave picks up his cue: “How are you feeling tonight? These guys are cops and I’m a street worker from the court. You know the court? It’s at 54th and Eighth Avenue. We can help you with housing or employment, get you into detox... now we’ve even got a medical clinic with nurses from N.Y.U.”*

*He keeps up the well rehearsed patter until he senses a glimmer of response in one man’s eyes. The police fade back as Dave squats down to talk. The subject of his attention, who looks clean, neatly dressed and relatively sober, begins to answer his questions, speaking slowly and clearly. He says he is 69 years old and a veteran of the Korean war.*

*“A veteran?” says Dave. “Why don’t you get your benefits? You could get money. You could get an apartment instead of being out here at three o’clock in the morning.”*

*“Aw, I’ve been down there too often,” the man responds. “They just give me a runaround.”*

*“I don’t do that,” Dave responds. “We kick ass and take names later. We know how to get things done for you.”*

*Eventually, the man agrees to give Dave his name and social security number, then takes a business card.*

*“You come up tomorrow afternoon,” Dave says. “I’ll be there. We’ll see what we can do.”*

*“Well,” the man says slowly, “I just might.”*

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## An Improbable Marriage

Dave Connolly walks the streets for cases at all hours of the day and night, always accompanied by police, as part of a growing experiment based at New York City's Midtown Community Court. Known as Street Outreach Services, or SOS, the project provokes new ideas about the role of courts and about creative new uses for police patrol. 

The idea of marrying social work to law enforcement may strike some as improbable, if not unwise, yet it arose logically from the Midtown Community Court's mission to be a community resource, beyond just dealing with criminal cases. The Court, which opened in 1993 next door to the Midtown North precinct, arraigns low-level offenders arrested in the area and sentences those guilty to community service, substance abuse treatment and other social services.

Offenders begin serving such sentences on the spot as they are organized into supervised crews that perform odd jobs around the courthouse or for nonprofit groups in the neighborhood. They may also attend classes while awaiting placement in drug detox programs or consult with social workers to deal with the problems that led them into trouble with the law. The Court devotes its entire sixth floor to such casework, a medical clinic and conference rooms for group and individual counseling sessions.

Inevitably, the Court's influence began to be felt next door among the police officers assigned to Midtown North's community patrol unit. These officers knew well enough that the charges filed against most people arrested for shoplifting, turnstile jumping and prostitution reflected the least of their problems. Too often, police were arresting the same people again and again for the same offenses. The cops understood more than anyone the importance of helping such offenders confront the real issues: substance abuse, homelessness, mental illness or sexual exploitation. 

## A New Experiment

"We began to wonder if a fuller partnership was possible," explains John Feinblatt, who heads the Center for Court Innovation, the agency responsible for creating and administering the Midtown Community Court. The idea was to go beyond crime prevention with "more aggressive activity to meet the problem where it is and intervene."

"We see our Court as being a problem solver first and foremost," says Julius Lang, the Court's coordinator. "Why should we wait until our defendants come into the courtroom and get arraigned? You can't predict what kid in New Jersey is going to shoplift in Macy's, and you can't predict what guy is going to patronize a prostitute. [But] you can predict that some people out on the street might be arrested and be in the Court sooner or later — prostitutes, people using drugs, people with mental illness. So why should we wait?"

However logical it seems to Feinblatt and Lang, that's a radical idea. While probation and parole officers have traditionally sought to blend the roles of social worker and cop (not always comfortably), the concept remains foreign to police, at least as a matter of official policy. Even the most liberal interpreters of community policing are likely to have a hard time justifying a role for police that does not involve either enforcing the law or taking direct steps to prevent crime, like getting a landlord to secure a vacant lot. The police officer that helps a family get a youngster into drug treatment or counsels a prostitute to return to her parents in the Midwest usually acts ad hoc, and on the basis of personal sympathy and inclination rather than professional training or orders from above. 

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The idea of police patrolling with counselors also appears to raise a civil liberties issue. Isn't the presence of a police officer at the counselor's elbow inherently coercive, even if the officer says nothing? The same officer, after all, might show up later to arrest the homeless drunk who earlier refused an offer of help. How much pressure can, or should, be put on troubled people to get help for which they don't see a need?

#### A Precedent

Despite these questions, Feinblatt and others at the Court were aware of an important and positive precedent. Back in the 1970's, the Vera Institute of Justice had developed a similar program of outreach to Bowery vagrants. Previously, police had dealt with denizens of skid row by loading them into paddy wagons and hauling them to court, where they would spend the night in a detention pen, plead guilty to loitering or disorderly conduct, then return to the street the next day to await the next police sweep. This process, which accounted for 40 percent of all arrests in New York City, did little more than "pollute the court," recalls Herb Sturz, then head of Vera.

He decided to challenge the conventional wisdom that street people would not come in for help voluntarily. He rented a Hertz car and toured the Bowery in the company of a flophouse manager, a nurse from St. Vincent's hospital and a police officer whose only role was to provide security. The group would approach vagrants and offer to take them for treatment immediately. To everyone's surprise, about three quarters of all those approached accepted transportation to an infirmary for a few days of drying out and consultations with social workers. "The idea was to treat people with decency and get them out of the criminal justice system," Sturz recalls. The experiment, which attracted nationwide attention, succeeded in reducing arrests of street addicts and eventually developed into Project Renewal, a substance abuse treatment program that continues today.

To be sure, the problems of Bowery street people in the 70's, however serious, were less complicated than those of the crack and heroin addicts, homeless, mentally ill and prostitutes who became a familiar presence on the streets of midtown Manhattan in the 80's and 90's. But Sturz and Feinblatt continue to challenge the assumption that troubled people won't come voluntarily for help if given the chance and a bit of encouragement.

The results so far are promising. The pairing of cops and counselors alters the mindset of police used to looking at street addicts, drunks, prostitutes and the homeless as targets for quality-of-life enforcement rather than people in need of help. SOS case workers consider the police an invaluable asset for outreach well beyond simply providing for their safety on the streets. Most important, in its first year SOS outreach teams persuaded 264 people to come in for help. They include addicts placed in detox programs, prostitutes helped to escape "the life," homeless people moved into shelters or permanent housing, veterans signed up for Federal benefits, the jobless placed with local employers or sent off to work and live at a Catskills resort.

All represent people who, but for SOS, might have been arrested or would still be on the street.

#### On the Street

*Before going out to work, two SOS workers from the Court, David Bedrin and Esther Rosario, break bread with today's two cops from Midtown North at a coffee shop near the precinct station. When talk turns to Clinton Park, a chronic homeless campsite, Officer Frank Conroy speaks up.*

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*"I'm not going to go out and talk to them in Clinton Park," he says. He's spent a lot of time in his enforcement role throwing people out of the park. How is he now supposed to offer them help? "I might aggravate the whole situation," he worries. Rather than stick around for outreach, people who see him are likely to flee.*

*"You're going to have to learn to deal with them on both levels," responds Doug Delillo, an experienced SOS officer. "When I first started doing this, I was exactly the way you are... They know it's your job. [You say] 'Look, I'm here to help you. If you don't want to be helped, I'm going to enforce what I have to enforce.'"*

*Conroy remains hesitant, but an hour later, when the van pulls into Clinton Park, he decides to get out. A number of the people spread out on park benches appear to recognize him, and as he goes through the routine with Bedrin and Rosario, they keep an eye on him. But no one gets up to leave.*

### **Retail Selling, Contact by Contact**

SOS began with Connolly, an experienced substance abuse counselor whose job at the Court had been to evaluate offenders and refer them for placement in detox and drug treatment programs. In the pilot phase of SOS, he started going out on the street with Kenneth Ryan, a talented community patrol officer from the precinct station next door. As people they contacted began to show up on the sixth floor, it soon became clear that there was too much work for a single person. The Court obtained a \$200,000 grant from the Open Society Institute to expand the program as a formal part of the Community Court. Lang hired David Bedrin and eventually brought in Esther Rosario, who had counseled battered women in police precinct stations. Connolly, Bedrin and Rosario divide their time between searching for clients on the street, working with them when they come to the sixth floor for help, and keeping detailed records of everything they do so that the experiment can be properly evaluated.

On the street, the job amounts to sales at the most retail level, contact by contact. SOS workers and cops identify likely prospects, approach them, introduce themselves and start talking. They describe services available at the Court, explain where it is and when it's open, and emphasize that everything is totally voluntary and free of charge. They distribute business cards bearing their names and phone numbers at the courthouse. During the predawn patrols with prostitutes, they hand out condoms as well.

Their overtures sometimes draw outright hostility:

"Leave me alone," shouts a young blonde woman as the team approaches the piece of sidewalk she has claimed with her sleeping bag.

"We're not here to bother you," explains a police officer.

"You are bothering me," the woman responds, as she gathers up her belongings, then walks away.

"Why are you speaking to me?" asks a gaudily attired person approached on Eighth Avenue in the wee hours of a Friday morning. "I'm not a prostitute. I'm a performer. I'm a drag queen at one of the best clubs in the city."

"In that case, God bless you!" Connolly exclaims.

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Most people are more receptive, willingly accepting outreach workers' business cards, allowing them to record their names and social security numbers, sometimes even begin the process of counseling on the street. "You don't understand," whines a grizzled man sitting with his drinking buddies on plastic milk crates. "I'm an alcoholic." He already reeks of drink at eleven in the morning.

"So am I," says Connolly, who is in recovery himself.

"But I feel like I need to take a drink every day," the man complains.

"So do I," says Connolly. "So do I. But I can get you into detox. Look, you take this card. It has my number on it. You know how to find me when you're ready to come in." The man pockets the card as Connolly writes down his name.

In an alcove under the West Side Highway, the SOS team comes upon a pile of trash surrounding a long cardboard box that once contained a refrigerator. A cop knocks on the box and after a minute or two, a Hispanic woman climbs out of it. She appears to be in her late twenties, with a soft, doughy face and disheveled brown hair. Since she speaks much more Spanish than English, the team turns her over to Rosario.

As the two engage in a lengthy conversation, Rosario learns that the woman has children in foster care and a man with whom she shares the box. They would like to go to a shelter rather than sleep in a box, she says, but they haven't found one that will take them as an unmarried couple. As they talk, Rosario eyes the woman's neck, which is purpled with large bruises. Eventually the man emerges from the box, bare-chested and bleary-eyed, but he does not have much to say to anyone.

Back in the van, Rosario is working up the case: "I notice the hickeys on her neck," she says. "Are they using condoms? Is she pregnant or could she get pregnant? And what about this guy? A lot of women think they're nobody without a man - they need a man to survive. So they go from one toxic man to the next instead of getting themselves together..." The Hispanic woman had seemed appreciative of her talk with Rosario, and she took a card, but there is no certainty that she will come in, and no way to compel her to do so. Outreach can't really do more than advertise the Court: like direct mail marketers or door-to-door salespeople, the outreach workers have to keep making contacts in hopes that a certain percentage eventually will respond.

## New Strategies

When Connolly approaches a large man sitting on a bench in Bryant Park, his whole life piled up beside him in a cart filched from the Post Office, the man makes it clear that he's not interested in help. He's enjoying the park and the sunshine, and in his head at least, everything is under control. But Connolly persists, brandishing a sheaf of business cards.

"Take these," he says. "I know you don't want to come up to the Court now, but I'm sure you meet plenty of people out here who will. You're in a position to help me out."

The man takes the cards and agrees to lend a hand to the outreach effort. It's a familiar marketing ploy (get a friend to subscribe and receive your next issue free!) and it apparently works. Many who come into the SOS office have heard about services available through the Court from other street people rather than a direct contact with an outreach worker. More than once, working prostitutes known to the team have sent over younger women they fear are being destroyed by the exploitive life.

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The SOS workers also accept that outreach has to be a continuing process, that it may take many contacts — even many experiences with treatment and relapse — before a person will accept help. “You have to give some people a little room,” Connolly says of the man in Bryant Park. “Let me tell you something. When I go back and speak to him again, the whole response is going to be different. I’ve empowered him to make decisions when I give him a few cards and say, ‘Look, somebody runs into you with a problem, give me a call.’”

Several blocks to the south in Greeley Square, where dozens of homeless people doze or socialize on a sunny morning, Connolly passes by several strangers to strike up a conversation with a woman he recognizes as a former client, one who came through because of an arrest. “Hi, Dave,” she says, “I remember you.”

They talk about the Court and he explains the new program to her, then asks her how she’s been. The conversation goes on longer than it might, given that she already knows about the Court herself. Then Connolly tells the police officers it’s time to leave. When they ask why, given the wealth of prospects in the park, Connolly explains: “They’re asking her right now, ‘Who are they?’ So she’s demystifying the whole thing, telling them about the services, about the different things she’s received. When I come back again, somebody else that needs something is going to approach me. It’s not like I’m trying to sweat them for information. They’ll be looking for information from me, and that’s what I want.”

## On the Street

*The woman on the park bench is very drunk. Sitting next to a guy with a beer in a bag, she sways slowly back and forth and her eyes twirl around like little pinwheels when she tries to focus them. Rosario decides to approach her anyway.*

*“How’re you doing, sweetheart?” she says, launching into her spiel about the Court.*

*The woman stops swaying and regards the person in the green tee shirt with skepticism. “What you going to do for me?” The edge in her voice is pure alcohol.*

*“Oh, all kinds of things,” Rosario says. “Get you into detox, help you find a job, a place to live.” She thrusts the card toward the woman, who examines it closely.*

*Now the man next to her speaks up. “No use trying to help her,” he says. “She’s just a hopeless drunk.” He raises his can of beer with a nasty chuckle.*

*The woman crumples up Rosario’s card, and her twirly eyes find their focus as she lets loose with a stream of obscenities directed at the SOS team. Back in the van, Rosario mulls over the incident. “I saw glimpses of her trying to connect...She was receptive until he started instigating...maybe it would have worked if he weren’t there, but how are we going to get him away?”*

*“Hey, you should have told me,” Officer Delillo says. The beer in the bag was “a clear violation right there. I could have told him and removed him.”*

*The angry confrontation, in other words, was a missed opportunity for the blending of law enforcement and social work, the team realized. But there could be others.*

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## Partnership

The outreach workers worry about their relationships with police officers as well as those with clients. Although Police Commissioner Howard Safir and the rest of the brass expressed their support for SOS, endorsements from the top may well be diluted by the time they filter down through the precinct command. “Simply having it decreed from the mountaintop isn't enough,” says Lang, Midtown’s coordinator.

The New York City Police Department remains committed to the “broken windows” idea — that aggressive policing of low-level offenses and disorderly street conditions goes a long way towards preventing more serious crime. While a precinct’s community patrol officers are supposed to get to know the people who inhabit their beats, including the drunks, addicts, prostitutes and homeless mentally ill, their focus remains on using law enforcement to help protect the quality of life.

On routine patrol, cops are supposed to arrest people found with open containers of beer or booze, demand identification and check for outstanding arrest warrants. And they regularly conduct “sweeps” — descending in force to roust the homeless from sidewalk encampments and tear down their makeshift shelters for sanitation trucks to cart away. Some police officers assumed SOS would become part of these operations; they didn’t like it when the Court explained that SOS isn’t about arrests and sweeps.

## Overcoming Skepticism

In the early days, there were police officers who tended to stay in the van while the outreach workers did all of the interacting with people on the street. Despite his initial favorable experience with Ryan, Connolly recalls, “I didn’t get the same gung-ho attitude from other officers.”

Some were openly skeptical. “They’d say, ‘Who are you? This isn’t my job.’” But Connolly persisted. “I would say, ‘Fine, let’s just hang out together,’” hoping to earn their respect. He well remembers the day the outreach van witnessed a hit-and-run accident. “The officer said to me, ‘Dave, get out of the car and make sure the woman is all right’ while he took off and caught the perpetrator.” At that point, Connolly figured, he had finally won respect.

In time, officers in the two precincts began to come around. They did so partly because of the personal schmoozing but more because they saw the program beginning to show results — finding constructive ways to remove from the streets people the police had written off as nothing but trouble.

“When we first started doing this,” says Officer Paul Peck. “We would just drive the van. We were like a taxi service because we didn’t know. Finally, Dave Connolly began saying, ‘This is what you’re supposed to do...’”

At first, “I was more into the enforcement,” observes Delillo. “But now it’s changed. I’m trying to learn more ways to help them. When I’m doing regular patrol, and I come across a homeless problem, I’m not just looking to chase them away. I refer them to the Court or to other places where they can get help.”

The police have also come to appreciate the Court’s willingness to assess clients’ needs and find meaningful placements for them. Previously, all they could do was direct the people they were rousting from their camps to the nearest city-run shelter. Now officers who have worked with SOS have begun carrying SOS business cards when on regular patrol. “It’s much easier to refer them to the Court because the Court has more places

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to refer them to,” Peck says. “If you send them to the shelter, that’s only helping them for the time being. The Court is an unusual resource,” he says.

Sergeant Michael Wynne, who leads the community patrol unit at Midtown South, says he tries to get all the officers in the unit involved in the outreach patrols for their benefit as well as the benefit of the homeless. “I think its important for all my people in community policing to know about this,” he says. In addition to broadening their attitudes towards the homeless, it puts them in touch with services available from the Court. “I was unaware of all this until I got involved with SOS.”

In addition to social services for the homeless, addicts and prostitutes, he says, he learned of the Court’s willingness to provide work crews of community service sentenced offenders to clean up graffiti and perform other tasks that mesh with the community policing agenda.

## Obstacles

Despite the progress, some problems remain. A police officer’s success at outreach depends not only on motivation but personality and general aptitude for chatting up the homeless on the street. Some are much better at it than others. Yet police supervisors may transfer community patrol officers who have spent weeks or months building up a rapport with street people.

Another debate concerns uniforms, an issue the two precincts have approached in opposite ways. In Midtown North, the officers began patrolling in full uniform, but soon decided they looked too intimidating for outreach. “We found out that we didn’t get a good response from the people we’re trying to deal with” when in full uniform, Delillo says. “There’s definitely a difference. I guess they get so used to guys in uniform just chasing them away, moving them or arresting them...that they just don’t want to deal with you.” Now they do outreach in plainclothes.

In Midtown South, officers going out with the SOS workers started off in plainclothes but police supervisors objected; they believed that cops on such an assignment should be identifiable as cops. The officers worked out a compromise: instead of full uniforms, they wear the polo shirts and shorts of cops who patrol on bicycles, and they keep their guns out of sight, in belly packs or under their shirts.

Peck says he believes the gun is the main factor. “It depends if you have a sidearm exposed. I think it’s more intimidating to people.” When guns are concealed, “they see you as a person and not just an authority figure, and they’re more apt to talk to you instead of just shy away.” Officers take the issue seriously, given their developing relationships with people on the street. “My attitude definitely changed toward the homeless as a result of doing this,” Peck says. “It’s a different way you perceive the people. You don’t perceive them as a nuisance any more. Now you want to help them instead of just pushing them along. Some of them we see week after week; we actually become friends.”

