



BJA Bureau of Justice Assistance Bulletin

Responding to the Community: Principles for Planning and Creating a Community Court

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For many years an important element has been missing from the criminal justice system. Although courts, police, and prosecutors have become increasingly modernized in recent years, they still often fail to meet the needs of the justice system's primary consumers: the neighborhoods that experience crime and its consequences every day.

This problem was first recognized by advocates of community policing, who argued that police officers could address neighborhood crime and disorder more effectively if they established a close relationship with community residents and neighborhood groups. The idea of community justice has since spread to other branches of the justice system including courts, probation departments, prosecutors, and corrections offices.

What is community justice? The concept takes many practical forms, but at its core are partnership and problem solving. Community justice is about creating new relationships both within the justice system and with stakeholders in the community such as residents, merchants, churches, and schools, and testing new and aggressive approaches to public safety rather than merely responding to crime.

This bulletin is a guide for community justice planners, particularly those interested in court reform. Using the Midtown Community Court in New York City as a case study, the bulletin presents a set of common principles for community courts. These principles are offered not as a prescription for what ails the criminal justice system, but rather as a starting point for further planning efforts. Establishing these principles is vital to the success of any community court project, but the Bureau of Justice Assistance recognizes that individuals in communities guiding these ambitious efforts also need concrete information about the obstacles encountered in the New York experiment.

The Midtown experiment was born of a profound frustration with quality-of-life crime in the neighborhood, particularly prostitution, vandalism, and low-level drug offenses, but these same conditions may not fuel the creation of community courts in other neighborhoods. Community courts are not effective when implemented as cookie-cutter models; to be effective, each must meet the needs of its neighborhood.

Creating a Community Court in New York City

New York City's Midtown Community Court, which opened in October 1993, differs dramatically from the way that lower courts have operated in the city for many years. Nevertheless, it reflects a return to an old idea.

In 1962, New York City closed a network of neighborhood magistrate's courts that handled intake for the city's court system. These courts arraigned defendants and disposed of low-level offenses that did not need to be forwarded to a higher tribunal. Under this system, intake and arraignment duties were shifted to lower court judges in centralized courthouses serving each of the city's five boroughs.

While this change increased efficiency to an extent, its cost was remoteness—the new centralized courts were removed from the communities they served. As caseloads increased, felony cases naturally began to claim more and more attention. Fewer resources were devoted to quality-of-life misdemeanors like shoplifting, prostitution, and subway fare cheating, and judges were under tremendous pressure to dispose of

such cases quickly. All too often defendants arrested for low-level offenses were released after being sentenced to either “time served” while awaiting their court appearance, a fine that might or might not be paid, or community service that might or might not be performed.

Mindful of these problems, Midtown Community Court planners sought to recreate neighborhood-based intake and arraignment along the lines of the magistrate’s courts, but with innovations to meet the needs of the 1990s. It was hoped that such a court could focus on quality-of-life crimes that erode a community’s morale. This return to a concern about crimes that affect neighborhood life coincided with the New York City Police Department’s new emphasis on community policing, as well as with a growing interest in community-oriented justice on the part of prosecutors, probation offices, and corrections agencies nationwide.

Planning for the Midtown project lasted from 1991 to 1993. With the help of the local community board—the smallest unit of government in New York City—planners found a location for the court near Times Square on the West Side of Manhattan, an area teeming with quality-of-life crimes. The 1896 building, which was once a magistrate’s court, was renovated and now has clean, bright holding rooms secured with glass panels—a sharp contrast to New York’s squalid downtown holding pens. The newly designed courthouse includes an entire floor of office space for social workers to assist offenders referred by the judge in the courtroom a few floors below. In addition, the court’s offices are wired to accommodate an innovative computer system that allows the judge, attorneys, and social service workers to communicate with one another and access defendants’ records at the click of a mouse.

The court’s location, architecture, and technology are part of a larger strategy

to honor the idea of community by making justice restorative. Offenders are sentenced to make restitution to the community through work projects in the neighborhood: caring for trees lining the streets, removing graffiti, cleaning subway stations, and sorting cans and bottles for recycling. At the same time, the court uses its legal leverage to link offenders with drug treatment, health care, education, and other social services.