## Adding a New Flavor

The symbiosis benefits the SOS outreach workers as well. “I never believed law enforcement could be used as a tool with social work,” Connolly says, but the program has taught him otherwise. The police, he adds, “bring a whole new flavor to outreach.”

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He tells of finding a man living on the street who had an outstanding arrest warrant. The police, who typically use discretion not to make arrests during outreach, urged him to come into Court and go before the judge, who could clear the warrant and order the man to report to the sixth floor for social service consultations. He showed up the next day, resolved the warrant problem and enrolled in a detox program. In that case, Connolly credits the officers with persuading the man to come in, since if he didn't, he knew he would have to deal with them the following day when they were back on regular patrol.

"I don't see him every day," Connolly says, "but the police do. If they had seen him the next day on the street, they would have said, 'Hey, we thought you were going to go in to the Court. We gave you a break. What's going on?'" The presence of police during outreach and the implied promise of serious follow-up "gives the clients more motivation," Connolly says. "It makes compliance go up."

The officers' daily contact with people on the street also yields knowledge that can become a valuable source of feedback for outreach. Consider Rosario's encounter with a woman who appears to have drunk herself to the edge of consciousness at the corner of 50th Street and Broadway. She calls herself Lisa, and she is sitting on a marble wall at the edge of a plaza with a companion who introduces herself as her concerned "sister." The sister tells the outreach team that Lisa has declared her readiness to enter treatment and would welcome the chance to go for detox.

When prodded, Lisa mumbles, "yes, I'm ready; I want to go in." But she continues to lean heavily against the other woman, head lolling. When Rosario and the sister help Lisa to her feet, she stumbles, collapses and lies prone on the sidewalk. After some discussion, Rosario suggests calling an ambulance to take Lisa to an emergency room where she can be sobered up enough for detox. At that point, Officer Conroy intervenes. "She's always doing this," he says. "She gets herself drunk, she goes to the emergency room, she sobers up, and the next day she's out here just as drunk as she was the day before. They're sick of seeing her at the hospital. She's manipulative."

"Well, she shouldn't come for detox unless she's really ready to do it," Rosario says, regarding the body on the sidewalk. "But what are we supposed to do?"

"I say nothing," Bedrin says, seeing that the police are in a better position to assess the situation than the SOS workers. "We'll just have to wait until she's ready to walk in on her own."

Reluctantly, Rosario agrees to leave, and the group returns to the police van. As they drive away, they look back at the street corner scene — in time to see Lisa get herself up, dust herself off and walk steadily over to resume her place on the wall.

### 'These People Treated Me Right'

In the eleven months from November 1996 through October 1997, SOS outreach teams recorded 1,692 contacts with people on the street, a figure they estimate represents about 800 individuals. In the same time period, 264 people reported to the Court seeking services from the SOS caseworkers, for a rate of appearance that compares favorably with other outreach efforts. A team fielded by the Times Square Business Improvement District, for example, contacted 206 people over nine months, persuading 37 to come into a "respite center" for help. A New York City Transit Police homeless outreach unit reported one person accepting services for every seven contacted.

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While the outreach workers invest a lot in their sales technique, they also know that the product has to be credible. The program, Connolly says, has to emphasize results, making sure that when people come in, they get substantive help. Much depends on word of mouth. When former clients revisit their old street haunts after being helped by SOS, their friends are impressed.

“When they come back weeks later” looking sober and clean, Connolly says, “and the other homeless people see them, well, the first thing [the clients] say is, ‘These people treated me right. If you want help, don’t talk to me, go see them.’ That’s the best sales point you can have. Your own advertising will only get you the first wave. If you’re not capable of delivering services in the quantity and quality you said you were going to, the second wave will never come.”

When clients show up on the sixth floor, the outreach workers question them based on a form that yields a simple assessment: housing needs, employment, substance abuse, eligibility for benefits. The majority need drug or alcohol detox and treatment, along with temporary housing. Many also say they want jobs. “When people come in, we don’t just make it a wish list,” Bedrin says. “What we try to do is make a concentrated effort on one service — we know you need a job, but let’s focus on these things first.” A lot of the people who come in saying they want to go to work won’t be employable, obviously, until they deal with more fundamental issues, like sobriety.

## Building a Network

“I do a treatment plan,” Connolly says. “I’ll say, ‘All right. You’re unemployed, you have no identification, and you’re living in the streets. So, prioritize. First, we should get you a place to stay. Then we should get some of that identification back, because that’s going to help get you a job. And then ultimately we should get you a job with a focus on permanent housing.’”

Such a plan may require a bit of negotiation — on average, each client comes to the office for three or four visits. “Some clients say, ‘Listen, I’ll do whatever, but I’m not going to a city shelter.’” Connolly says he respects such feelings. When he and the client agree to a plan, Connolly gets on the phone and starts looking for placements. The SOS workers keep lists of all the possibilities for substance abuse treatment, housing and employment. It’s another sales challenge: treatment programs and employers need reassurance that the Court is screening out potentially troublesome clients; much depends on building a reputation for sound judgment.

So far, SOS is proudest of the relationship it has developed with the Concord Hotel, a big resort in the Catskill Mountains 90 miles north of New York City. Especially during the summer months, the hotel imports people from the city to bus tables, wash dishes and do other low-skill work, and it provides housing for them on its huge campus. “If you’re going to be housed and you’re going to be able to have a job, this is like a dream come true for the homeless,” Bedrin says.

The SOS workers heard about the opportunity from people they met on the street who had gone upstate to work for the hotel. But the Concord’s personnel department seemed skeptical when SOS called to ask about placing people there. “The hotel said, ‘The homeless people come up and they bring their problems with them,’” Bedrin recalls. But they agreed to take a few people from SOS. In January 1997, two SOS recruits from the street went up to the Catskills, and within a few weeks, they were getting glowing reports from the hotel staff.

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“They said, ‘These guys are working great. We really like them,’” Bedrin says. So they agreed to take clients screened by SOS on an ongoing basis. So far, the program has sent 15 people to the Concord for stints of work. Only three have been dismissed for problems with substance abuse or work attitude.

## On the Street

*Marcus, a 24-year old from upstate New York arrived in Manhattan early in 1997 with his savings from previous work and plans to build a life in the big city. They collapsed when muggers took his money, and he wound up at a drop-in center, spending his nights sleeping on tables and chairs. Outside the shelter one day, he found a crowd of people gathered around Dave Connolly and two cops. A friend said, “This guy finds jobs; talk to him and see what he can do.” Marcus took Connolly’s card and went up to the courthouse, where he met Dave Bedrin.*

*In Marcus, Bedrin found a somewhat unusual case: well groomed and well spoken, with no substance abuse problems, this basically was just a young man down on his luck. Bedrin decided to make Marcus the first SOS referral to Times Square Ink., a job training program started by the Court. Installed in an office at Broadway and 41st Street, Times Square Ink. provides training in photocopying and related skills by having participants fill real orders from local businesses and non-profits. Graduates are placed in jobs with commercial photocopying businesses.*

*In the first month, Times Square Ink. taught “employability skills;” then Marcus moved on to the program’s copy shop for eight-hour days of on-the-job training. The program paid a weekly stipend of \$35 to start; it rose to \$50 in the third month.*

*“You do the work, eight hours, sometimes longer,” Marcus says. “It’s tough, but I got through it.” After he did so, Times Square Ink. found him a job with a firm that photocopies documents for attorneys. The money isn’t terrific, Marcus thinks, but the benefits are good, and it’s a start. Most important, steady income should make it possible to get out of the drop-in center. “I do want to get out of this place,” he says. “I don’t want the shelter life anymore.”*

## The Future

SOS remains a work in progress with much to ponder for the future. How big should the program be? Three outreach workers hardly meet the demand in the Court’s catchment area. Their numbers now are limited by resources and by the number of community patrol officers available to work with them. What would be the optimum number of outreach workers?

What kind of people should the program seek to hire? Rosario brought a female point of view and fluent Spanish to the effort; both appear to be enormous assets. Should the team make a point of working with female and Spanish-speaking police officers?

How should officers be prepared for the assignment? So far, they have learned what they need to know simply by talking with outreach workers on the job and feeling their way. Is it time to develop more formal training for them? And should they become involved in the work of the sixth floor as well as outreach on the street?

What about the schedule? The SOS teams know that their clients tend to congregate in different places at different times of the day and night. And there is a benefit to predictability — people should know that SOS will be there to talk to them at certain

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times. What would the ideal calendar look like for the winter, and how should it change for the summer?

And how, finally, should SOS be evaluated? Tallies of contacts made and services provided offer a limited picture of the program's overall effects. How could researchers isolate and measure the program's broader impact on attitudes of cops, clients and the public?

Such questions reflect a successful start more than any fundamental flaw. Engaging 264 people as social work clients represents a credible achievement in the midtown area in the first year; the numbers are likely to look better still in the next, given refinements to the program and three outreach workers on the street.

Beyond numbers, the experience so far dispels plenty of doubts. SOS demonstrates that putting police together with counselors on patrol is neither improbable nor unwise, given a mutual commitment to the project and a willingness to communicate. As practiced in midtown Manhattan, outreach raises no substantive civil liberties issues. Instead, it expands the horizons of police, while police provide security along with practical knowledge and insight crucial to the success of outreach. The Court, meanwhile, makes the most of its social work resources and strengthens its role in the neighborhood. The synergy benefits the Court, the police and all the people they serve.

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**Center for Court  
Innovation**

Located in New York City, the Center for Court Innovation works in partnership with the New York State Unified Court System to improve public confidence in justice. The winner of a 1998 Innovations in American Government Award from the Ford Foundation and Harvard University's Kennedy School of Government, the Center is the only one of its kind in the nation: an independent unit, broken out from day-to-day court administration, that works to improve how courts do business. Administered as a project of the Fund for the City of New York, the Center functions as the Court System's research and development arm, conceiving, planning and implementing new court prototypes. The Center's model projects include:

- Bronx Domestic Violence Court
- Brooklyn Domestic Violence Court
- Brooklyn Treatment Court
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- Manhattan Family Treatment Court
- Midtown Community Court
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- sponsors *www.communitycourts.org*, a web site with tools and practical advice for community court planners
- offers individualized assistance to jurisdictions that are developing community courts

For more information, please call Jimena Martinez at (212) 373-8098.

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## Engaging the Community: A Guide for Community Court Planners

*"You have to go in with open ears and an open heart," says Greg Berman of the Center for Court Innovation, who managed early planning for a community court in the Red Hook neighborhood of Brooklyn. "And you have to recognize that each community is different. One of the very first things that we did in Red Hook was convene a series of focus groups with neighborhood residents to identify community needs and community resources. We held separate discussions with community leaders, social service providers, young people and single moms. The conversations were extremely lively. Once people started talking, it was difficult to get them to stop..."*

### Introduction

Community courts are designed to build stronger connections between citizens and courts; community outreach is therefore a crucial component of any community court planning effort. Engaging the community should be the top priority in the court's early stages -- above staffing, site selection, even program planning. There are two principal reasons for this. The first is philosophical. Community courts are designed to address the unique needs and concerns of their target neighborhoods. There is no one-size-fits-all model. Different communities have different problems. And different problems merit different responses.

The second reason for engaging the community is more pragmatic. The basic job of a community court planner is to organize financial, political and material resources on behalf of their project. This means building support among funders, social service providers, elected officials, community leaders and the media. The only way to develop these kinds of partnerships is to be an active and visible presence in the neighborhood -- attending public meetings, interviewing local stakeholders and convening discussion groups.

Although community courts are designed to create safer, stronger and healthier neighborhoods, court planners dare not take their community's support for granted -- particularly in an era of "not-in-my-backyard" activism. Some local residents may oppose the project, complaining that a courthouse brings "undesirables" to the neighborhood on a daily basis and can cause congestion and disruption. Others may simply be apathetic; the challenge is to get their attention. Residents of many communities, particularly poor ones, are often deeply alienated from government and skeptical of promises made by agency bureaucrats, however sincere they seem.

Even where people are receptive, the idea of a community court is unfamiliar and will require a great deal of careful explaining. The process is unavoidably labor intensive and time consuming. Community relations are not built in a day and they certainly are not built by sitting in downtown office complexes. Planners should expect to spend from six months to a year building trust, making sure that they understand the community and that the community endorses the court.

In the initial stages, planners should spend time with individual residents and community groups in order to explain the idea of the court and hear their responses. The education is mutual: court planners learn about the neighborhood -- who lives there, the problems they face, what they expect from the police and the courts, how those expectations are and are not being met and resources the neighborhood could

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provide to support the community court. The community learns how the new court will differ from traditional courts and how it will enhance local efforts to improve the quality of life.

As it progresses, this process can help mold the court's priorities, determining which neighborhood issues -- juvenile delinquency? landlord-tenant disputes? low-level drug dealing? -- need attention first. It can also lay the foundation for the court's partnerships with community leaders, neighborhood organizations and other public agencies already at work in the area.

Not least, the initial outreach process serves to publicize the court: meetings with community groups spread the word that the project is underway. The goal is to understand the neighborhood's problems, build an agenda endorsed by local residents and mobilize community resources well before the court opens its doors.

*"I learned a couple of important things from the focus groups," Berman continues. "The first was that despite Red Hook's reputation for drugs and serious violence, the way that local residents talked about their community was not markedly different from the way that residents of midtown Manhattan talked about their neighborhood before the creation of the Midtown Community Court (New York's first community court). Red Hook and Midtown are about as different as two neighborhoods can be. Midtown is the tourist and cultural center of Manhattan, the home of Broadway and Times Square. Red Hook is dominated by one of New York's oldest public housing developments and is so isolated that I sometimes doubt whether any tourist has ever set foot in the neighborhood. Still, the same quality-of-life conditions -- graffiti, littering, noise violations, loitering -- weighed heavily on the minds of both Midtown and Red Hook residents. I remember one participant in the Red Hook focus groups saying, 'Violations do not receive any priority...we need a [better] quality of life.'"*

## Stakeholders

Once it was called a "key person" survey; the modern term is "stakeholder." The basic point is the same: what groups have an interest in the welfare of the community, and who speaks for them? The list of possibilities is long: local politicians, churches, schools, students and their parents, merchants, tenant and block organizations, fraternal orders, ethnic societies and other social or civic clubs, sports teams, youth groups, precinct-based police, health care clinics, drug treatment groups, literacy programs, other social service providers. There is also the less visible community -- young people who aren't in school, older people who are unemployed, welfare mothers, the elderly who stay at home. Even defendants can be included as stakeholders.

In the first phase of community engagement, court planners should identify all such groups and craft strategies for reaching them. The goal is to get answers to some fairly basic questions: What do local residents think about the quality of life in their neighborhood? What are the community's strengths? What issues are chronic problems? How do people feel about the court system? And what do they expect from it? Too often, planners presume that they understand what is going wrong in a neighborhood without asking the people who really know -- the citizens who live and work there.

A variety of tools can be used to engage community stakeholders. What follows are several strategies that have proven successful for community court planners in the past.

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## Interviews

In order to gain a full understanding of a community's problems, there is no substitute for simple communication. Talking with a broad spectrum of local voices -- the store owner, the senior citizen on the park bench, the teacher at school -- is crucial. Planners should pay special attention to neighborhood leaders -- the school principal, the block association president, the tenant organizer and the like. There may also be others with special knowledge of the community and its history: a newspaper reporter who has covered the area or a researcher at a local college. The approach to these stakeholders should be straightforward and humble: planners should emphasize that they are engaging in this process to learn about the community. This approach can go a long way towards disarming skeptical residents, who may be unaccustomed to government officials taking a deferential tone.

Possible questions include:

"What do you think of your neighborhood? Is this a good place to live? To do business? To own property? What are the main sources of aggravation, of fear, of crime? Are there street conditions -- rowdiness, noise, prostitution, drug dealing -- that seem to be out of control? What do you think is causing them? Do the people involved in crime live in the neighborhood, or do they come here from somewhere else? How do you think these problems might be curbed? What's it like for children and teenagers here? What do you think of the schools? Are too many children and teenagers on the street when they should be in school? Are there things for kids to do after school and on weekends? Is there a problem with gangs?"

"What resources exist in the neighborhood already? What are the community's strengths? Which churches, social service providers and community groups are the most respected? What do people in the neighborhood think of the way the police patrol the community? What do they think about the way the court system handles crime, family matters and housing disputes? How might a community-based court make a difference in the life of the neighborhood? How would we know if the court were successful?"

These questions get the conversation going; more specific ones depend on what the court planners may already know or suspect about community life. Planners should try not to bring too many preconceived notions to the conversations, however. Be open to surprises. In one case, organizers went into a neighborhood armed with reams of statistics about drugs, violence and other serious crime, only to be told by community members that stray dogs were their most vexing problem. Taking these issues seriously and devising strategies to address them will do much to win community support.

In addition to helping planners identify neighborhood concerns and priorities, individual interviews can be an effective tool for gauging local politics. Ask interviewees who else should be consulted in the same way. At this stage it should be possible to learn who plays the most important leadership roles in the community: who is respected, who is pursuing what hidden agenda, what factions have formed and what issues divide them.

*"Red Hook residents had problems that took them to family court and civil court as well as criminal court," Berman says. "These included disputes with landlords and domestic violence cases. Several participants lamented the jurisdictional boundaries of New York's court system. One person said, 'You can't divide a person up. You have to have a comprehensive look at the whole person. The community court could do that.'"*

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## Focus Groups

The idea here is to get input from people who are not necessarily leaders: people who reside or work in the community, who raise children there, own or rent property, use its streets, its schools, its parks. Why is this important? While community court planners must respect the authority, experience and knowledge of the "official" leaders of their community (ministers, politicians, tenant leaders), they must also make sure that this leadership accurately reflects the opinions and concerns of their constituents. To do this, court representatives should assemble several groups of about 10 people each (fewer than that may not yield many different views; more may become unwieldy to manage) and meet with them for an hour or two.

Some sessions can be easily organized through formal channels: ask a local minister to invite a dozen parishioners to a conversation at the church or the head of the P.T.A. to assemble a group of school parents. Court planners can also try to organize some discussions less formally. Does someone have a friend of a friend who lives in the neighborhood? Ask her to invite several neighbors over for an evening of conversation. Does the man who runs the corner store seem especially interested in talking about the court when you stop in? Ask him to invite a number of merchants from around the neighborhood to come in and talk on a Sunday afternoon.

Like the individual interviews, these "focus groups" or "discussion sessions" should begin with a basic explanation of the court and questions about the neighborhood. Again, the approach is to ask for help: How do neighbors feel about community problems? What are the neighborhood's strengths and weaknesses? Has the neighborhood gotten better or worse in recent years? Do they have confidence in local law enforcement and the courts?

Successful meetings of this sort require careful preparation. It's important to choose the right setting and create a relaxed atmosphere -- serving simple refreshments does much to help people feel welcome and comfortable. Planners also need to think about how to keep the meeting under control. Group dynamics can be tricky: given an audience, some people may be tempted to make speeches or engage in personal attacks. Planners lacking experience with the process should consider hiring a professional facilitator.

*"Red Hook is a neighborhood with a deep skepticism about government initiatives," Berman observes, "a skepticism that is rooted in a history of government neglect and unwanted intervention. This attitude would prove to be our largest obstacle. We got off to a good start in overcoming it with the focus groups. Almost by accident, we had sent a powerful message to Red Hook residents by convening the focus groups. And that message was: your voice counts. The focus groups were a visible sign that we intended to consult the community at each step of the process. This was not lost on participants."*

## Neighborhood Meetings

In addition to convening their own meetings, court planners should respect the existing infrastructure of the neighborhood by appearing at regular sessions of community groups: the P.T.A., the block association, the tenants' organization, the community board. Here the approach needs to be a bit more formal: begin with a five to ten minute talk about the idea of the court, where it came from and who supports it. This introduction could also explain how community courts are working in other places, the problems they are addressing and the ways they are incorporating input from neighborhood residents.

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Following the talk, court representatives should invite questions from the audience and lead a discussion of how the generic concept of a community court should be adapted to this particular neighborhood. Sometimes, the best way to engage an audience in a conversation about courts is to ask them to play the role of judge. Present them with a couple of hypothetical cases drawn from real life. What would they do if they were sitting on the bench and were confronted by a recidivist prostitute with a history of abuse at the hands of her boyfriend/pimp? How would they handle a homeless defendant arrested for trespassing at a local bus terminal? What would be an effective sentence in these cases? Explain to participants the kinds of information about a defendant that a typical judge would have. Tell them how long a judge would have to render a decision.

Asking community members to step into the shoes of the judge, if only for a moment, can be an eye-opening experience. In addition to helping them understand the pressures and demands of the judge's job, this exercise can also help residents develop a more nuanced response to crime, forcing them to grapple with the types of underlying problems -- substance abuse, homelessness, unemployment -- that often lead a defendant to court.

#### Outreach to Government Agencies

Talking with residents should not be the end of the conversation, however. Planners should also reach out to government agencies, both those within the justice system (prosecutors, probation, police, corrections) and those whose work intersects with courts (welfare, foster care, education, public housing and others). Neighborhood problems like juvenile delinquency or quality-of-life crime cut across institutional boundaries, involving dozens of government players in one way or another. There is no reason why a community court's response to these problems shouldn't be equally multi-faceted.

When reaching out to government agencies, the questions to ask are slightly different: How is government currently responding to the neighborhood's problems? In a more perfect world, what could courts and other agencies be doing better? The point of these conversations is twofold: to get a clear picture of "business as usual" and to tap into the creative energies of the people who know the system best.

Planners should take pains to understand their audience: it makes sense to emphasize different elements of the project to different listeners. For example, meetings with the local health department might focus on the court's social service role, emphasizing the court's desire to work in close coordination with agencies already in place and asking for their help in designing the court program. Meetings with board of education officials might concentrate on ways that the court can focus both law enforcement and social service resources on juveniles in trouble with the law as well as on crime and disorder -- rowdiness, noise, drug dealing, thefts, mugging of students going to and from school -- that disrupt the school day.

Meetings with police might emphasize ways that the court can complement community patrol initiatives, making possible quick sanctioning of offenders arrested in sweeps and providing social services that remove prostitutes, substance abusers and the homeless from the streets. Court planners should also point out the benefits of the court's community service program, which can help police by painting over graffiti, reclaiming neglected parks and refurbishing other run-down locations that attract prostitutes and drug dealers. Police might also be interested in discussing a community court's capacity to provide them with access to court outcomes, something they often do not receive

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from the traditional court system. Since the court's success may well depend on a good ongoing relationship with the precinct's community patrol division, court planners should consider paying special attention to its officers at this early stage -- accompanying them on patrol, sharing lunch or dinner, hanging out with them after hours in order to get to know them and learn from their insight into the community and its problems.

The bottom line is partnership. The goal of meeting with police officers, health officials, educators, welfare specialists and others is to bring them into the fold, engaging their expertise and manpower to solve neighborhood problems. These are the agencies that the community court will rely on to provide social services and supervise community service sanctions. The importance of building personal connections with their representatives cannot be overstated.

Planners often assume that other agencies will want to "do the right thing" and participate in a community court simply because it is a good idea. This is not always the case. Agencies are like people: they do things for a variety of reasons, some altruistic, some not. Planners should be prepared to articulate how participating in a community court will benefit other agencies, furthering their mission as well as the court's. In some cases, the payoff for the court's partners may be increased public visibility. In other cases, it may be access to information or the potential for new funding opportunities.

### Early Achievements

Interviews, focus groups and public meetings are valuable tools that can help planners gain a detailed understanding of the community and develop a sense of connection with those who live and work there. Planners may have to go further, however, if they want to build legitimacy.

The simplest way to develop credibility is to deliver something tangible to the neighborhood. Promises often ring hollow when they are not backed by action. So the quicker that planners can make good on some of the ideas that have emerged during the course of their meetings, the better. In many cases, this may mean launching an activity related to public safety before the courthouse itself is ready to open its doors.

Have residents identified a local park as a hot spot for criminal activity? Perhaps community court planners could organize a "take back our park" night of speeches and resident patrols. Are local kids idle during the summer months? Perhaps a court-sponsored baseball league is the answer. Is low-level youth crime on the rise? Perhaps a peer court could be created to address the problem.

It almost does not matter what the early achievement is, so long as it is real and responds directly to neighborhood concerns.

### Advisory Boards

Often, community court planners feel tremendous pressure to create a community advisory board for their project. Sometimes this pressure is internal: many planners look to advisory boards to help them manage community relations. In other cases, the pressure comes from the community itself, which demands a formal acknowledgment of its role in the process. Whether driven by internal or external forces, an advisory board makes good sense. By convening one, a community court sends a strong message that it intends to hold itself accountable to its neighborhood.

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The primary issue with advisory boards is not whether to have one, but when. The timing of a community advisory board must be weighed very carefully. In many cases, a community advisory board may make more sense after the court is operational, when there are actual programs to review and report on. No matter what stage an advisory board is assembled, one thing is certain: its role must be clearly defined. In what areas does the court seek community input? What elements of the program are not up for debate? Try to be as honest as possible. Very few community residents will expect to run the court. Most will respect boundaries as long as they are rational and clearly articulated.

## Concept Paper

At the end of the community outreach process, court planners should draft a report that summarizes what they have learned from their meetings in the community. It might include a general description of the neighborhood followed by the relevant problems that residents have identified. It would then discuss ways the court might respond in cooperation with other local institutions.

The concept paper should be both a planning document that summarizes work to date and a fundraising tool that can be used to approach foundations, corporations, elected officials and other potential funders. In drafting the document, planners should take pains to underline community "buy-in." Has a local city councilman publicly endorsed the project? Is there a letter of support from a local tenants association? Has the local newspaper written a favorable op-ed piece? All of these indicators of support should be incorporated into the concept paper. The idea here is to let readers know that the community court will be accepted as a valued addition to community life rather than the local outpost of an alien criminal justice process.

*"What I learned from all of these encounters was that there is no substitute for face time," Berman concludes. "As the months passed, I found my connections with community leaders deepening. I met their children, attended their church services and shared meals with them. I saw them in good times and bad, at public gatherings and in more intimate settings. These ties would serve the community court well when it was necessary to mobilize neighborhood support for a grant proposal, a newspaper article or a public meeting."*

## Conclusion

Engaging the community requires time and energy; it also requires tact and imagination. Introducing a community court into any political and social environment requires a deep understanding of that environment and an ability to adapt to it in constructive ways. Court planners have to understand how the community works -- who enjoys power and respect, how factions form, who can bring them together -- and how to maintain the court's essential neutrality. The court cannot be identified as "belonging" to one group or another. This may not be easy: a neighborhood is smaller than a city, but its politics are not necessarily less complex. A failure to understand them early on could put the whole plan at risk. Each court and community have to work out their own relationship. The earlier court planners start, the better it will be.



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Center for Court  
Innovation

Located in New York City, the Center for Court Innovation works in partnership with the New York State Unified Court System to improve public confidence in justice. The winner of a 1998 Innovations in American Government Award from the Ford Foundation and Harvard University's Kennedy School of Government, the Center is the only one of its kind in the nation: an independent unit, broken out from day-to-day court administration, that works to improve how courts do business. Administered as a project of the Fund for the City of New York, the Center functions as the Court System's research and development arm, conceiving, planning and implementing new court prototypes. The Center's model projects include:

- Bronx Domestic Violence Court
- Brooklyn Domestic Violence Court
- Brooklyn Treatment Court
- Crown Heights Community Mediation Center
- Harlem Community Justice Center
- Manhattan Family Treatment Court
- Midtown Community Court
- Red Hook Community Justice Center

With the support of a grant from the U.S. Justice Department's Bureau of Justice Assistance, the Center for Court Innovation also assists planners in other states who are developing community-focused court initiatives. The Center's technical assistance team:

- answers questions and provides information about all of the Center's projects
- hosts site visits to New York and uses the Center's projects to demonstrate the impacts of new court prototypes
- sponsors [www.communitycourts.org](http://www.communitycourts.org), a web site with tools and practical advice for community court planners
- offers individualized assistance to jurisdictions that are developing community courts

For more information, please call Jimena Martinez at (212) 373-8098.

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# Hartford Community Court

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*A Public/Private Partnership with the  
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## Hartford Community Court: Origins, Expectations and Implementation

### *I. Introduction*

Traditionally, courts have not been concerned either with neighborhood conditions or with solving community problems. In a traditional centralized court, low-level crimes are treated as isolated incidents rather than ongoing quality-of-life conditions. In marked contrast, community courts are designed to promote constructive responses to low-level crime and to provide service and feedback to the community in which crimes take place (Feinblatt et al., 1998; Sviridoff et al., 1997; Feinblatt and Berman, 1997; Kelling and Coles, 1996; Anderson, 1996; Rottman, 1996).

Over the past five years, a growing number of urban jurisdictions have begun to rethink the roles that community-focused courts can play in responding to neighborhood problems. This stems largely from widespread national interest in the experience of the Midtown Community Court, launched in October 1993 by a broad coalition of civic and governmental leaders.<sup>1</sup> The Midtown Court arraigns misdemeanants arrested for quality-of-life crimes in the neighborhoods of Times Square, Clinton and Chelsea. The Court's problem-solving agenda extends beyond the courtroom, transforming the courthouse into a place where both defendants and community members can get help for underlying problems and community stakeholders can address pressing local issues. Community courts have become a central part of the Justice Department's community justice agenda.

Community courts attempt to close the gap between courts and communities by bringing justice back to neighborhoods. They are much more than local branches of centralized court systems. Broadly conceived, they expand traditional notions about the role of courts and test their ability to serve as a catalyst for social change. As exemplified by the Midtown Community Court, they are dedicated to:

*Paying Back the Community:* Community courts sentence offenders who have committed low-level crimes to perform community service – cleaning graffiti, maintaining local parks – thereby “paying back” the community.

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<sup>1</sup> Community courts stem partly from the effort in the 1970's to create neighborhood justice centers to bring local dispute resolution capacity to communities, often as an alternative to formal case processing (McGillis, 1997). Community courts bring *both* formal court processing and informal dispute resolution mechanisms into urban neighborhoods.

*Using the Court as a Gateway to Services:* Community courts use their coercive power to sentence defendants to participate in treatment and other services. By housing a broad array of social services on-site, they also seek to promote voluntary service participation among both defendants and community members.

*Increasing Community Involvement:* Community courts give neighborhood members a voice in the justice system through advisory boards, which offer programmatic input and identify pressing community needs, and community conditions panels, which draw together local stakeholders to develop solutions to neighborhood hot spots of crime and disorder.

*Solving Community Problems:* Court-based mediators take advantage of the court setting to address individual and community-level disputes. By convening interested parties and facilitating discussions as an objective third party, many chronic, quality-of-life and interpersonal problems in a community never reach a courtroom.

*Promoting Accountability:* Community courts use the tools of modern technology to provide urban judges with information that would be readily accessible in a small town courthouse (e.g., whether or not a defendant completed community service or attended drug treatment).

*Influencing Community Norms:* Community courts are committed to restoring community confidence in the justice system. By demonstrating that courts can be responsive to community concerns, they attempt to increase respect for legal norms and compliance with the law and to involve community members in setting local norms.

Currently, more than twenty community court replications are in various stages of development in jurisdictions throughout the country.

*The Hartford Community Court.* Recently, Hartford, Connecticut, became the second jurisdiction (after Portland, Oregon) to follow the Midtown Court's example and open a community court. Two characteristics of the Hartford Community Court distinguish it from the Midtown Court, and make Hartford's experience informative for other jurisdictions. First, it is centralized, serving the entire population of Hartford (approximately 130,000 citizens). Second, Hartford planners lobbied to pass legislation enabling their court to mete out alternative sanctions for ordinance violations – cases that previously almost always received a small fine or were dismissed outright. As other jurisdictions across the nation work on developing community courts, the experience of the Hartford project will be of national significance as it tests: (1) the extent to which a centralized court can respond to neighborhood-specific problems; and (2) the implications of changing the court system's approach to ordinance violations that affect the community's quality of life.

The Hartford Community Court began operations on November 10, 1998, after two years

of intensive planning. This paper chronicles the origins, creation and initial operations of the Hartford Community Court – how system actors and the community together coordinated its design and implementation.<sup>2</sup> It explains the quality-of-life conditions that spurred a united planning effort to create the Court, drawing together system actors and community members. It also documents the Court’s expected caseload, as well as the way it is designed to process cases, and how its innovative approach differs from “business as usual.” It discusses the Court’s sanctioning policies; intermediate sanctions – both community service and mandated social services – are expected to radically change the “going rates” for low-level offenses as well. Finally, it highlights the accomplishments of the Court, and points out potential barriers to effective operation.

## *II. Project Genesis: A Call for an Innovative Approach to Quality-of-Life Problems*

*Project Origins.* In the early 1990s, serious gang- and drug-related crime was ravaging Hartford’s neighborhoods. In 1993, in an effort to help the City combat its crime problem, the Federal government awarded Hartford a \$2.2 million Comprehensive Communities Partnership (hereafter, Partnership) grant. This money was designated to improve coordination among law enforcement agencies as well as between the criminal justice system and the communities that it serves. Components included money for community policing and anti-gang initiatives.

The Partnership program facilitated the development of collaborations at many levels. Building on the foundation laid over the past 20 years by community organizers, a problem-solving committee for the City composed of members of the community, City agencies and the police – the Community Planning and Mobilization Committee – was created.<sup>3</sup> Initially, the Partnership grant helped to bolster neighborhood organization. In recent years, as Hartford witnessed a dramatic decrease in serious crime, communities organized to combat serious violent crime set their sights on addressing quality-of-life concerns that are widely recognized as

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<sup>2</sup> The information contained in this report comes primarily from interviews with Hartford Community Court planners – both system actors and representatives of Hartford’s neighborhoods – conducted before the Court began operations. Hartford system actors interviewed include: the Court’s inaugural presiding judge, the State’s Attorney, the police chief, and representatives of the Bail Commissioner, the Office of Alternative Sanctions, the City Manager’s Office, and the Sheriff’s Department. Interviews were also conducted with those overseeing the Court’s alternative and social service sanctioning components, as well as a designer of its management information system. Additional information about the project was gathered during the first few months of operations.

<sup>3</sup> As one community activist explained, the communities existed naturally before, but some were more active than others; some had established organizations that were relatively inactive; some were characterized by infighting between organizations. Funds from the partnership grant helped to “shape up” all 17 communities.

precursors to more serious forms of deviance (Kelling and Coles, 1996; Wilson and Kelling, 1982). The idea for a Community Court arose after Partnership participants – both system actors and community residents – identified quality-of-life crimes as having a significant negative impact on their communities and became aware of the existing system’s inability to address many quality-of-life offenses.<sup>4</sup>

The search for a collaborative solution to quality-of-life issues was galvanized by a speech Attorney General Janet Reno made in Hartford in May 1996. The idea of creating a Community Court in Hartford was the product of a meeting between the City, the State’s Attorney for Hartford, and the State of Connecticut’s Judicial Department. Soon after this conference, a small group from Hartford toured the Midtown Community Court. On the heels of this visit, coordinated planning began to build on the Midtown Community Court model in Hartford. Beginning in late 1996, with the support of Connecticut’s Chief Court Administrator, a working group – including representatives from the City, the community, the Hartford Police Department, the State’s Office of Alternative Sanctions (OAS), the Public Defender’s Office, Adult Services, the Bail Commission/Pre-trial Services Office,<sup>5</sup> and the State Sheriff’s Office – was convened to develop an implementation plan for Hartford’s Community Court.

*Planning the Court.* Two individuals initially drove this project: the Director of the Comprehensive Communities Partnership, who worked out of the City Manager’s Office; and a community organizer with over two decades of “grass-roots” experience with Hartford’s neighborhoods. Whereas the traditional court system was heavily criticized for being too removed from the communities it purportedly served, having these two actors “at the table” ensured that the Court was designed to address the concerns of and be responsive to the City and its neighborhoods. Six months after planning began, the Court’s inaugural Judge entered the planning process, and played an integral role in conceptualizing the Court’s processing and sanctioning procedures. Thus, in contrast to some jurisdictions, where the planning was either prosecutor-driven or led by a neutral non-profit organization, planning for the Hartford Community Court gradually became more “judge-driven.”

*Building Support for the Community Court.* In addition to the core project planners, the

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<sup>4</sup> Specialized courts, including drug courts and domestic violence courts, are popular in the State of Connecticut. The City of Hartford is also home to a juvenile drug court.

<sup>5</sup> Pretrial staff interview defendants and complete a criminal history check, including searching for outstanding warrants, pending cases, probation records, and for holds for other states and institutions.

concept of a community court in Hartford had several important early allies. Hartford's Mayor was an early staunch advocate, as was the Chief Court Administrator of the Connecticut Judicial Branch and a representative of the State's Office of Alternative Sanctions. Several of those involved in the Community Court's planning process reported that it was facilitated when other key figures, some of whom were skeptical at first, also "came on board," becoming advocates of the Court.

1. *The State's Attorney.* For example, the State's Attorney was initially skeptical about the concept of a community court when he was approached with the idea. Yet, after reading a Bureau of Justice Assistance publication on the Midtown Court and then visiting Midtown, he came to recognize that community courts could provide an effective means of dealing with low-level offenses.

The State's Attorney had long been frustrated with the Hartford criminal justice system's inability to address quality-of-life offenses – public drinking, larceny, prostitution, graffiti. When police made arrests for such offenses, the overburdened criminal court could not devote a lot of attention to them. Data showed that more than 65 percent of misdemeanor arrests were "nolled" – declined to prosecute. This fostered cynicism among police officers who saw their efforts go for naught when cases entered the court system. It also reinforced the belief that there were no consequences for low-level criminal behavior and no justice for quality-of-life victims (especially victimized neighborhoods). After reading about the Midtown Court's emphasis on holding individuals accountable for their behavior and witnessing Midtown offenders "pay back" the community, the State's Attorney became an advocate of the community court concept.