By the summer of 1996, Midtown had become one of the busiest arraignment courts in the city, arraigning an average of 65 cases per day for an annual total of more than 16,000 cases. Offenders sentenced by the court perform the equivalent of \$175,000 worth of community service work per year. Midtown’s emphasis on immediate restitution—offenders must report to the court’s community service or social service center immediately after sentencing—has improved compliance rates. Nearly 75 percent of offenders processed through Midtown complete their community service sentences as mandated, which is the highest rate in the city.

The court’s success has stirred the interest of prosecutors, judges, court administrators, and neighborhood groups across the country who hope to make courts responsive to community needs and more effective in dealing with quality-of-life offenses.

Principles for Community Courts

Midtown Community Court’s planning team pursued six goals they considered to be at the heart of community justice: restoring the community, bridging the gap between communities and courts, knitting together a fractured criminal justice system, helping offenders deal with problems that lead to crime, providing the courts with better information, and building a courthouse that fosters these ambitions. The following sections explain the importance of each principle to the

creation of an effective community court.

Principles for Restoring the Community

- ❑ **Recognize that communities are victims.** Quality-of-life crimes damage communities. If undressed, low-level offenses erode communal order, leading to disinvestment and neighborhood decay and creating an atmosphere in which more serious crime can flourish. A community court acknowledges this reality.
- ❑ **Use punishment to pay back the community.** Standard sentences that involve jail, fines, and probation may punish offenders, but they do little to make restitution for the damage caused by crime. A community court requires offenders to compensate neighborhoods through community service.
- ❑ **Combine punishment with help.** By permanently altering the behavior of chronic offenders, social service programs can play an important role in crime control. Encouraging offenders to deal with their problems honors a community’s ethical obligation to people who break its laws because they have lost control of their lives.
- ❑ **Give the community a voice in shaping restorative sanctions.** The most effective community courts open a dialog with neighbors, seeking their input in developing appropriate community service projects. A community advisory board can offer residents an institutionalized mechanism for interacting with the judge and court administrators.
- ❑ **Open social services at the court to residents.** Others in the community besides defendants can benefit from educational, job training, and counseling programs, and the court can be a resource for a wide range of needs, opening its doors to Alcoholics Anonymous

groups or English-as-a-second-language classes, for example.

Principles for Bridging the Gap Between Communities and Courts

- ❑ **Make justice visible.** A community court puts offenders to work in places where neighbors can see what they are doing, outfitting them in ways that identify them as offenders performing community service. By publicizing its social service and treatment success stories, the court gives community residents and organizations visible and tangible evidence that the criminal justice system is accountable to the community.
- ❑ **Make justice accessible.** A community court welcomes observers and visitors from the community, giving them an opportunity to see justice in action. Calendars and other information about activities in the courtroom are available to the public on computer terminals in the lobby. The courthouse staff are prepared to answer questions and to give tours.
- ❑ **Make justice proactive.** Administrators of community courts monitor crime conditions in the community and look for opportunities to involve the community in addressing crime-related problems as they develop. Mediators attempt to solve simmering community disputes before they erupt into criminal acts.
- ❑ **Reach out to victims.** A community court can be a safe haven for victims, offering them assistance and a voice in the criminal justice process. Because it is based in the neighborhood where victims live, a community court may be able to provide access to services more quickly and in a less intimidating setting than larger, centralized courts.

Principles for Knitting Together a Fractured Criminal Justice System

- ❑ **Use the court's authority to link criminal justice agencies.** Too often, criminal justice agencies work in isolation, moving cases from street to court to cell and back again without communicating or taking the time to solve problems. Because of its role as a central hub in the justice process, a community court can play an important coordination function.
- ❑ **Don't reinvent the wheel.** Courts cannot be expected to solve difficult neighborhood problems alone. To play a more aggressive role in addressing complicated issues such as quality-of-life crime, courts must look for new partners. Social service providers—both nonprofit organizations and government agencies—bring valuable expertise to the table, including counseling, job training, drug treatment, and mediation skills.
- ❑ **Encourage social service providers and criminal justice professionals to work together.** In a community courthouse, judges can consult with treatment professionals on individual cases, police can alert counselors to defendants who may be willing to receive help, and clerks can refer victims to assistance they may not know is available. Physical proximity makes closer and more coordinated working relationships possible.
- ❑ **Explore crossing jurisdictional lines.** The problems citizens face often do not conform to the narrow jurisdictional boundaries imposed by modern court systems. A criminal defendant also may be involved in a landlord-tenant dispute or a small claims matter. Handling all of a defendant's cases in one place enhances the court's ability to address the defendant's underlying problems.