The first assigned prosecutor for the Hartford Community Court had this to say about his role there:

*I find that I am not as much enforcing state statutes and city ordinances as I am seeking compliance with contemporary community standards. And even though many of the cases I "prosecute" will end up in a dismissal,<sup>6</sup> I find I am nonetheless gratified knowing that my participation in the process has led to hundreds of hours of community service work, that in all probability, would otherwise have been left undone.*

2. *The Police.* Like the State's Attorney, the Chief of Police was well aware of the absence of meaningful sanctions for quality-of-life offenders. Though he shared the State's

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<sup>6</sup> By "dismissal," the prosecutor is referring to offering a plea agreement whereby when the defendant completes an alternative sanction, his case is dismissed. As explained below, at the Community Court, the State's Attorney has modified his traditional adversarial stance for the sake of offering a constructive response to individual offenders and offenses.

Attorney's skepticism of "boutique courts" in general, he saw the Community Court as an effective means for filling this sanctioning void.

He shared the State's Attorney's frustration about how low-level cases had traditionally been handled. He remarked that, over the past several years, quality-of-life enforcement had become a priority of his department, saying that cops strive to solve problems in the community. Moreover, he said that in recent years, the City of Hartford had adopted innovative practices, such as using civil nuisance abatement laws, to address quality-of-life problems. Yet the potential effectiveness of intensified enforcement of disorderly offenses was limited by a lack of meaningful response from the court system.

Members of the Community Court's planning team recognized that, because line-level police officers are the "gatekeepers" of the criminal justice system, it was important that they buy into the concept of a Community Court. After all, a significant portion of the Court's projected caseload volume would be dependent on officers' aggressive response to "nuisance" offenses. Thus, planners worked to educate the police on how the Community Court would provide a meaningful response to low-level cases, trying to convince them that it would be worth their while to write summonses for them.

Police participation was seen as important in other ways. First, it was recognized as crucial that officers fill out summons information (on arrest location and nature of the offense) accurately, so that defendants can be assigned to appropriate community service crews. Second, in cases where defendants failed to comply with the mandates of their alternative sanctions, the police would be responsible for enforcing warrants. Members of the planning team report, based on early operations, that line-level police officers (like their chief) are accurately recording key information on summonses, making the police a cooperative partner of the Court. Yet it is still too early to tell whether the police are effectively going after warranted "no shows."<sup>7</sup>

3. *The Community.* Residents of Hartford's communities, as represented by the Community Planning and Mobilization Committee, were also vocal lobbyists for the creation of the Community Court. Community support for the Court was spurred by perceived inadequacies of the court system in regard to low-level crime. Residents were dismayed that those who committed low-level crimes and nuisance offenses faced no consequences; the system lacked

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<sup>7</sup> Some system actors, citing a considerable existing backlog of unserved warrants, questioned whether low-level warrants would be enforced by the police. This raises interesting operational questions. Before the Court opened, planners considered an alternative response to noncompliance: issuing "capeus writs," that are enforced by sheriff's deputies, instead of warrants.

accountability. They saw the criminal justice system as an entity completely removed from, and unresponsive to, the citizens it purported to serve. By contrast, the impetus for the Community Court was a product of the City listening to its neighborhoods. As one representative of the City put it, the Court was “implemented from the ground up.” Citizens were active advocates of the Court; several community members took personal time from work to testify in support of the legislation enabling its creation.

### *III. Designing the Hartford Community Court*

Planning for the Hartford Community Court was undertaken with an eye towards the Midtown Court demonstration project. Hartford planners decided early on to adapt many of the Midtown Court’s features to their jurisdiction, including: offering defendants help with underlying problems by serving as a gateway to social services, promoting accountability through use of a custom-designed management information system (MIS), and focusing on community restitution by having offenders “pay back” the neighborhoods in which they offend through community service.

Yet, as discussed below, the Hartford Community Court departs from the Midtown Court’s example in several ways. First, whereas the Midtown Court handles only arraignments, at the Hartford Community Court, a case can be held over several appearances (until disposition or trial). Second, the vast majority of cases it sees are non-custodial. Third, it has no impartial resource coordinator in the courtroom to help screen cases for appropriate social services and to scan the “rap” sheet.

Perhaps the most significant way in which the Hartford Community Court deviates from the Midtown Court’s example is that it is centralized. The Court’s community focus is not limited to one or a handful of communities. It extends throughout the entire City of approximately 130,000 residents. Court planners recognized that the effort to use alternative sanctions to craft solutions to the problems of 17 diverse neighborhoods was a considerable challenge. They needed a mechanism to ensure fairness to all neighborhoods while maximizing the ability to respond to 17 different priority problems.

*Community Focus & Community Input.* Given that the Hartford Community Court serves the entire City, it is designed to maintain close contact with representatives of each of the City’s 17 neighborhoods. Each neighborhood has a problem-solving committee that determines priorities for their communities, including crime and non-crime issues to be dealt with by the

police, the Community Court, and other appropriate City departments (e.g., public works). A representative from each of the 17 problem-solving committees serves on the citywide Community Planning and Mobilization Committee – the advisory board to the Court. Every month, the committee meets with representatives of the Court – including the Judge and the Director of the Comprehensive Communities Partnership – as part of an ongoing assessment of community conditions.

At the time of this writing, the Court is anticipating having technological links to each of the 17 communities. Each neighborhood is developing an “on-line” connection to the Court’s MIS via community-based computer terminals, housed at convenient locations such as centers for the elderly and libraries. This technology will enable problem-solving committee members to provide regular, tangible feedback about community conditions to Court actors.

To coordinate service to the community, the Court employs a community service supervisor as well as four community service project supervisors (who oversee work crews), each of whom is responsible for one quadrant of the City (four or five of its neighborhoods). These supervisors maintain contact with designated community representatives, in order to be responsive to communities’ improvement priorities such as: abandoned property/vacant lot clean-up, trash pick-up, clean-up/set-up for special cultural events, landscaping around senior centers and snow removal. Defendants are typically required to perform community service in the same neighborhood in which they committed their offense.

*Funding.* In many cities, community court planners face financial obstacles, particularly if their plans involve construction costs to build or renovate a courthouse building. By contrast, planners of the Hartford Community Court began with strong support from the City. They then used the City’s financial backing to leverage State commitment and resources to the project.

The planning and operations of the Hartford Community Court were originally supported with a combination of Federal and City funds. “Seed” money for the development of the Court came from \$700,000 remaining from the 1993 Comprehensive Communities Partnership federal grant that was awarded to the City. Additionally, one half (\$350,000) of a \$700,000 federal Local Law Enforcement Block Grant was designated to the Court. This federal money is also being used for Court staffing – including the salaries of the prosecutor, public defenders, bail clerks, and sheriff’s deputies – for the first nine months of its operation. And the City of Hartford contributed roughly \$300,000 from its general fund for equipment, including computers and furniture.

Upon witnessing the City's dedication to the project, the State allocated existing funding sources to the Community Court, as well as issuing a \$5.8 million bond for renovation of the building which houses it. The building, which it owns, is next to the superior court building. It took "buy-in" from the Governor's Office to obtain the building, and the State's Department of Public Works assisted in its renovation.

The Court's first-year budget includes \$1.3 million from the City, plus \$300,000 in "in-kind" City staff for the Human Services Department.<sup>8</sup> In addition, the State has put up approximately \$300,000 in "in-kind" money to support the salaries of courtroom personnel and social service staff.

*Staffing.* Court staff include a dedicated judge, who is permanently assigned to the Court; five full-time court clerks and one deputy clerk;<sup>9</sup> sheriff's deputies, who provide courthouse security (eight special deputies have been permanently reallocated to the Community Court); a dedicated prosecutor, who is permanently stationed at the Community Court so that he is familiar with its procedures and operations; and two Bail Commission personnel, who conduct preliminary assessment interviews.

The Court's human services staff include five individuals from the Hartford Department of Human Services; two people from the State Department of Social Services; and three individuals from the State Department of Mental Health and Addiction Services (DMHAS). The Court's human services coordinator explained that it is especially important to have this latter organization – the gatekeeper for mental health and substance abuse services – "on board." A private contractor, Community Partners in Action, provides the Court with the aforementioned five alternative sanctions staff who develop and oversee community service projects, and monitor and report on compliance.

#### *IV. Caseload*

The Community Court is designed to deal with "nuisance" cases, including both nonviolent misdemeanors and municipal ordinance violations. A prime goal of the Hartford Community Court is to respond constructively to those who "make a nuisance of themselves."

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<sup>8</sup> As this in-kind money is earmarked for staff who were already employed by the State before the Court, these are not new expenditures, but a reallocation of existing resources.

<sup>9</sup> Clerks' roles at the Community Court are the same as at the superior court, with the exception of one who serves as the administrative assistant of the Judge and performs tasks such as writing the Court's newsletter.

In handling these cases the Court system is addressing behavior which traditionally has not received a meaningful response from the court system.

The superior court handled roughly 16,000 criminal cases – misdemeanors and felonies – annually before the court opened. Planners expected the Community Court to process 6,000 of these cases (or approximately 38% of the dockets). If so, the superior court’s caseload would drop substantially – an expected system benefit.

The following table indicates the major misdemeanor charge categories expected to constitute the Community Court’s annual caseload:

**Quality-of-Life Crimes Expected to Appear at  
The Hartford Community Court<sup>1</sup>**

<b>Misdemeanor Charge</b>	<b>Number of Cases Docketed from 12/1/95 through 11/30/96</b>
Breach of Peace	1,820
Criminal Trespass 1, 2, 3	1,179
Disorderly Conduct	962
Larceny 6	1,046
Threatening	303
Patronizing Prostitutes	86
Criminal Mischief 2, 3	239
Obstructing Free Passage	152
<b>Total</b>	<b>5,787</b>

<sup>1</sup>These are cases which were “nolled,” dismissed, or resulted in a guilty verdict. As discussed below, notable excluded categories of cases include: drug offenses, prostitution cases, and cases involving domestic violence.

As this table illustrates, the Community Court expects to handle approximately 6,000 misdemeanor cases annually.<sup>10</sup> In addition, the Community Court handles violations of City ordinance, including: loitering, graffiti, public drinking, unreasonable/excessive noise and public indecency. For these offenses, the police officer has the discretion to make an arrest, but usually issues a summons “on the spot,” just as he would issue a traffic ticket (the summons is akin to a non-custodial arrest). Violation of municipal ordinance cases are now routed through the

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<sup>10</sup> To provide a sense of the severity of these offenses, the most serious is probably Larceny 6 – a theft of goods worth no more than \$250.

Community Court as the result of the same legislation that authorized creation of the Court itself.<sup>11</sup> Because planners expect that enforcement of ordinance violations will increase, it is difficult to predict accurately the number of these cases that the Court will see. Planners expect that the Court will encourage substantially more enforcement of nuisance offenses, resulting in as many as 2,000 ordinance violation cases annually. If so, ordinance violations would account for 25 percent of the Court's caseload.

*Excluded Cases.* The Community Court specifically excluded some specific charges: cases involving drug charges, prostitution cases, assault cases and domestic violence cases are not heard at the Community Court. In addition, the prosecutor retains discretion to reject some cases, rerouting them to the superior court. As the State's Attorney put it, "if the person has a horrendous prior record, say a record of violent crimes, I'm not too sure we'd want to put that person in a Community Court setting where they might be painting an elderly person's house." For this reason, some defendants who might technically qualify are either not sent to the Community Court or are transferred out when such information is learned. Project planners report that the list of excluded cases might be modified over the first year.

#### *V. Case Processing*

The Hartford Community Court's case processing procedures include: streamlining the arrest-to-arraignment process; an emphasis on meting out alternative sanctions; "paying back" the community; assessing defendants for social service needs; linking defendants to Court-based social service providers; and using a Management Information System (MIS) that enhances information-sharing among Court personnel. It also promotes accountability by informing sanctioning and treatment decisions, and by monitoring compliance with alternative sanctions.

*Case Flow.* Expedited case processing is a goal of the Community Court. The period from arrest to arraignment has typically been two weeks; the Community Court has reduced it to 48 hours. In addition to handling many misdemeanor charges, the Court also receives cases

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<sup>11</sup> Before the advent of the Community Court, ordinance violation cases went through the superior court, where they resulted in a fine (at most). Under this legislation, these offenses now come through the Community Court, where they are subject to more onerous sanctions – community service or sometimes, in cases of non-compliance, even jail.

through police issuance of summonses.<sup>12</sup> In order to move cases before the Judge within 48 hours, the police must get arrest and summons information to the courthouse within 24 hours, so that it can be entered into the Court's MIS. The manner in which police fill out summonses is important to this effort. The Court needs an accurate record of arrest location and a reliable description of the offense to match community service sentences to places and offense type. (For example, a graffiti artist may be sentenced to clean graffiti.) Accurate police information is essential to having defendants "pay back" the neighborhood in which they committed their offense.

*1. Preliminary Assessment.* When a defendant arrives at the courthouse, a staff member from the Bail Commission conducts a pre-arraignment interview, which contains information about defendants' substance abuse, education, employment, health and housing problems. He enters criminal history information into a notes field in the Court's computer application. He also "flags" individuals who appear to have acute human services needs (e.g., a visible or self-reported drug problem). Individuals who are "flagged" report to the social service staff for assessment, including a battery of "needs" questions, *before* they come before the Judge. Through this process, the recommendations of the human services department are available to the Judge before he makes his sanctioning decision.<sup>13</sup> After the Bail Commission interview, the defendant is passed to the State's Attorney for a discussion of the plea before coming to the courtroom.<sup>14</sup>

The Bail Commission's staff person provides the Court with information from three sources: the pre-arraignment interview; a criminal history (including National Criminal Investigation Center and State Police Bail information, and information on outstanding warrants

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<sup>12</sup> There are two other potential ways that cases might be "funneled" to the Community Court in the future. First, they could be diverted in the police station after arrest. In this scenario, a perpetrator would be brought to the police station and released on a Promise To Appear (PTA) and docketed at the Community Court. Bail Commission interviewers based at the Police Department would play a key role in facilitating this kind of diversion by identifying Community Court-eligible cases before they are sent to superior court. Second, some cases from the superior court could be transferred to the Community Court, also by means of a PTA.

<sup>13</sup> Those who are not flagged go before the Judge first, *then* are sent to the social service staff, when the social service instrument is administered.

<sup>14</sup> Before the creation of the Community Court, the Bail Commission interview was administered mainly to those who were arrested custodially. Because of the Community Court's focus on summonsed cases, "business as usual" has changed for Bail Commission staff.

and pending cases); and the police incident report.<sup>15</sup> For misdemeanor cases, this criminal history information is normally checked the day before an individual is scheduled to appear. For ordinance violations, record checks based on identifying information such as name and birth date are always performed on the day of their appearance because summonsed individuals are not fingerprinted.<sup>16</sup>

In addition to the pre-arraignment screening interview conducted by the Bail Commission, all defendants who come through the Community Court are assessed by social service staff for underlying problems.

2. *Sanctioning Procedure.* Sanctioning at the Court is contingent on the defendant accepting the community service and/or social service mandates of his plea agreement. Based on information provided by the Bail Commission staff (and sometimes the Court's human services assessment), the Judge offers a plea with specified conditions. Charges against the defendant are dismissed (and his record expunged in 30 days) if he complies with the conditions of his plea.

If the defendant rejects the plea offer, his case is usually scheduled for further appearances at the Community Court.<sup>17</sup> Court planners anticipated that the majority of defendants would accept a conditional plea. Project planners reported that in the first month of the Community Court's operation almost all defendants did accept their sanction. (Types of sanctions are discussed in Case Outcomes section below.)

3. *The Public Defender's Role.* All of those who come through the Community Court are eligible for public defender representation. Although public defenders are available, during initial Court operations, very few defendants requested representation. According to the Judge,

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<sup>15</sup> For "bailable" offenses, this information includes a weighted release criteria form. For summons cases, there are no fingerprints taken. However, record checks of summonsed individuals are performed when they appear at Court. During the Court's early operations, this method resulted in taking into custody several individuals who had open warrants.

<sup>16</sup> The judge reports that, although this system is not failsafe, in several cases it has been successful in detecting outstanding warrants for serious offenses among individuals who were brought in on ordinance violation charges.

<sup>17</sup> For this reason, the concern about "forum shopping" – continuing a case in the hopes of receiving a more lenient case outcome at the superior court – is minimal.

the reason for this is that, for low-level charges, most defendants are confident that they can handle their cases themselves.<sup>18</sup>

*4. Pleading Not Guilty.* Cases where the defendant pleads not guilty and requests a bench trial can be heard by the Community Court's Judge. Cases in which a defendant is eligible for and requests a jury trial normally are transferred to the superior court. In some instances, cases can be transferred to the superior court for other reasons as well. For example, the Judge reported that one defendant who had multiple cases pending at the superior court was transferred there. It was sensible, the Judge explained, to add the instant charge that brought him to the Community Court to his "total package" of cases at the superior court.

*5. Pleading Guilty.* Defendants who refuse the community service offer can opt to plead guilty; they are commonly ordered to pay a fine (typically \$35). The guilty finding against them goes on their criminal record.

*6. Consequences of Noncompliance.* If defendants fail to appear or fail to complete their intermediate sanction, the Court can issue a rearrest warrant that is referred to the Hartford Police Department to be served.<sup>19</sup> At its discretion, the Court may impose additional sanctions for those who fail to complete their mandates. For ordinance violations, rearrest can lead to a C Misdemeanor conviction for failure to appear or failure to comply with conditions.

*7. Human Services.* After arraignment, every defendant receives a needs assessment through the Court's human services offices, regardless of whether he accepts a plea or is transferred to another court. Human services staff might refer defendants to substance abuse counseling, mental health and medical services, GED classes, job placement, and housing, or provide medical or food stamp authorization cards.

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<sup>18</sup> The handling of misdemeanors at the Hartford Community Court does not differ from superior court. In Hartford, low-level misdemeanor cases rarely have legal representation; individuals facing ordinance violation charges almost never do. The vast majority of cases at the Hartford Community Court would not have had legal representation previously.

<sup>19</sup> If, given a second chance, defendants complete their mandate, then their case still is dismissed and their record expunged. In the event that they repeatedly fail to complete and are transferred to superior court, the instant charge remains on their permanent record and they go to superior court for sentencing.

## VI. Case Outcomes

Traditionally, the “going rates” for the offenses that the Community Court handles resulted in few sanctions. At the superior court, low-level cases were commonly “nolled.” The 36 percent of cases that were not “nolled” usually received fines or, according to Court personnel, “informal probation” through a conditional discharge. Unconditional discharges were issued as well. The most frequent sentence for convicted cases was a \$35 fine.<sup>20</sup>

*Sanctioning at the Hartford Community Court.* By contrast, at the Community Court, there is an emphasis on constructive sanctioning. When defendants enter a plea, Court-imposed conditions are designed both to “pay back” the community and to provide links to help for those defendants who need it.<sup>21</sup> The typical sanction at the Community Court has both a community service and human services component.<sup>22</sup>

Community service sanctions and human service mandates are determined in different ways. Community service sanctions are proportional to the severity of the instant offense, and to a lesser degree, criminal history. Accordingly, mandates are likely to be more onerous for those cases involving misdemeanor, as opposed to local ordinance, charges.<sup>23</sup> The Judge typically assigns one day of community service, but can assign an unlimited number of days.

By contrast, human service mandates are issued according to defendants’ needs. Unlike community service time, the Judge does not specify *how much* the defendant must participate in human services. Rather, he defers that decision to the human services staff, who have broad discretion to mandate whatever services they deem appropriate. Thus, even if a defendant comes through the court on a very minor charge (for example, public drinking), the human service staff could still compel him to go into extended substance abuse treatment. In fact, in the first month of Court operations, several defendants were placed in treatment for several months.

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<sup>20</sup> There is no baseline information on what proportion of those charged with an ordinance violation paid their fine, or what happened when defendants failed to pay their fines. Presumably, the Community Court will bolster accountability and result in greater compliance because of its enhanced monitoring capabilities.

<sup>21</sup> Staff reported that, during the Community Court’s brief period of operation, there already have been many cases where social service was assigned exclusive of community service.

<sup>22</sup> Only in rare cases are fines imposed.

<sup>23</sup> In all likelihood, those defendants who continue their cases in the hopes of receiving a more lenient outcome at the Community Court at a future date will be disappointed. The Judge stated that, with each additional appearance, defendants will have community service time added to their mandates.

This open-ended policy might raise issues of proportionality. Given the low-level instant charges, do human service staff have too much discretion in assigning lengthy mandates? It also complicates the compliance issue: Will the prospect of a \$35 fine compel an addict to remain in long-term treatment? What ultimately happens if they fail to comply?

### *VII. The Role of Technology*

The City of Hartford's technology staff have developed an integrated Management Information System (MIS). The MIS enables Court personnel – including Bail Commission, alternative sanctions, and human services staff, as well as the Judge – to share information about cases and individuals.

The MIS enhances the Court's "non-traditional" operations. It makes assessment information entered by Bail Commission and Human Services staff readily available to the Judge. This information allows him to make more informed sanctioning decisions, based on the defendant's social service needs. Moreover, it promotes accountability by providing a way for human service and alternative sanction staff to monitor whether defendants have fulfilled their alternative sanction mandates.

It also augments communications between the Court and the 17 communities it serves – a unique feature of the Hartford MIS that is appropriate to the Court's centralized role. Summons information (the specific location and exact nature of the offense) is entered into the system by human services staff. The MIS automatically "geocodes" this information, assisting alternative sanctions staff in making appropriate community service assignments. Community members, in turn, are able to provide on-line feedback to the Court on conditions in their neighborhoods.

*The MIS & Confidential Information.* MIS designers were careful about specifying which case information could be shared among various Court actors, ensuring that privileged information would be available only to those who were authorized to see it. For example, human services staff are not authorized to view most criminal history information. To accomplish this, technology staff incorporated information "fire walls" – security measures (such as passwords) – into the MIS. Some files and tables are "read-only" for certain individuals, reducing the chance that data are mistakenly deleted or somehow "corrupted." By building in these precautions, the designers of the MIS made it possible for staff to enter sanctioning and compliance data "on-

line,” precluding the chance that information is “lost in the shuffle” of papers.

### *VIII. Community Service*

Although the community court concept is new to the State of Connecticut, alternative sanctioning has deep roots. The State has a strong tradition of using alternative sanctioning, including community service. The role of the State’s Office of Alternative Sanctions (OAS) is to issue bids for subcontractors to run alternative sanctioning programs.<sup>24</sup>

In the case of the Community Court, OAS accepted the competitive bid from the Hartford-based Community Partners in Action (CPA) to administer its alternative sanctions, including providing community service supervision. Founded in 1875 and formerly known as the Connecticut Prison Association, the CPA has a long history in the State. It runs a variety of alternative sanction projects, including a day incarceration center, an alternative incarceration program with a community service component, and a referral process for detoxification.

The neighborhood problem-solving committees have compiled long lists of potential community service projects for defendants to perform. Interviewed before the Court opened, when the Court’s projected caseload was somewhat uncertain, a CPA administrator stated, “I don’t think we’ll be hurting for projects.” Another added, “We’ll have more projects than we know what to do with. No doubt about that.”

This forecast proved accurate. In the first month of Court operations, defendants were assigned to 129 job sites, logging 834 hours of community service. Those who received the benefits of community service included public entities, private individuals and businesses who have been victimized.<sup>25</sup>

CPA staff’s extensive experience with community service projects in the Hartford area facilitates their deep understanding of the problems associated with implementing community service. CPA staff also have a lot of experience dealing with offenders who have physical conditions which make them difficult to place in community service projects. Their expectations are grounded in experience. As a result, there is less concern about community service liability

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<sup>24</sup> The OAS was established in 1991, and today has a budget of \$40 million.

<sup>25</sup> For example, community service crews can be assigned to festivals held by the Spanish-American Merchants’ Association, an active participant in community meetings.

than in jurisdictions with no community service “track record.” As one respondent put it, liability issues are “not a major concern.”

CPA has hired five full-time personnel devoted exclusively to the Community Court. These include a community service coordinator and four community service supervisors. Each of the four crew supervisors is assigned to a quadrant of the city with a vehicle to transport the crew. Crews are provided brown-bag lunches from a local vendor (who has been victimized multiple times and is an active community participant).

The community service coordinator has a multifaceted job. First, he sits in the courtroom to help the Judge coordinate crew scheduling. He is also responsible for presenting progress reports (about compliance and appropriateness of behavior) to the Judge. The Court relies on this information in deciding whether to dismiss the case or issue a warrant for non-compliance. Using the Court’s MIS, he also ensures that projects are monitored and assigned properly, and are coordinated with defendants’ human services mandates. The community service coordinator also serves as liaison to the 17 community members who represent their respective problem-solving committees, accepting referrals for service projects from them.

*Mediation.* CPA also runs the Hartford Area Mediation Program (HAMP), which traditionally functioned as a form of pretrial diversion. In its preliminary operations, the Community Court has used attendance at a one-on-one dispute mediation session, run by HAMP, as a condition of a plea for some cases. In the future, dialogues between community members and defendants at the Community Court might also include reconciliation groups that bring together neighborhood residents and offenders. For example, Court planners have discussed the possibility of convening sessions between community members and those arrested for soliciting prostitutes.

#### *IX. Human services*

The coordinator of the Community Court’s human services component, who has a history of working with welfare and medical benefits, supports the concept of providing services “under one roof.” The coordinator believes that having multiple service providers close to one another makes service delivery more efficient, stating, “while we all have worked for the same or similar clients, we have never had the opportunity to work as a team in the same environment for the same end.” To facilitate service delivery, the courthouse building contains a large seminar room

that will be used for educational groups, as well as a computer room that can be used for vocational training.

As mentioned earlier, the human services staff have considerable autonomy in delivering service plans for defendants. If the human service staff decides that it would benefit a truant youth who has committed a disorderly offense to return to school, a week of school attendance could become the condition of the youth's alternative sanction. Moreover, if the human services staff feels that a given defendant is unfit to perform community service, they inform the Judge, who will waive the defendant's community service obligation.

When the Court opened, few social service sanctioning options were firmly in place. As the human services coordinator stated, "we don't know who's coming through the door. . . . It's like shooting in the dark." Yet, over the first month of Court operations, the human service staff demonstrated a flexible response to programmatic needs. For example, they established substance abuse education groups, conducted in both Spanish and English. They also have made numerous job and housing placement referrals.

As of this writing, several other groups and services have been implemented or are planned in response to the complex problems of the defendant population.

- *A "Good Citizenship" Class.* Hartford's Human Services Department and its public access television channel put together a film designed to make those who commit quality-of-life offenses aware of how their behavior affects the community. It is designed to educate viewers as to how to be a "good citizen." A Court-based social worker will use this video in mandated pro-social behavior class (e.g., for defendants brought in on noise violations).
- *An HIV/AIDS Education Group.*
- *A Parenting Group.* In its first month of operations, the Court has seen a significant number of 16- and 17-year olds appearing on disorderly charges. As many of these youths are parents, human services staff are discussing the prospects of developing a "responsible parenting" class to serve them.
- *An Employment Orientation Group.* Soon, a representative from the Hartford Department of Human Services will conduct a resume-writing/interview skills-building seminar at the Court on a weekly basis (followed by one-on-one training sessions).
- *HIV Testing.* Beginning soon, the City's Department of Health will conduct HIV testing in the Courthouse building. Testing for sexually transmitted diseases could follow.

- *GED Classes/Distance Learning.* Using a grant from the Department of Defense, the State armory has made distance learning (receiving instruction from faculty at a remote location via computer) available to the public. In the future, Community Court defendants could be referred to GED classes that are conducted there. An enhancement grant would allow for hardwiring of the courthouse, allowing for computer links to the armory. Alternatively, distance learning could be conducted at a classroom at the armory.
- *A Nutritional Education Group.*

The human services coordinator also expects that the Community Court will build partnerships with other agencies, potentially including: Catholic Family Services; the Department of Mental Retardation; and the Hartford Hospital, which is within walking distance (less than two blocks away). The hospital is willing to provide AIDS counseling at the courthouse.

#### *X. Accomplishments & Potential Barriers*

The Court's opening in November 1998 marked the culmination of the planning effort. As the Judge put it on the second day of Court operations, "Everything we are doing had to be conceptualized and implemented ad hoc. Today being our second full day has already produced tons of small changes in our procedures." He went on to say that, in light of all the innovations implemented by the Community Court, the system worked remarkably well from the outset.

*Accomplishments.* The Hartford Community Court succeeded in creating an innovative Court whose operations are reflective of feedback solicited from neighborhood residents, and City and State criminal justice officials.

- *Building a Centralized Community Court.* Before Hartford, community courts had been conceived of as serving a limited geographical area comprised of one neighborhood or a few adjacent neighborhoods. Planners in Hartford are attempting to apply the community court model by implementing a centralized court which nonetheless is designed to be responsive to and help to "pay back" every neighborhood in the City. This model was seen as appropriate for Hartford because its relatively small geographic area of 17 square miles and small population of approximately 130,000 (about the same number of residents as is in the Midtown Community Court's catchment area). This centralized community court model may not be feasible in municipalities with markedly larger populations.
- *Redefining Behavioral Norms & Expectations.* The Court is also attempting to influence behavioral norms about low-level nuisance offenses. Court planners were ambitious in lobbying for legislation that expanded the menu of sanctions available in municipal ordinance cases, sending the message that certain forms of disorderly behavior will not be tolerated.

- *Problem-solving Partnerships.* The idea for the Court emerged as part of a larger Citywide problem-solving initiative. Even in its early stages, it established partnerships and coordinated with the police, the community, social service providers, the City’s executive branch and a local university. These partnerships help leverage additional resources to enhance the Court’s operations and services.
- *Expanded Use of Information.* Expanded use of information, facilitated by the Court’s custom-designed Management Information System, serves three functions: 1) It bolsters accountability by making information about compliance with alternative sanctions readily available. (2) It allows neighborhoods to identify priority community service sites, enter compliance information on-line, and facilitate assignment of offenders to neighborhoods where their crime took place. And (3), it provides Court actors, including the Judge and human services staff, with enhanced information about defendants’ needs and problems.
- *Flexible Response to Problems.* The project has been adaptable and responsive in addressing citizens’ concerns. Concern over excessive noise is an example. In the planning stages of the Court, the notion of creating a sanction tailored to violators of the City’s excessive noise ordinance was raised. Early on, planners considered having a “noise room” in the courthouse in which those who violate noise ordinances would be forced to listen to music that is noxious to them. Although the “noise room” proved too controversial to implement, the idea of having a sanction designed specifically for noise violators was not abandoned. Instead, the Court began requiring excessive noise violators to view the good citizenship film, which emphasizes that loud noise is contrary to good conduct. Ultimately, the Court took community concerns seriously in two ways: by recognizing the need to respond to noise violations and by developing a sanction that “fit the crime” without pushing too far.

*Early Issues & Concerns.* Before opening, Court planners were concerned with several issues. Would defendants agree to the alternative sanctions offered by the Court? Were there sufficient accountability mechanisms in place? The planning process and early operations surfaced several key issues – the need to balance competing neighborhood interests in a centralized community court model, the role of the defense bar, the appropriate role of the Judge – that will merit further attention as the Court matures. These are reviewed below.

*1. Accountability.* Project planners were concerned about two types of compliance: 1) the initial appearance at Court for defendants released on their own recognizance, and (2) compliance with alternative sanctions. Because the project expected to change both the frequency and the return date of municipal ordinance summonses, it was difficult to estimate how often defendants would appear in Court on these cases.

Planners, concerned about potentially high “no-show” rates, focused on mechanisms to respond (e.g., warrant and rearrest procedures) to both failure-to-appear at arraignment and failure to comply with sanctions. They made efforts to ensure police cooperation in enforcing

rearrest warrants. Over the first two weeks, compliance was good: 70 percent appeared at Court as required and only 10 percent failed to comply with alternative sanction.

It is still too early to document how the Court deals with the chronic failures and “no shows.” Together, the experience of drug courts and the Midtown Community Court demonstrate the effectiveness of graduated sanctioning and certain consequences for non-compliance. Over the coming months, the Hartford Community Court will face the challenge of designing and implementing graduated sanctions for repeat offenders and appropriate responses for those who fail to comply.<sup>26</sup>

*2. Defendant Choice in Sanctioning.* Originally, there was concern that a large proportion of defendants might simply plead guilty and pay a fine, thereby avoiding Community Court sanctioning. During initial operations, Court personnel were pleased to note that the vast majority of defendants coming through the Court did accept the plea. Expunging the arrest and avoiding a small fine proved to be sufficient incentive for most defendants to accept the sanctions meted out at the Community Court.

*3. Equitable Distribution of Community Service Work in Neighborhoods.* In the Court’s planning stages, several individuals pointed out that two or three of the City’s most-victimized communities would probably receive the vast majority of Court-sponsored community service assistance, because defendants would be assigned to “pay back” the victimized neighborhood. They were concerned that other neighborhoods might feel slighted. They suggested that, because the Court is centralized, it needed to respond to priority problems in all neighborhoods – even those with relatively low offense frequency.

This issue surfaced a fundamental conflict between the centralized community court approach and one of the basic principles of the community court model – paying back the harmed neighborhood. In allocating community service sentences, project planners in Hartford are concerned about striking a delicate balance between distributing “pay back” to neighborhoods where offenses occur and providing less disorderly areas with some minimal level of help.

*4. Defense Role.* As discussed, the defense bar has played a relatively small role in the planning and daily operations of the Hartford Community Court. Although the defense bar has traditionally played little role in the processing of ordinance offenses, the expanded range of

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<sup>26</sup> This is especially pertinent in regard to cases where a lengthy social service requirement (e.g., long-term drug treatment) is made a condition of an individual’s mandate.

sanctions available to the Community Court may raise due process issues. Without a well-defined defense role in the Courtroom, are defendants interests sufficiently represented? This question is particularly relevant in low-level cases that lead to lengthy social service mandates in response to assessed need.

5. *Proportionality of Sanctioning & Human Service Mandates.* As discussed, the length of social service sanctions is determined by human services staff based on a review of defendants' problems. This practice raises questions about the proportionality of sentencing and the appropriate response to non-compliance. What are the ramifications of mandating lengthy human service assignments for acts as minor as drinking a beer in public? If defendants originally faced a \$35 fine (i.e., very little "stick"), what prevents them from ignoring social service mandates? What happens if they fail to comply?

6. *Project Coordination.* In contrast to the Midtown Court and other community courts being planned, the Hartford Community Court does not have a designated coordinator. In addition to his role in the courtroom, the Judge carries substantial responsibility for project coordination and for overseeing court operations. Although the original project planners from the Office of Alternative Sanctions and the City Manager's Office assist, particularly with inter-agency coordination, neither is available full-time.

Some outside observers have suggested that the Court might benefit from a full-time coordinator. Overall operations in and beyond the courtroom might be hampered if the burdens of overseeing operations and hearing cases prove too much for the Judge to handle. If caseloads grow, the Judge's courtroom responsibility might limit his administrative capacity.

In addition, judges in other community court sites see the project coordinator role as providing a valuable "buffer." They worry that extensive community engagement might compromise their independence. Others see a need for a neutral party to coordinate the often complicated relationships among the various partners involved in community courts.

7. *Crafting the Message: Shaping Community Expectations.* Finally, some community leaders were concerned that residents might have unrealistic expectations about the Community Court's potential accomplishments. They were particularly concerned about expectations that the Court would sharply reduce recidivism, an ambitious goal for any criminal justice project. Recognizing that community frustration with disorder had produced enthusiastic support for the Court, they feared an erosion of community support if community members saw the *same* individuals repeatedly assigned to neighborhood work crews.

To address this issue, one community leader proposed efforts to review community expectations for the Court to ensure that they were not unrealistic.<sup>27</sup> There was concern that Court representatives communicate the message that its ability to break entrenched patterns of offending was limited. In the tradition of problem-oriented policing (Goldstein, 1990), project planners seek to delineate expectations clearly – to provide strict accountability; to provide consistent, meaningful sanctions; and to “pay back” victimized neighborhoods – and thereby minimize the dashing of unrealistic expectations.

## *XI. Conclusion*

Hartford is the nation’s third jurisdiction to attempt bridging the gap between communities and the court system that serves them by creating a community court. Court planners were ambitious in lobbying for legislation that authorized the Court to be created and expanded the menu of sanctions for municipal ordinance violations (e.g., drinking in public and excessive noise). They were also ambitious in their effort to be responsive to the City’s 17 neighborhood problem-solving committees, a task that requires concerted coordination between the Court and the neighborhoods it serves.

To date, planners have successfully developed key components of their vision, establishing the newly renovated Hartford Community Court as a means of promoting community restitution and a gateway to services; creating a plea structure that is likely to transform “going rates” for low-level offenses; developing a customized MIS designed to support judicial decision-making and ensure accountability; building electronic links to neighborhood problem-solving committees; participating in monthly meetings designed to ensure continued community collaboration; and maintaining a continuing planning capacity to tailor alternative sanctions in response to specific offenses and offender problems.

Yet several questions remain unanswered. Further documentation of the project is needed to determine whether preliminary expectations about the Court have been realized. Basic operational questions include: How do caseloads and case outcomes change? Are system efficiencies realized? How often are low-level offenders sentenced to long-term social service interventions? How often do defendants fail to comply with community service and social service mandates? Is non-compliance higher for social service mandates? Is the extent of non-

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<sup>27</sup> Researchers at the Trinity (a local college) Center for Neighborhoods have submitted a proposal to study this issue – documenting expectations for the Community Court among both community members and criminal justice system professionals’ (e.g., police officers, prosecutors).

compliance linked to differences in sentence length? How does the Court ultimately respond to non-compliance?