Principles for Helping Offenders Deal With Problems That Lead to Crime

- ❑ **Put problems first.** By focusing on a defendant's needs beyond case processing and punishment, a community court looks for ways in which sentences can help defendants change their lives. When appropriate, drug treatment, medical, educational, and counseling services are incorporated into sentences.
- ❑ **Use the court as a gateway to treatment.** The trauma of arrest may prompt a defendant to seek help. A court can use its coercive power to reinforce that impulse.

The Sixth Floor

For the offender, an arrest is a moment of crisis. For the court, this crisis is a window of opportunity, a chance to encourage the offender to address the problems that may be associated with criminal behavior. The Midtown Community Court engages people in social services in two ways. In some cases, defendants are ordered to participate in services such as drug treatment; in other cases, defendants voluntarily take advantage of the services offered at the court.

Social services at Midtown are available within the courthouse itself. Every defendant who receives a community service or social service sentence is escorted to the sixth floor. After getting a health screening by the New York City Department of Health, defendants meet with a counselor who schedules their community service or social service obligation and tells them about the social and educational services available at the court.

- ❑ **Remain involved beyond disposition of the immediate case.** A judge in a community court can monitor offenders' experiences in treatment, using the court's authority to reward progress or impose new sanctions for failure.

Principles for Providing Better Information to Courts

- ❑ **Provide as much information as possible at the defendant's first appearance.** Having detailed information allows the judge to solve problems, as well as impose sanctions, by matching the defendant's needs with treatment or community service programs.
- ❑ **Make information available to everyone at the same time.** Entering new data into a central database that is simultaneously accessible by the judge, prosecutors, defense attorneys, and social service staff allows all parties to share information as soon as it is available. Simultaneous access helps disparate agencies work together and limits "gaming" of the system by attorneys who take advantage of information delays.

Midtown's Compliance Monitoring Screen

When sentencing a defendant to community service or social service sanctions, the judge expects to know whether that obligation has been fulfilled. At Midtown, case managers keep a detailed record of the defendant's progress in drug treatment in the court's computer system. They record, on a daily basis, attendance in treatment, drug test results, and appointments with the court-based case managers. This information is available for the judge and the caseworkers in an easy-to-read summary.

- ❑ **Use current information to enhance accountability.** Updates on a defendant's progress allow the court to monitor compliance with sentences and to quickly recognize and respond to problems as they occur.

Principles for Courthouse Design

- ❑ **Make the courthouse a physical expression of the court's goals and values.** A community court should communicate its mission in every facet of its design. All elements of the courthouse—holding cells, public entryways, and office space—should reflect a sense of fundamental respect for the legal process and for all who participate in it, including defendants, victims, and the general public.
- ❑ **Make the court more than just a courtroom.** A community court must accommodate social service workers, victim advocates, and community service managers. In addition, the court needs room to house community service projects and to provide conference rooms for treatment sessions and classes. After normal business hours, the courthouse can become a community resource for tenant groups, block associations, and others needing a safe and adequate space to hold public meetings.
- ❑ **Put everything under one roof.** Locating social service agencies side by side with the instruments of the legal process makes it easier to formulate sentences that combine punishment and assistance for offenders.

Obstacles to Creating a Community Court Responsive to a Community's Needs

Developing a community court is a complex undertaking. By definition, community courts embrace a variety

of stakeholders, not only judges, police, and prosecutors but tenant groups, victim organizations, businesses, schools, and block associations as well. Reaching outside the traditional disciplines of the justice system to involve new players and to create new partnerships complicates both planning and implementation. The obstacles to creating a court that is truly responsive to a community are discussed in this section.

Neighborhood Concerns

Shifting the focus of criminal justice from case processing to community mending is easier said than done. A community's quality of life may be eroded by waves of small offenses, while the justice system processes one case at a time, obscuring crime patterns in specific neighborhoods. Furthermore, communities are understandably reluctant to accept arrested offenders back onto their streets. Although they support the benefits of community service, neighbors worry that an impersonal justice system will be insensitive to their concerns about supervision.