*Broader Questions.* There are also broader questions about the two distinctive features of the Hartford model: its centralized approach and its effort to transform the system's response to municipal ordinance offenses, as discussed below:

1. *Centralized Approach.* The Hartford model raises questions about how a centralized Community Court can identify and respond to the existing and emerging problems of multiple neighborhoods. Future documentation should examine several questions: How does the project resolve the conflict between "paying back" victimized neighborhoods and concerns about distributing work crews equitably to *all* neighborhoods? How is the collaboration between the Court and Hartford's 17 neighborhoods operationalized? Does it go beyond the identification of local priority problems and responsive community service projects? Do monthly advisory board meetings provide a sufficient forum for sharing information between the Court and residents about project accomplishments and developing neighborhood problems?

2. *"Defining Decency Up".* An increasing number of American cities are rethinking their approach to low-level offenses in response to community concerns about disorder and low-level crime. At the same time, there is new and growing concern that increased enforcement of low-level offenses might unfairly target some groups (e.g., the homeless, the mentally ill, ethnic minorities). Future documentation should review whether and how these issues surface during the early operations of the Hartford Community Court.

Further documentation should also address the following questions: How do offenders respond to the changes in sanctions? Are community court sanctions seen as more or less punitive than fines? How do defendants respond to court-based services? Do they take advantage of them voluntarily? Do they come to see the Courthouse as a place where they can get help?

It should also review community reactions. How do community residents respond to the project? How "realistic" are community expectations about its potential accomplishments? And how does the effort to develop a more constructive response to municipal ordinance violations affect perceived levels of neighborhood disorder? Do community members notice a visible change in quality-of-life conditions?

As an increasing number of community courts are implemented throughout the nation, the Hartford model can offer valuable lessons to the field. Its early operations will be closely

watched by jurisdictions interested in improving the response to low-level offenses and by smaller cities, interested in building community court principles in a centralized court context.



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Notes



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Located in New York City, the Center for Court Innovation works in partnership with the New York State Unified Court System to improve public confidence in justice. The winner of a 1998 Innovations in American Government Award from the Ford Foundation and Harvard University's Kennedy School of Government, the Center is the only one of its kind in the nation: an independent unit, broken out from day-to-day court administration, that works to improve how courts do business. Administered as a project of the Fund for the City of New York, the Center functions as the Court System's research and development arm, conceiving, planning and implementing new court prototypes. The Center's model projects include:

- Bronx Domestic Violence Court
- Brooklyn Domestic Violence Court
- Brooklyn Treatment Court
- Crown Heights Community Mediation Center
- Harlem Community Justice Center
- Manhattan Family Treatment Court
- Midtown Community Court
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- offers individualized assistance to jurisdictions that are developing community courts

For more information, please call Jimena Martinez at (212) 373-8098.

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## Executive Summary: The Implementation and Effects of the Midtown Community Court

### Summary

In October 1993, the Midtown Community Court opened as a three-year demonstration project, designed to test the ability of criminal courts to forge closer links with the community and develop a collaborative problem-solving approach to quality-of-life offenses. Research on the implementation and early effects of the Midtown Community Court over its first 18 months found that the project achieved its key operational objectives: to provide speedier justice; to make justice visible in the community where crimes take place; to encourage enforcement of low-level crime; to marshal the energy of local residents, organizations and businesses to collaborate on developing community service and social service projects; and to demonstrate that communities are victimized by quality-of-life offenses. Research also found that the court had a profound impact on the types of sentences handed out at arraignment, more than doubling the frequency of community service and social service sentences and reducing the frequency with which the "process was the punishment" for misdemeanor offenses. In addition, the project served to increase compliance with community service sentences by 50 percent; substantially reduce local quality-of-life problems, including the concentration of street prostitution, unlicensed vending and graffiti in the Court's target area; and increase community confidence about the Court's ability to provide constructive responses to low-level crime.

### Objectives of the Court

The product of a two-year planning effort, the Community Court project brought together planning staff from the New York State Unified Court System (UCS); the City of New York; and the Fund for the City of New York (FCNY), a private non-profit organization. The purpose was to provide effective and accessible justice for quality-of-life crimes -- prostitution, shoplifting, minor drug possession, turnstile jumping and disorderly conduct -- in Times Square and the surrounding residential neighborhoods of Clinton and Chelsea.

The decision to establish the Midtown Community Court was grounded in the following propositions:

- that centralized courts focus resources on serious crimes and devote insufficient attention to quality-of-life offenses;
- that both communities and criminal justice officials share a deep frustration about the criminal court processing of low-level offenses;
- that community members feel shut off and isolated from large-scale centralized courts;
- that low-level offenses like prostitution, street-level drug possession and vandalism erode the quality of life and create an atmosphere in which serious crime flourishes and;
- that, when communities are victimized by quality-of-life crimes, they have a stake in the production of justice and a role to play at the courthouse.

The establishment of the Court reflected a general recognition that the court's response to low-level offenses should be more constructive and more meaningful to victims, defendants and the community.

The Midtown Community Court was designed to do substantially more than replicate the routine case processing of low-level crimes in a neighborhood-based setting.

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Established as an experiment, the project was designed to test whether a community-based court could make case processing swifter, make justice visible to the community, encourage the enforcement of low-level offenses, marshal local resources and help restore neighborhoods that are victimized by crime. In developing the Midtown Court, project planners collaborated with community groups, criminal justice officials and representatives of local government to identify ways in which a community could achieve these goals. This collaborative process produced an approach to low-level crime that was designed to 'pay back' the victimized community, while addressing the underlying problems of defendants.

### **Innovative Features of the Court**

Midtown's planners introduced a number of features that departed substantially from 'business as usual.' These include:

- a coordinating team, working in partnership with court administrators, to foster collaboration with the community and other criminal justice agencies; oversee the planning, development and operations of court-based programs; and develop ideas for new court-based programs;
- an assessment team, operating between arrest and arraignment, to determine whether a defendant has a substance abuse problem, a place to sleep, etc.;
- a resource coordinator, stationed in the well of the courtroom to match defendants with drug treatment, community service and other sanctions;
- innovative technology, to provide immediate access to information needed to inform judicial decision-making;
- space for court-based social service providers to address underlying problems of defendants;
- community service projects specifically designed to 'pay back' the community harmed by crime;
- a Community Advisory Board to keep the court abreast of quality-of-life problems in the community; identify community service projects to address these problems and; assist in planning and provide feedback about the Court;
- court-based mediation to address community-level conflicts, rather than just individual disputes; and
- a court-based research unit, to analyze information on case processing and case outcomes and suggest adjustments.

### **Research Design**

As a demonstration project, the Midtown Community Court required rigorous evaluation to document its evolution, examine its impacts and explore its implications for other jurisdictions. Because a central goal of the project was to improve public confidence in the courts, the evaluation needed to examine public perceptions as well as court outcomes. Therefore, the research design incorporated both traditional measures of court performance (arrest-to-arraignment time, case outcomes, compliance with intermediate sanctions) and less conventional performance measures (patterns of local quality-of-life problems, community attitudes toward the court, community perceptions of improvements in the quality of life).

The research combined two key components: a process analysis and an impact analysis. The process analysis reviewed implementation problems, documented changes in the project over time and examined the role played by the community at the Court. The impact analysis included: (1) an analysis of court outcomes, comparing adjournment rates, dispositions, sentence outcomes and alternative sanction compliance rates over the Midtown Court's first year to a case sample from Manhattan's centralized

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downtown court; (2) an examination of the Court's impact on quality-of-life conditions -- the changing concentration of street-level offenses and disorderly conditions -- in the Court's target area; and (3) an analysis of the evolution of attitudes toward the Court among community leaders, residents, members of the local criminal justice community and defendants, before and after the Court opened.

## Early Debate

Even in the early stages of planning, the public debate about the Court was heated and lively. Court planners articulated a vision of a community-based misdemeanor court that would expand the use of intermediate sanctions, 'pay back' the neighborhoods where crimes took place and provide court-based services to help solve the underlying problems of defendants.

Yet skeptical observers questioned whether the project would have any effect at all on 'business as usual.' Some suggested that defendants would adjourn their cases to the downtown court to avoid sanctions mandating community service and social services. They argued that it would be difficult to change 'going rates' for low-level offenses.

Overall, the debate about the potential impacts of the Midtown Court helped define central issues to be addressed by the research, including the effect of the new Court on disposition rates, case outcomes, compliance with community service sanctions and community conditions. The following sections summarize the findings of that research.

## Process Analysis

Process analysis revealed that most barriers to project implementation were overcome during the planning period. Before opening, project planners confronted difficulties in gaining approval for the initial site for the Court; prosecutorial and defense resistance; and the need to raise sufficient funds to sustain an ambitious demonstration project.

There was also preliminary concern that adding new information about defendants and new players in the courtroom might substantially alter traditional courtroom dynamics. The assessment team's pre-arraignment interview raised questions on both sides of the aisle about confidentiality. How would a defendant's admission of drug use -- which is, after all, a criminal act -- be used in the courtroom? Who would have access to this information and for what purpose? Attorneys also voiced concerns about the potential influence on judicial decision-making of the resource coordinator, a new employee assigned to make recommendations about intermediate sanctions. Over time, concern about these issues subsided. Ultimately, defense attorneys came to see the resource coordinator as a valuable tool in linking their clients to needed services.

Other implementation issues concerned caseload volume. Procedural problems initially delayed the transfer of some cases arising in Midtown to the Court. By the end of the research period, however, the daily caseload had reached the project's target of 60 arraignments per day. In fact, the court's caseload expanded to include matters not generally heard in arraignment parts (updates about treatment participation, hearings on violations of conditional discharge, returns on warrants).

By the end of the first 18 months, there was clear evidence that the project had achieved its five operational goals, as described below:

- 1) **Swifter Justice.** As anticipated by planners, justice was swifter at the Midtown Court. Arrest-to-arraignment time averaged 18 hours at the Midtown Court compared to 30 hours at the downtown court. This was accomplished in a single shift per day, in

contrast to the two-to-three shift schedule downtown. Coordinating staff ensured a 'same-day' or 'next-day' start for 40 percent of defendants with community service sentences. These procedures made it difficult for sentenced offenders to walk out without scheduling community service, a common occurrence downtown. Some defendants were arraigned, sentenced and done with community service sentences on the same day.

2) **Visible Justice.** There were substantial efforts to make justice more visible to the community. The Midtown Court convened a Community Advisory Board; assigned uniformed community service crews to address local problem spots identified by community members; contributed \$280,000 in community service work to the neighborhood; conducted outreach to community groups; hosted tours and meetings at the courthouse; produced a quarterly newsletter; and garnered broad media coverage. Community leaders who participated in focus groups and individual interviews recognized the value of these efforts. However, they pushed for even greater visibility and more frequent feedback.

3) **Encouraging Enforcement.** Project planners anticipated that the Court would encourage enforcement of low-level offenses by taking quality-of-life crimes seriously. Coordinating staff met regularly with precinct commanders, made presentations at precinct 'roll calls' and provided feedback to police about case outcomes. Over time, as new relationships developed between the Court and local police officers, police began to enforce low-level warrants, recommend community service projects and draw upon court-based social service staff to help solve local problems. Increasingly, local police saw the Court as a partner in the effort to respond to low-level crimes for which traditional methods had been ineffective.

4) **Leveraging Community Resources.** The Court was also expected to "marshal the energy of local residents and businesses." Court staff worked closely with community groups to identify local quality-of-life problems and address these problems through community restitution. Project staff assembled nearly two dozen community-based partners that supervised neighborhood-based community service projects and provided a broad range of services -- substance abuse counseling, health education classes for prostitutes and their customers, GED classes, English as a Second Language classes, medical testing -- at the courthouse itself.

5) **Community Restitution.** The final objective was to promote a recognition that communities are victimized by low-level crime. Community service projects were explicitly designed as community restitution, to pay back the neighborhoods where crimes took place. The judge made extensive use of community restitution options and the Community Advisory Board provided a forum for keeping the judge and coordinating staff informed about community problems. In addition, court-based mediation focused on conflicts between community groups -- disputes about noise, about the use of public space -- that might never come to the attention of a court.

The process analysis also identified the Court's ability to integrate staff from different agencies -- judges; court clerks and court officers; attorneys; pretrial interviewers; police officers in the Court's holding cells; court-based community service and social service staff -- into a single 'team' as a central project achievement. Many roles expanded beyond traditional job descriptions. Instead of being overwhelmed by 'turf' issues and inter-agency skirmishes, interviews and observations revealed that personnel throughout the courthouse took part in the joint effort to promote defendant compliance with Court conditions and to link troubled offenders to appropriate services.

Project planners anticipated impacts in four areas: case outcomes, compliance with intermediate sanctions, community conditions and community attitudes. The analysis of preliminary impacts shows that the Court had substantial effects in all four.

**Case Outcomes.** A central objective of the Midtown Court was to change going rates for low-level offenses and move sentencing into the middle ranges, between 'nothing' (e.g., sentences of time served) and jail. Sentencing at the Midtown Court produced significantly more intermediate sanctions than the downtown court and clearly demonstrated that the criminal justice process need not be the sole punishment for a low-level offense. Specifically, the Midtown Court produced:

- more than twice as many community service and social service sentences for drug and petit larceny charges;
- roughly three times as many community service and social service sentences for theft of service and unlicensed vending charges; and
- almost four times (95% versus 25%) as many community service and social service sentences for prostitution charges.

This was accomplished by substantially reducing the frequency of such case outcomes as 'time served', 'conditional discharge' with no conditions specified and 'adjournments in contemplation' of dismissal with no conditions imposed, as described below:

- a reduction in such outcomes from 55 percent to one percent for prostitution;
- a reduction in such outcomes from 39 percent to five percent for drug offenses;
- a reduction in such outcomes from 23 percent to six percent for petit larceny and criminal possession of stolen property;
- a reduction in such outcomes from 50 percent to 15 percent for turnstile jumping; and
- a reduction in such outcomes from 70 percent to 23 percent for unlicensed vending.

*Jail.* The broad use of intermediate sanctions was also linked to a reduction in the frequency of short-term jail sentences (one to five days) for defendants sentenced at arraignment for three offenses, including a 73% reduction for prostitution, a 50% reduction for petit larceny and a 29% reduction for turnstile jumping. Although the Midtown Court handed out fewer jail sentences than the downtown court, Midtown jail sentences were typically longer than those downtown, particularly for petit larceny (an average of 79 days, compared to 49 days at the downtown court) and prostitution cases (an average of 15 days, compared to five days at the downtown court). The difference in jail sentence length springs from the use of intermediate sanctions as an alternative to short-term jail (i.e., five days or less). After accounting for the time spent in detention before arraignment and time off for good behavior, these short-term jail sentences usually amount to little more than a day of post-sentence jail time.

*'Forum Shopping.'* The research examined the possibility, proposed by critics of the Court, that extensive 'forum shopping' would increase the frequency of adjournments at arraignment, thereby escalating system costs. Research showed no evidence that the Midtown Court encouraged 'forum shopping.' There was no significant difference in the frequency of adjournments at the Midtown and downtown courts, after controlling for differences in charge type, arrest type and precinct of arrest. Although for some charges (unlicensed vending and prostitution), there were significantly more adjournments at the Midtown Court than the downtown court, for other charges (petit larceny, drugs) adjournment rates were lower at the Midtown Court.

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**Compliance with Intermediate Sanctions.** By promoting both immediacy and accountability, planners anticipated that Midtown would produce higher compliance rates for community service sentences than the downtown court. In 1993, roughly 20 percent of defendants sentenced to short-term community service downtown left the Court without scheduling community service. Another 30 percent showed up for scheduling but failed to complete their sentences. At Midtown, court officers escort defendants to the scheduling office, which reduces the chance that a defendant will disappear without scheduling. The majority of defendants are scheduled to begin community service within a week of sentencing -- substantially faster than at the downtown court. The Court's technology promotes accountability by providing computerized daily attendance records and immediate feedback to the Court about compliance status.

As a result, aggregate community service compliance rates are higher at the Midtown Court than at the downtown court (75% compared to 50%). Some groups, thought to pose a high-risk of non-compliance (e.g., prostitutes), had relatively high rates of compliance at the Midtown Court.

**Community Conditions.** There was substantial evidence that the Midtown Court contributed to improvements in quality-of-life conditions in Midtown. Together, ethnographic observations of local 'hot spots,' interviews with offenders, analysis of arrest data, focus group interviews and interviews with local police, community leaders and residents pointed to substantial reductions in concentrations of prostitution and unlicensed vending. Arrests for prostitution in Midtown dropped by 56 percent over the first 18 months and arrests for unlicensed vending fell by 24 percent, reflecting a visible reduction in street activity, reported by local police, community members and street ethnographers alike. Community members also reported a marked reduction in graffiti along Ninth Avenue, the commercial strip that serves the residential community.

The Midtown Court contributed to these improvements in a variety of ways. Community service crews played a central role in cleaning up local eyesores. Court-based service providers assisted those defendants who were ready to change their lifestyles, by arranging placements in drug treatment facilities, helping with education and employment or securing bus tickets back home. Several prostitutes, repeatedly sentenced to perform community service, reported that it had become too difficult to work two jobs -- on the streets and at the courthouse. As a consequence, they took measures to reduce the risk of arrest by working fewer hours, working indoors or out of cars, or catering to a select group of known customers.

During the Court's first 18 months, several simultaneous initiatives also contributed to a general improvement in neighborhood conditions -- increased police enforcement, clean-up crews provided by Business Improvement Districts, the redevelopment of the Times Square Area and general economic development in Midtown as a whole. Informed observers saw the Midtown Court as one of several, mutually supportive contributors to the marked improvement in quality-of-life conditions.

**Community Attitudes.** Before the Midtown Community Court opened, observers voiced mixed expectations about the project. Community leaders and residents complained that courts in the past had paid insufficient attention to low-level crime. While they sought a more constructive response to low-level offenses, their expectations about what the Court might accomplish were muted by prior experience with failed

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neighborhood improvement initiatives. Over time, the initial attitudes of community groups and some criminal justice personnel improved substantially. The initial questions asked about the new Court -- 'Would it work?' -- gave way to specific questions about whether aspects of the Court might be adapted to other settings. The evolution of attitudes toward the Court is described below:

*Community Leaders.* Although community leaders were initially supportive of the Community Court, their expectations about the project's ability to improve community conditions or help offenders change their lives were restrained. By the end of the research period, they were confident that the Court was having a broader influence than expected on individual offenders and on patterns of offending. They saw the Court as a major factor in the reduction of both prostitution and unlicensed vending and credited both the deterrent effect of punishment and the availability of court-based services.

*Community Residents.* Community members who were active in neighborhood organizations were generally aware of the Court's existence and its plans for community service sentencing, although they had only a sketchy understanding of how the Court operated. Although they were initially skeptical about the possibility of neighborhood change, by the end of the first year, they gave the new Court credit for reducing local quality-of-life problems.

*Police Officers.* Although police management and precinct supervisors strongly supported the new Court, local police were initially negative about the Court and skeptical about the possibility that the Midtown Court might improve community conditions. By the end of the first year, many local officers, especially community police officers, had become vocal supporters. Local police were particularly impressed with the Court's impact on prostitution, offenses associated with prostitution (e.g., assaults on 'johns') and graffiti. Although some local officers remained skeptical about whether community service crews were adequately supervised, precinct managers requested the assistance of community service crews in maintaining the local station house.

*Judges.* Judges reported that they 'did things differently at Midtown' because expanded information and strict accountability promoted the use of court-based alternative sanction programs. They were confident that they could find out what happened when they sentenced an offender to social service programs, including long-term treatment, and were therefore more willing to take risks. They also reported that judges at the downtown court took Midtown sentences seriously, because they recognized that alternative sanctions were monitored more rigorously than they were downtown.

*Attorneys.* Initially, the District Attorney's Office and representatives of the Legal Aid Society had publicly opposed the development of the Midtown Court. The defense bar raised issues about the confidentiality of new information about defendants and about the possibility of 'net widening' through an expansion of intermediate sanctions. Over time, defense attorneys came to believe that their clients benefitted from the expanded array of intermediate sanctions and the access to court-based services.

Prosecutors raised issues of cost and equity. They questioned the fairness of lavishing additional resources and top-quality court personnel on a single community, rather than working to improve outcomes and procedures at the downtown court. They also challenged the equity of having sentencing outcomes differ according to 'geography.' These issues persisted throughout the study period. Over time, the District Attorney's

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criticism focused increasingly on the reduced use of jail sentences at the Midtown Court.

*Courtroom Staff.* Courtroom employees gradually changed from skeptical observers to willing participants in the Midtown Court and advocates for court-based intermediate sanction programs. Although several were drawn to the project by the opportunity to work with cutting-edge technology, they reported frustration with the inefficiencies associated with that technology in its developmental stages.

*Defendants.* Defendants generally perceived the Midtown Court as cleaner, faster and tougher than the downtown court. They were aware that community service sentences were more common at the Midtown Court than downtown and that the Midtown Court monitored compliance closely: as one put it, 'they know everything about you.' Overall, they reported that sentencing was consistent and fair, even if tougher, and that program staff at Midtown "treat you like a human being."

As a whole, the Midtown Court's early experience reduced the initial skepticism of both community members and criminal justice practitioners. It demonstrated that a community-focused court could indeed change traditional practice, affect 'going rates', promote defendant compliance with community service orders and help make a difference in neighborhood conditions. The project served to demonstrate that courts can develop closer links to communities and become an active partner in solving local problems. Overall, the Midtown Court served to spark broad recognition -- in both local and national-level conversations -- of the role that community-focused courts can play in developing constructive responses to quality-of-life offenses.

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Written by

David Anderson

The Red Hook Youth Court is funded by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention through the New York State Division of Criminal Justice Services. Additional support is provided by the Louis Calder Foundation, Pinkerton Foundation and Surdna Foundation.



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**Kids, Courts and Communities:  
Lessons From the Red Hook Youth Court**

Rhonda

*Rhonda wants to be a lawyer: "I like to argue a lot," she says. And it was an argument that ended up putting the 15-year-old in a good place to advance her ambition — an internship with the Brooklyn Bar Association. A dispute with another girl (she doesn't care to say what it was about) led to heated words, then an exchange of blows. No one was hurt, but the other girl's mother felt aggrieved enough to report Rhonda to the police. Instead of a visit from a police officer, however, Rhonda got a call from a man named Derek Miodownik, who asked her to come in for an interview at the Red Hook Youth Court.*

*Rhonda knew some other young people who were involved in the youth court, which operates out of a ground floor apartment in her Brooklyn housing project. But she didn't know much about how it worked or what it was all about. Now she was about to learn.*

*At the Youth Court office, Miodownik, who runs the program, told her that the police had forwarded her case to the court. If she would accept responsibility and submit to a sanction imposed by the court's jury of teenagers, she could clear up the matter with the police. If she refused, she wouldn't be subject to arrest, but her failure to respond could be taken into account if she got into trouble with the law again.*

*Rhonda thought it over and decided to cooperate. That meant an interview with a "youth advocate" who would represent her during a hearing before the full court, a group of six, most of whom she also knew from the streets and projects of Red Hook. At the hearing, her advocate told Rhonda's story -- Rhonda, she said, does well in school, understands that fighting harms the community, and is willing to make amends. Then the group peppered her with questions, drawing her out about the circumstances of the fight and her feelings about it.*

*Finally, the jurors who had led the questioning retired to deliberate about a sanction. After several minutes of discussion, they reached consensus, ordering Rhonda to perform four hours of community service -- helping out the maintenance crew at the health clinic across the street from her project building.*

*Before sending her on her way that day, one of the jurors thought to ask Rhonda another question: "How would you feel about becoming a Youth Court member yourself?"*

*"I told them I would like it," she recalls, and after the hearing, Miodownik explained that it was possible, if she were willing to do the work.*

*That turned out to be substantial. Rhonda attended Miodownik's training classes, 24 hours over the course of three weeks. Then as a member of the court, she served for five hours per week. The work paid off. Impressed by her motivation and interest in the law, Miodownik wound up recommending her for an internship at the local bar association, where she now helps out in an office that refers clients to attorneys. The job gives her a first hand view of the legal world, a good reference for college and the beginnings of a contact network in the profession.*

*"Getting in that fight," Rhonda reflects, "wound up having a big effect on my life."*

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## A Broken System

Rhonda's case amply demonstrates the Red Hook Youth Court's capacity to intervene in troubled young lives and turn them in positive directions.

While a number of jurisdictions have set up youth courts nationwide, the Red Hook model is one of the first to serve a densely populated low-income community -- youth courts are more typically found in suburban or rural jurisdictions. And it has purposefully engaged youngsters who have had problems in school and with the law as jury members, providing them with training and continuing involvement in a constructive program. The links the youth court has forged with local high schools give its value as an educational project the same weight as its contribution to juvenile justice.

The need for the court grew out of concern over the obsolescence of New York City's traditional system for handling the lowest level cases of juvenile delinquency. In suburban or rural areas, offenses like vandalism, fighting and other mischief may still be referred to juvenile or family courts. But in New York this rarely happens. Instead, when a young person is picked up for a minor offense, police are required to note the incident in their "YD card" files and then call the offender's parents, on the assumption that discipline will take place at home.

The process is a vestige of an earlier era, when police officers were intimately familiar with a precinct's families and kids. All too often today, parents are absent, distracted or otherwise unable to exercise any meaningful control.

"The system has broken down," Miodownik says. "A YD card is essentially just a write-up of an incident. There's no punitive measure, no links to services." Sarah Bryer, a Center for Court Innovation planner who helped set up the youth court, adds that the system sends the message to delinquents that "nobody cares, nobody will do anything about it. It doesn't matter."

Even so, Bryer and other planners recognized an opportunity in the YD card problem. For many young people, the card is an early warning of more serious trouble. A court that could intervene at this stage, holding offenders accountable, getting them to give something back to the neighborhood, perhaps linking them to social services, could make a big difference.

## Origins

A number of forces coalesced to create a youth court in Red Hook, a Brooklyn neighborhood of some 11,000 residents dominated by a massive low-income housing project and a general sense of neglect.

Since 1994, the Center for Court Innovation has been an active presence in Red Hook, leading an effort to create a community-based justice center modeled after the Midtown Community Court in Manhattan. As part of a community needs assessment, planners from the Center engaged in extensive discussions with neighborhood residents and leaders. "One of the clearest things that emerged from these conversations was the urgency of coming up with a new approach to delinquency," says Greg Berman, who led these early planning efforts. "Local residents urged us to create some sort of early intervention for young people, particularly those who were on the precipice between success and getting involved in the justice system."

Setting up such a program made strategic sense as well. The Center's planning team knew that building a justice center would take years. In the interim, it was crucial to

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build credibility with the local community. They sought a project that could be established quickly and effectively to demonstrate their commitment to the neighborhood.

A door-to-door survey of local residents revealed that 90% felt Red Hook needed more youth programs. Pursuing that idea, the Center convened a series of focus groups with local parents and kids. Young people who participated confirmed the general failure of the YD card system. Adults lamented the passing of a time when parents in the community were able to check up on each others' children. As the groups talked, everyone, adolescents included, began expressing enthusiasm for a youth court.

To turn this idea into a reality, planners from the Center assembled an unusual partnership, bringing together the Brooklyn District Attorney's Office and Good Shepherd Services, the largest social service provider in Red Hook. The prosecutors tended to focus on accountability while the social workers pondered how a youth court could help troubled youth. "In a sense, we had both punishment and help sitting at the table with us," Bryer says. "Our task was to develop a product that incorporated both perspectives."

Chris and Jamie

*Chris, a massive young man of 17, seems to command any room he enters. As a youth advocate, he is questioning Jamie, a 15-year old picked up for truancy. At first Jamie is reluctant to admit that he actually cuts school, but Chris slowly breaks down the defense.*

"How often do you cut a class?"

"Only once."

"Once a week?"

"Well, more like four times a week."

"Oh, so you're basically cutting a class every day."

"Yeah."

"Look," Chris says. "I used to be just like you. I went to school freshman year, did great the first semester. Then the second semester I started cutting. It's what everybody did. It's addictive. I'd come in at 8:50 in the morning, and I'd leave one period early. I never got caught out on the street. I look older than I am; the cops thought I was in my twenties, a guy out on the street. They never bothered me. But that doesn't mean I didn't cut."

*He stares directly at Jamie who stares back, then bows his head, breaking eye contact.*

"Well," says Chris, "sooner or later you have to get your life on the right track."

Positive Peer Pressure

It quickly became clear that the youth court would be a significant departure for the Center for Court Innovation. The Center's previous experiments -- the Midtown Community Court, the Brooklyn Treatment Court, the Brooklyn Domestic Violence Court and others -- had relied heavily on the use of coercive power to engage criminal offenders in community service projects and social services. The decision to target YD card cases meant that the youth court would have no such authority, since these are

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cases that never reach a courtroom. Instead of the legal authority of a judge, the youth court would have to rely on the power of peer pressure and teenage culture.

The initial challenge for project organizers was to find a core group of youngsters willing to articulate standards of behavior, in effect setting norms for other teenagers. The Center's team of planners insisted that those chosen be genuine peers of the young offenders appearing before them. "We decided that if we were going to do this in an urban setting," Bryer says, "it couldn't be run by the straight A students and called peer pressure. There had to be kids on the court that the offenders could relate to -- and vice versa."

Instead of "creaming" honor students and campus leaders, the court sought out interested youngsters with histories of truancy and other problems, then sought to train them for work on the court.

## Structure

The youth court also departed from familiar models by having an active jury. In other youth courts, the star students with training serve as judge, prosecutor and defense attorney in a process that mimics the traditional adversarial process of adult courts, while untrained students sit passively through the proceedings as jurors. In the Red Hook court, all participants receive extensive training qualifying them to serve in all of the court positions: judge, bailiff, community advocate, youth advocate and juror.

The judge supervises the hearing while the bailiff maintains order, distributes confidentiality forms and conducts the jury out of the room for deliberations. The community advocate delivers a statement explaining the nature of the offense and its impact on the community. The youth advocate meets with the offender before the hearing in order to deliver a statement that highlights the offenders' positive qualities -- interests, school record, commitment to family and friends, willingness to perform community service.

It is the jurors, however, who carry the weight of the hearing; although anyone is allowed to question the offender, they are expected to take the lead. In addition to determining the facts of the offense, their questions are also expected to elicit a rounded picture of who the offender is, how he or she is getting along with family and in school, what specifically led to the commission of the offense and what larger problems underlie the misbehavior.

As they deliberate, the jurors take all they have learned into account in order to craft a constructive sentence that combines accountability with help. The youth court staff puts at their disposal a range of community service possibilities; in addition to setting a number of hours, up to a maximum of 20 (most sentences are for six to eight), the jurors look for appropriate matches. A truant, for example, may be sent to tutor grade schoolers, getting a reminder that education is important and a chance to be seen as a positive role model. The jurors may order letters of apology to victims or, commonly, to the offender's parents, setting the number of words to match the severity of the crime. And they can require attendance at workshops on anger management or consultations with caseworkers from Good Shepherd Services.

## Voices from the Bench

Court members develop clear preferences for different roles. "I like being the youth advocate," says 17-year-old Chris. "I try to calm them down before the hearing. I say, 'I'm there. You have a problem in the hearing, just tell me, and I can ask for a recess and we can talk about it.'"

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Nineteen-year-old Melissa says she prefers community advocate: "You can make them realize what they do to the community, that they should stop thinking about themselves." Maria, 16, says she likes to be the judge: "You get to be in control."

Whatever their preferences, members of the court are expected to rotate through all the roles during their semester-long commitment to the program. "All the members are trained to think of themselves as part of a team," Miodownik says. "They're supposed to work together, trying to act in the offenders' best interest. The offenders pick up on this, which is one of the reasons why they don't feel under attack."

Most of the court's participants come from South Brooklyn Community High School, an alternative school run by Good Shepherd Services for teenagers who were truant or who had been expelled from public school. South Brooklyn agreed to offer youth court membership as an elective course; Miodownik conducted training at the school, spreading a 32-hour course over a 12-week semester. The class drew heavily on the local legal community for expertise. Local defense lawyers and prosecutors helped teach students about the legal process and how to craft an effective oral argument. A field trip to an adult criminal court yielded advice from a judge. Students who passed the class joined the youth court, earning high school credit for their service for the first three months. In later stages, they were eligible to receive a small stipend.

While the idea of paid service might raise eyebrows among managers of wholly voluntary suburban or rural youth courts, the Red Hook planners consider it essential in a low-income community. Without such compensation, many Red Hook teenagers would forgo a voluntary opportunity, however interesting or rewarding, in order to supplement family income with a job at McDonald's or an obligation to care for younger siblings.

As the court began to function, word spread in the neighborhood and young people who had no connection with the South Brooklyn High School or Good Shepherd Services began to inquire about it. Others, like Rhonda, signed up for training after getting their first taste of youth court as offenders. Last summer, Miodownik held an open training for anyone from the neighborhood who was interested. He has also begun offering a training course at John Jay, the local public high school. Since the program opened in April 1998, 25 youngsters have served on the court. Another 18 are currently in training.

Francisco and Luisa

*Fifteen-year-old Francisco comes to a meeting with Luisa, his youth advocate. He brings with him his mother and his little sister and brother. He has a sweet face and a diffident manner, but it soon becomes clear that he's in a lot of trouble. The police stopped him at one o'clock in the morning and cited him for carrying a knife with a blade more than four inches long.*

*"What were you doing on the street?" Luisa asks.*

*"I'd been visiting my aunt, and I was walking home."*

*"Wasn't this a school night? You were out walking home at one o'clock in the morning?"*

*"He doesn't go to school," his mother says. "He won't go to school, he won't work. He won't do anything."*

*Luisa looks at Francisco. "Why don't you go to school?"*

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*"There's nothing there that interests me."*

*"What did you like when you did go to school?"*

*"Science. Computers. I want to run a computer business."*

*"Well if you want to learn about computers, don't you need to go to school?"*

*Francisco has no answer.*

*"Look," Luisa says, "how do you think your mother feels about your not going to school?"*

*"She doesn't like it."*

*"How does it make you feel to know you are making her so upset?"*

*"Not good."*

*"Do your little brother and sister look up to you?"*

*"Yes they do."*

*"And do you think you are being a good role model for them?"*

*Again, no answer. Francisco's little sister whines something to her mother. "Be quiet," the mother says to the little girl. "We have to wait until Francisco is finished with the lady."*

*Luisa looks at her, surprised. "I'm not a lady," she says, gesturing at Francisco. "I'm the same age as him."*

## Getting to Court

A youngster's trip to youth court begins at one of the three precincts in the court's catchment area. The cops refer cases directly to the court, exercising some discretion over whom to send. Those affiliated with street gangs are eliminated, for example, lest youth court members be marked for retaliation.

When Miodownik receives referrals, he and the court's only other salaried employee, Red Hook resident Michael Williams, attempt to contact the offender and his or her parents. A good deal of attrition occurs at this point in the process, since there are no consequences for not participating. Many youngsters get away with giving police false telephone numbers and addresses. In some cases, the court reaches offenders' homes but the offenders choose not to cooperate and parents don't respond. In some cases, parents are indifferent; in others they prefer to keep discipline within the family. Many are simply wary of "the system." As a result, only about a fourth of referrals result in a youth court appearance.

Miodownik and Williams emphasize that the youth court is a voluntary process. "You don't have to do this," they tell offenders during intake interviews. "But by appearing in youth court, you will clear up the matter with the police and, more important, you will show that you are willing to take responsibility for yourself."

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The pitch doesn't always work, but it does often enough to maintain a healthy caseload. So far, the youth court has held 71 hearings, an average of more than two per week.

## Partnership

The youth court depends on the active involvement of local partners. The housing authority contributes office space. Hearings are held at a church or at the precinct house. The Brooklyn DA's Office, the Legal Aid Society and others participate in training. Victim Services provides a mediator to help resolve ongoing disputes between offenders and their families.

Other local agencies supervise community service sentences as they put offenders to work. Assignments include helping out at the local health clinic, shelving books at the library, serving food at a soup kitchen and reading to elementary school children at a program sponsored by the local tenants association. Additional supervision is provided by staff from the Center for Court Innovation's neighborhood AmeriCorps program.

## Results

There are two ways to evaluate the youth court: by its effect on the young people who participate and its effect on offenders. While it is still early, there are signs that the youth court is making a difference to both.

Exit interviews and focus group conversations with program graduates reveal that they leave with a better understanding of the criminal justice system, a greater sense of commitment to their neighborhood and improved self-confidence. The program's effect on offenders is more difficult to gauge. Peer pressure appears to generate compliance: more than 90 percent of offenders complete the sanctions ordered by teenage juries. Questions about more lasting effects on offenders can't be answered until the court has been in business longer.

In addition, there are indications that the program is gaining currency as an alternative to more traditional juvenile justice in the broader Red Hook community. In recent months, several parents have brought their children before the youth court when they began to engage in delinquent behavior, rather than calling the police or filing a PINS (Person-In-Need-of-Supervision) petition in Family Court.

The court also draws praise from police. "This is very good," Alex L'elie, a youth officer from the 78th Precinct, said of the youth court. "It makes the individual realize that they are going to pay for the crime." He also points out that he doesn't see much recidivism from youngsters who go through hearings and complete sanctions. "I look through juvenile reports to see if any are coming back, and I haven't seen any yet. Those kids have stopped getting in trouble. I definitely say the program is effective."

## Judging the Judges

At neighborhood schools and on the street, the youth court seems popular, despite the resentment of some offenders. "They didn't believe me," says 14-year-old Mannie, sanctioned for fighting. "They weren't even handling it...they were just going like that, like I'm lying." He considered his sentence to five hours of community service "kind of long." Concerns that angry offenders might cause trouble in the neighborhood for youth court members have proved unfounded so far. Indeed, Mannie wound up assigned to help the cops photograph youngsters for an identification program designed to aid investigations of missing child reports and enjoyed playing photographer with the Polaroid they handed him. Youth court members often perform service alongside offenders, reinforcing the larger message of community.