Discomfort With New Roles

Although the need to bridge the gap between communities and courts may seem obvious, some judges, attorneys, and police believe that greater involvement with the community compromises their objectivity. To maintain impartiality, judges traditionally have insulated themselves from the communities and victims affected by the issues they adjudicate, while prosecutors and police have restricted the discretion of frontline attorneys and officers on the beat. In addition, many criminal justice professionals feel too overwhelmed by the daily pressures of their jobs to reach out to the community. These professionals are reluctant to take on new responsibilities when they are unsure that they will receive the tools they need to get their jobs done.

Disparate Philosophies in Law Enforcement and Social Services

The underlying assumptions and guiding philosophies of law enforcement and social service differ in fundamental ways. Criminal justice professionals operate in a system of escalating sanctions in which defendants are punished more severely each time they fail; criminal courts are not comfortable giving offenders a second chance.

Treatment professionals, however, expect relapses and believe that it is critical that clients remain in treatment when a relapse occurs. Addicts may need to hear the same message many times before the message finally sinks in. The community court's approach can work only if criminal justice and social service professionals are willing to adjust their outlooks and work together.

Information Roadblocks

Providing timely and accurate information to judges and other criminal justice and social service professionals may prove problematic. Although many criminal justice agencies are automated, their computers are rarely designed for courtroom use. Information managers typically organize and track transactions after they occur rather than use information to improve the quality of decisionmaking as it takes place. In addition, courtroom decisions often hinge on information maintained by different agencies—police, the probation department, social service providers, the court—whose computer hardware and software may not be compatible.

Finally, judges, prosecutors, defense attorneys, court clerks, and social service staff each need different sets of information, yet all must be able to get the information they need from the same system. To make matters more difficult, criminal justice staff rotate frequently, requiring any system to constantly interact with

new users. There is a real need to encourage a greater level of comfort with technology—and a greater sense of community—among the diverse professionals who make up the criminal justice system.

Architectural Concerns

Architectural innovation doesn't come easily. The spatial needs of the various criminal justice agencies are often in conflict. Correction authorities, police, attorneys, court officers, and judges each have special needs for physical space, and planning a new courthouse will intensify these conflicts. Moreover, the need to accommodate other professionals such as community groups and treatment and education providers further complicates the design process.

Practical Advice: Applying What Worked in the Midtown Experiment

Although community court planners should not minimize the aforementioned obstacles, they can overcome these obstacles if all parties share a commitment to the process and an understanding of the community court's goals and principles. The Midtown experience suggests a number of practical strategies that can assist in the development of any community court project.

Early Planning for Community Involvement

Before initiating plans for the court, organizers met with scores of block associations, business groups, local political leaders, and police officers. These early meetings made it possible for court planners to identify stakeholders, define existing quality-of-life problems in the neighborhood, and articulate specific goals.

Through this early outreach to the community, court organizers built a corps of supporters and recruited a community advisory board to identify

crime patterns in the neighborhood and potential community service projects and to provide feedback on the court's relationship with the neighborhood.

Understanding the Needs of Victims

Victims expect a lot from courts. They want to see justice done, but the meaning of justice differs for each victim. For some victims, justice means having their pain acknowledged by the offender, the court system, or the community. Other victims want courts to rehabilitate offenders and make a concentrated effort to improve the neighborhood conditions that lead to crime. Still others want offenders to express remorse and take responsibility for the harm they have caused. Some victims want all of these things. Community court planners should make a special effort to understand victims' issues in their community. In so doing, they can ensure that the community court provides constructive channels for victim involvement and offers victims meaningful information and services that may help them recover from the trauma of victimization.

Identifying Key Political and Financial Stakeholders

A community court project won't succeed without enthusiastic support at the highest level of both the executive and judicial branches of state and local government. The court's planners can expect to invest significant time and energy explaining the idea and its merits to the governor's office and leaders of the state court system, to the mayor's office, to the local district attorney and the head of the public defenders' office, and to judges and the local bar association.

Fundraising efforts should take advantage of the court's capacity to make a visible difference in community life, appealing to local businesses and non-profit groups that will benefit directly

from the court's activities to improve the quality of life in the community. Foundations also may welcome the opportunity to help a promising program that demonstrates the value of innovation.

In addition, community courts are capable of attracting a new audience of potential contributors: those interested in economic development. Businesses, government agencies, and foundations with a stake in a neighborhood's economic viability can be crucial constituencies for community court planners. After all, meaningful and lasting economic development rarely takes place in areas where residents, merchants, and employees fear for their safety. By addressing neighborhood blight, improving public safety, and providing social services, a community court can make valuable contributions to a community's economic development.