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Rhonda recalls that she felt no resentment against the young people sitting in judgment on her in her hearing. "I feel that business and pleasure are two different things and you should be able to keep them separate," she says. "I saw them afterwards, and I could still be friendly with them." She appreciated being judged by teenagers rather than adults -- "When you're older, you don't understand how fights start that easily" -- and she thought her sanction was fair.

Fifteen year-old Roberto, caught with an illegal knife, also harbored no bitterness. "I did something wrong; I have to pay the price," he says. The court gave him four hours of community service, a 150-word letter of apology to his mother and an anger management class. His record of truancy led the jury to more pointed questions about how he hoped to get ahead in life without an education. He now terms the encounter with the court a "good experience...I thought about it. It gave me chances. I'm going back to school. I want a great future."

Ricky

*Between cases, members of the court have been hanging out, flirting, jiving with each other. As the court comes to order again, the atmosphere of gentle horseplay continues; there's a bit of shoving as they take their seats, laughter only barely stifled. But as the case is presented, they suddenly get serious:*

*The offender, Ricky, is 14 but looks about 10, hunched on his chair in the witness box. He got arrested for carrying a box cutter; as the story unfolds, however, the court learns that he pulled the weapon in the course of a sidewalk scuffle between two groups of boys. The jurors quickly get to the heart of the matter.*

"Why do you carry a boxcutter anyway?"

"For protection."

"You are 14. Do you really think you need to carry a box cutter?"

"No."

"So why do you carry it?"

*The question hangs in the air.*

"Do you know how to use a box cutter?"

"Yes."

"Have you ever used a box cutter?"

"No."

"Then how do you know how to use it?"

*Another shrug.*

"How would you feel if you cut somebody?"

"I don't know."

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*The questions circle off in other directions, an effort to learn more about Ricky's school history (poor) and his relationship with his mother (difficult). The jurors also discover that he has an older brother who doesn't live with the family.*

"What would your older brother say if he knew you were carrying a box cutter?"

"He'd tell me to stop."

"And if he told you to stop, would you?"

"Yes."

"Then why can't you do it on your own behalf?"

*In the hallway outside the courtroom, the jurors don't need much time for debate. They find Ricky's attitude unrepentant. They decide on 10 hours of community service, a letter of apology to his mother and field trip to a federal penitentiary where adult inmates reflect upon their experiences for the benefit of youngsters.*

*Ricky's mother, who has sat through the whole proceeding, is impressed. "This is different from other courts with a lot of adults and an angry judge. It was something different to see children trying to teach other children." And how would Ricky respond? "I don't know for sure, but I think he needed something like this to wake him up."*

## A National Movement

At last count, there were more than 500 youth courts across the country. Since the first was created in the early 1970s, every state but Maine has implemented at least one. And all of this has occurred on shoestring budgets with minimal prodding from the federal government.

What accounts for the popularity of youth courts? One factor may be their potential to change public perceptions about courts, which in recent years have grown more remote from the lives of citizens and neighborhoods. Youth courts encourage civic engagement and education about justice.

Experiments like the one in Red Hook offer evidence that youth courts can play an important role in building safer neighborhoods. Recent research shows lower rates of violence in neighborhoods with a strong sense of community, where neighbors are likely to intervene when a child is truant from school or scrawling graffiti on building walls. The Red Hook experience suggests that youth courts can serve as catalysts for change within neighborhoods, reinforcing positive values within the peer culture and creating networks of support for troubled adolescents. The youth court provides a legal framework for adolescent energy and peer pressure, channeling it in a positive way. At the same time, it mobilizes other agencies -- the district attorney's office, schools, the bar association -- to create a constructive new dynamic between court and community. The case of Rhonda, the teenager charged with menacing, demonstrate the possibilities. Before the youth court, the matter would have ended with the police calling her parents and letting her off with a warning. With her agreement to go before the court, Rhonda wound up giving something back to the community, embracing the values of the court as a member of its team, even gaining exposure to a professional workplace.

If that's good for Rhonda and the Red Hook neighborhood, it's also instructive for the larger national debate about courts and communities. The youth court offers valuable

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lessons about how to engage a neighborhood and mobilize youngsters to enforce common standards of behavior.

## Challenges and Questions

Many questions remain. How far can the youth court model be pushed? Peer pressure and local services appear effective in dealing with low-level juvenile cases; could they address more serious offenses and offenders as well? Would the youth court work if it were to hear cases referred from the Probation Department or Family Court? At what point does a case become so grave that it demands a more traditional approach with adult decision makers?

And what of offenders? Rhonda's case is unusual in that she went on to join the court as a member; for most offenders, engagement remains short-term. How can the youth court do more to link young people to longer-term mentoring, treatment and education? How can it involve their parents, guardians and siblings as well?

Finally, how should the Red Hook and other youth courts measure success? No one has yet undertaken a rigorous evaluation. What should it entail? Recidivism? Education? Effect on community perceptions of youth and justice?

These are provocative questions. The Red Hook experiment so far suggests that positive answers are possible, and well worth pursuing.

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Notes

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Notes



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Center for Court  
Innovation

Located in New York City, the Center for Court Innovation works in partnership with the New York State Unified Court System to improve public confidence in justice. The winner of a 1998 Innovations in American Government Award from the Ford Foundation and Harvard University's Kennedy School of Government, the Center is the only one of its kind in the nation: an independent unit, broken out from day-to-day court administration, that works to improve how courts do business. Administered as a project of the Fund for the City of New York, the Center functions as the Court System's research and development arm, conceiving, planning and implementing new court prototypes. The Center's model projects include:

- Bronx Domestic Violence Court
- Brooklyn Domestic Violence Court
- Brooklyn Treatment Court
- Crown Heights Community Mediation Center
- Harlem Community Justice Center
- Manhattan Family Treatment Court
- Midtown Community Court
- Red Hook Community Justice Center

With the support of a grant from the U.S. Justice Department's Bureau of Justice Assistance, the Center for Court Innovation also assists planners in other states who are developing community-focused court initiatives. The Center's technical assistance team:

- answers questions and provides information about all of the Center's projects
- hosts site visits to New York and uses the Center's projects to demonstrate the impacts of new court prototypes
- sponsors [www.communitycourts.org](http://www.communitycourts.org), a web site with tools and practical advice for community court planners
- offers individualized assistance to jurisdictions that are developing community courts

For more information, please call Jimena Martinez at (212) 373-8098.

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PROPERTY OF  
National Criminal Justice Reference Service (NCJRS)  
Box 6000  
Rockville, MD 20849-6000

● Community courts seek to re-think how courts do business, making justice swifter, more visible and more meaningful to neighborhoods. A community court should strive to communicate this mission in every facet of its design. All elements of the court should reflect a sense of respect for the judicial process and for all those who participate in it.

# DESIGN PAK

● Design Pak offers a set of fresh design ideas in an effort to spark new conversations about courthouse design.

● The following pages outline five basic concepts:

COMMUNITY COURTS ARE ACCESSIBLE

COMMUNITY COURTS ARE MORE THAN COURTROOMS

COMMUNITY COURTS SHARE INFORMATION

COMMUNITY COURTS SHOW RESPECT

COMMUNITY COURTS GET THE WORD OUT

● For more information about community courts:

Visit our website: [www.communitycourts.org](http://www.communitycourts.org)

Send us an email message: [info@communitycourts.org](mailto:info@communitycourts.org)

Call us: (212) 373-1680

Or write to us:

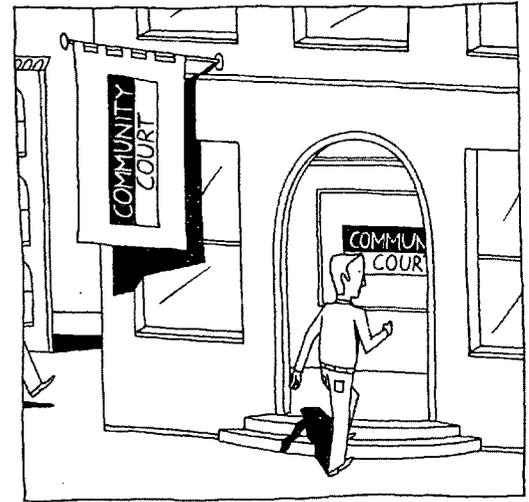
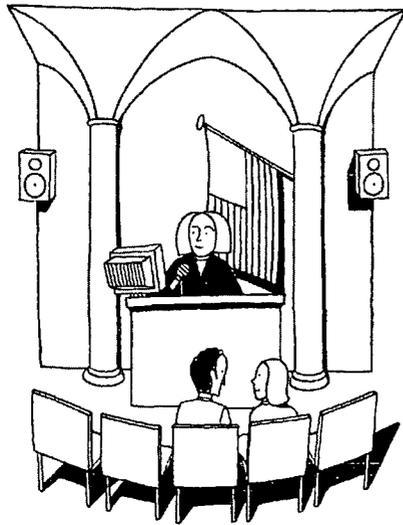
Center for Court Innovation

351 West 54th Street

New York, New York 10019



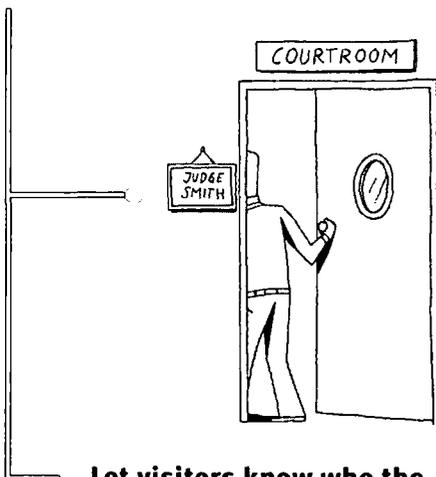
**Make courtroom proceedings visible and audible to all; a smaller courtroom can often encourage greater intimacy**



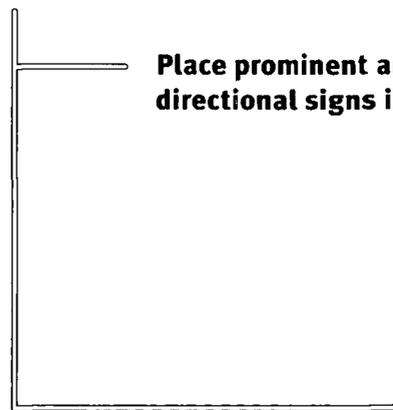
**Recognize the importance of street presence – a prominent neighborhood location and visible signage send the message that the court welcomes citizen participation**

# COMMUNITY COURTS ARE ACCESSIBLE

Design can make the court welcoming

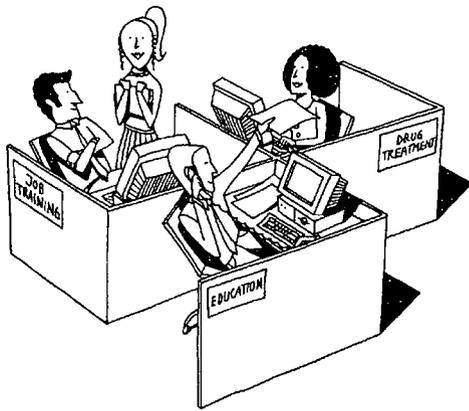


**Let visitors know who the judge is – post his/her name at the entrance to the courtroom**



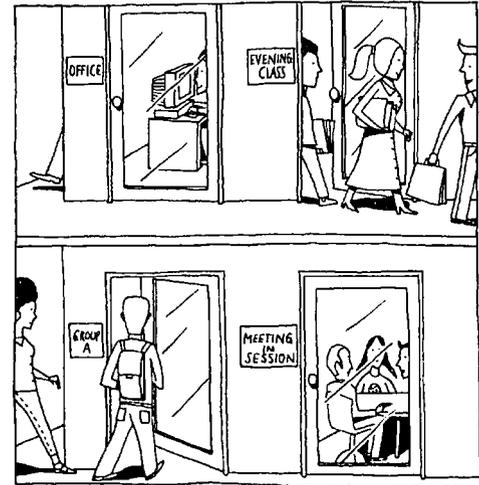
**Place prominent and uniform directional signs in public spaces**





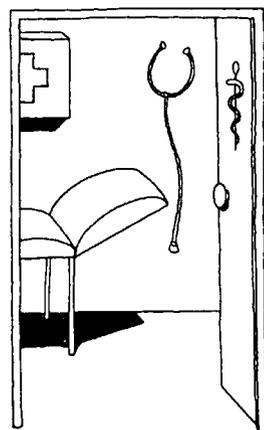
**Seize the moment of arrest by locating counselors, job trainers and educators on site, under one roof; an open office plan will enhance communication**

**The court should be a resource for the entire community - set aside space for community meetings, mediation and evening classes; use glass doors to communicate a sense of openness**



## COMMUNITY COURTS ARE MORE THAN COURTROOMS

### New partners can help the court solve neighborhood problems

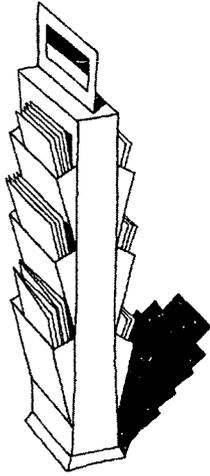


**Set up a health clinic to address public health issues like tuberculosis and sexually-transmitted diseases that affect individuals as well as the community**

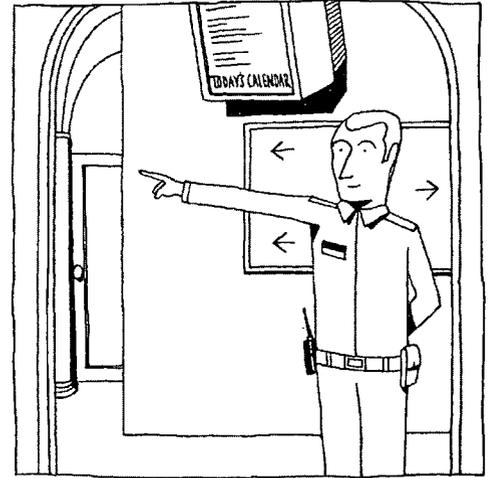
**Some offenders sentenced to community service may benefit from the extra supervision that comes with being on-site**







Provide the public with information about health care, job training and how to negotiate the court system

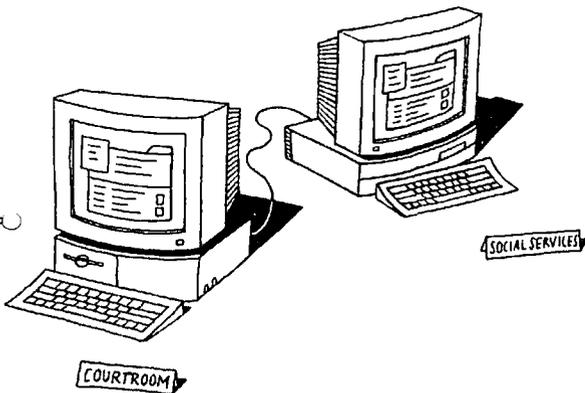


Place the daily court calendar where it can be seen by both the public and defendants

Station someone at the entrance of the court to assist visitors

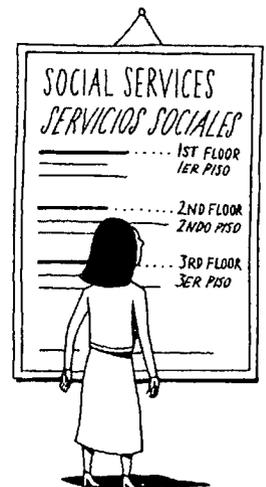
# COMMUNITY COURTS SHARE INFORMATION

Easy access to information can improve the delivery of services



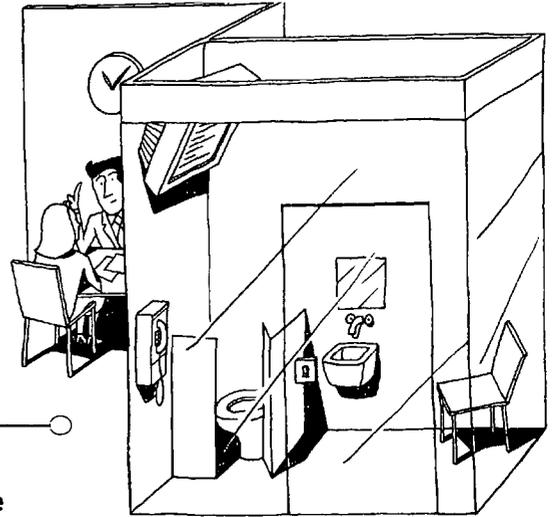
Use technology to link the courtroom to social services and community service sites, ensuring that shared information is accurate and up-to-date

Advertise on-site social services with large, bilingual posters





**Keep lawyering out of the hallways - create a private and accessible area for defendants to meet with their attorneys**



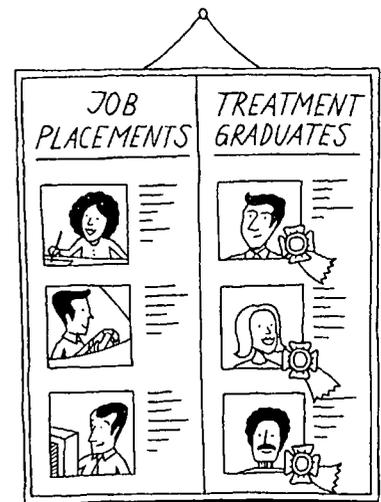
**By making holding cells more dignified - including a pay phone, sink, mirror, and privacy partition for the toilet - the court can positively influence the behavior of defendants**

**Use secure glass panels instead of bars to improve visibility for guards and habitability for defendants**

# COMMUNITY COURTS SHOW RESPECT

**All areas can exhibit respect for the judicial process**

**Sentence offenders to community service work crews that keep the courthouse spotless**



**Advertise 'success stories' - defendants who have succeeded in treatment or who have been placed in jobs**



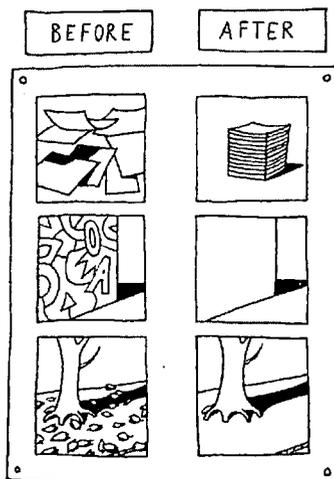
**Create a name for the court that reflects its roots in the community; use a logo consistently, on everything from stationery to banners to community service uniforms**



**Develop visible community service projects that 'pay back' the neighborhood**

## COMMUNITY COURTS GET THE WORD OUT

Let the community know about the court's work



**Post "before" and "after" photos of community service projects – tree plantings, graffiti removal, etc.**

**Create vehicles for the public to learn what's going on – websites, newsletters, videos, etc.**