Minimizing Risk to the Community

Communities will not be comfortable with community service, and judges and prosecutors will not utilize it as a sanction, without some attention to risk assessment. Common sense dictates that courts not consider violent felony offenders for community service. At the Midtown Community Court, only misdemeanor offenders are sentenced to community service. Work projects are classified as high, medium, or low supervision, and each offender is matched to the appropriate level based on his or her criminal history, background, and crime of arrest. Offenders with more extensive criminal histories and those considered less likely to complete their sentences are assigned to projects in the courthouse such as serving on a building maintenance crew or staffing a bulk mailing operation. Offenders considered lesser risks are assigned to more visible outdoor projects such as cleaning graffiti and painting fire hydrants.

Short-Term Interventions

A community court's social service program must involve more than long-term drug treatment. Many criminal court defendants are low-level offenders who face little or no jail time, and the court must establish punishments proportional to the defendant's record and crime.

To meet the needs of these offenders, the Midtown Community Court created several short-term interventions that take place in the courthouse itself. These interventions include (1) a 4-day treatment readiness group that introduces defendants without serious records to drug treatment and prepares them for long-term help, (2) counseling sessions for prostitutes that include health screenings and meetings with outreach counselors to support women who want to escape their pimps and life on the streets, and (3) job readiness sessions that match chronically unemployed defendants with employment counselors.

While these short-term interventions are modest, hundreds of defendants have used them as stepping stones to new lives, and many offenders voluntarily return for counseling after completing their sentences.

Beyond the Courtroom

Many quality-of-life problems in a community are not violations of the law and do not come to the attention of the police or the courts. The Midtown Community Court has sought to address these problems in three ways.

First, the court established a mediation service to resolve neighborhood disputes (for example, the opening of an adult movie house or the operation of a noisy repair shop) before they escalate to legal battles. In addition to helping the community deal with such problems, the service conveys the court's commitment to the community and its quality of life.

Second, the court set up a street outreach unit, staffed by police officers and caseworkers from the court, to enroll potential clients in court-based social service programs before they get into trouble with the law. Four mornings a week, outreach teams scour the neighborhood, encouraging likely clients—prostitutes, substance abusers, and homeless people—to come in for help voluntarily.

Finally, the court launched Times Square Ink., an on-the-job training program for ex-offenders who have graduated from community service. Participants in the program learn job skills by staffing a copy center that services local businesses and nonprofit organizations.

Research and Publicity

Police and community groups lose heart in fighting low-level crime when they lack a reliable way to measure progress. To measure its impact on the community, a community court should deploy researchers, compile results, and publicize success.

Besides the traditional work of case-load and sentencing outcome analysis, research staff at the Midtown Community Court study problems raised by neighbors. The court's researchers monitor patterns of prostitution and drug dealing as well as street sanitation. To help community groups and police target resources, the researchers have developed neighborhood-specific computer software to map arrests, complaints, and other quality-of-life indicators.

When the research confirms success, a community court should be ready to make this success known locally and to other communities that have established community courts. A court can create its own newsletter and Internet Web site and should promote media coverage to ensure feedback on successes to the community.

Staffing

Community courts require larger, more diverse staffs than do traditional courts. In addition to clerks and security officers, community courts may need social workers, victim advocates, job developers, community service managers, and research and public information officers. For example, outreach to introduce the court to local merchants, community groups, and elected officials and to manage the court's relationships with community service partners may require a full-time ombudsman. A court using a computerized data-sharing system may need a technician to install the system and to adapt it to the court's unique needs. A court offering a mediation service will need trained professionals to run the program and a skilled staff to quickly compile current information about each defendant's legal and social service status.

These new staff members need not be court employees. At Midtown, planners convinced nonprofit and government social service providers to assign personnel to the courthouse. The reasoning was simple: service providers should bring resources to the problem, not vice versa. Every day the court has physical custody of individuals in dire need of services who can be served by drug treatment providers, general equivalency diploma programs, and health-care providers.

The Midtown Community Court also depends on a new party to the legal process: resource coordinators. Sitting in the well of the courtroom, the coordinators play an important role in the case processing system by ensuring that criminal justice and social service professionals work together in the best interests of both the community and the defendant. In each case, the resource coordinator tracks the range of available sentencing options and helps the judge and attorneys match the defendant with the right program. At the same time, they are part of the court's clinical team, aware

of treatment issues and risks of success and failure. Over time, lawyers and judges have come to trust the recommendations of resource coordinators.

Conclusion

As stated earlier, to be effective a community court must address the needs of the court system's most important constituency: the people who live and work in neighborhoods affected by crime. To address these needs, a community court must ask a new set of questions. What can a court do to solve neighborhood problems? What can courts bring to the table beyond their coercive power and symbolic presence? And what roles can community residents, businesses, and service providers play in improving justice?

There are many answers to these questions. Community courts should not proceed from a single generic model; instead, they must reflect the neighborhoods in which they are housed. For that reason, this bulletin has focused on principles and suggestions rather than on a universal definition or formula. A court that puts these principles into operation will make a powerful investment in the future of neighborhoods and the credibility of the criminal justice system.

For Further Information

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Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time. Ask to be placed on the BJA mailing list.

U.S. Department of Justice Response Center

1-800-421-6770 or 202-307-1480

Response Center staff are available Monday through Friday, 9 a.m. to 5 p.m. eastern time.

Additional Resources on the Midtown Community Court

The following publications and videotapes can be ordered from the Center for Court Innovation by calling 212-397-3050 or online at www.courtinnovation.org. The center is a public/private partnership that works to foster court innovation. It has developed national models, such as the award-winning Midtown Community Court, for adjudicating quality-of-life, domestic violence, and drug crimes.

Midtown Community Court Newsletter. Keep up with the latest happenings.

The Midtown Community Court Video. A 12-minute documentary on the court narrated by Charles Kuralt.

Community Courts Catalog. An introduction to building a community court and a guide to the resources available for each step in the process.

Neighborhood Justice: Lessons Learned from the Midtown Community Court. An analysis of the lessons learned from the court and the issues that are raised when justice is administered on a neighborhood level.

Dispensing Justice Locally: Effects of the Midtown Community Court. An evaluation of the Midtown Community

Court prepared by the National Center for State Courts.

The Midtown Community Court Experiment: A Progress Report. A review of the Midtown's first 3 years.

Design Pak: Principles for Community Court Design. A fresh set of ideas about courthouse design.

Experiments in Technology: A Handbook for Court Innovators. A look at the award-winning computer technology at the Midtown Community Court.

How It Works. A detailed description of how cases move through the Midtown Community Court.

Resource Manual. An array of sample documents—newsletters, floor plans, concept papers—from the Midtown Community Court.

There Are No Victimless Crimes. A description of Community Impact Panels, a unique response to quality-of-life offenses piloted by the Midtown Community Court.

Street Outreach Services. A description of Midtown Community Court's

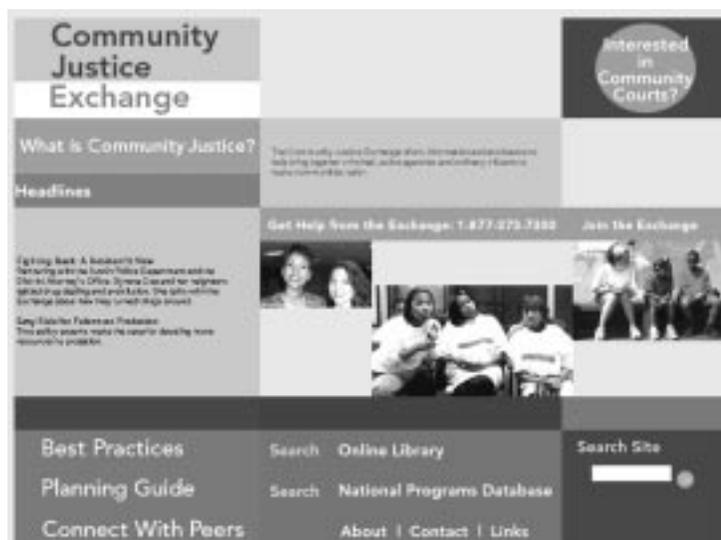
street outreach program, launched in concert with the New York Police Department.

Community Justice Bibliography. A list of the best articles and books on community justice.

Engaging the Community. Tips for community justice planners about how to build stronger connections between neighborhoods and the criminal justice system.

Community Justice on the Web

www.communityjustice.org



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