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THINK PIECE

# Community Court Principles

A Guide for Planners

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1997

*Third Printing, 2000*

This project was supported by Grant Number 96-DD-BX-0090 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the United States Department of Justice.

# A Guide for Planners

## Introduction

For too long, something has been missing from the criminal justice system. While courts, police and prosecutors have become increasingly modernized in recent years, they have often failed to meet the needs of the criminal justice system's primary consumers — the neighborhoods that experience crime and its consequences on a daily basis.

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 closer relationships with community residents and neighborhood groups. From this starting point, the idea of “community justice” has now spread to other branches of the criminal justice system, including probation departments, prosecutors, correction offices and now courts.

What is community justice? It can take many forms, but at its core, community justice is about partnership and problem-solving. It's about creating new relationships, both within the justice system and with outside stakeholders like residents, merchants, churches and schools. And it's about testing new and aggressive approaches to public safety.

This manual is intended to be a guide for community justice planners, particularly those interested in court reform. Using New York's Midtown Community Court as a case study, it seeks to build a set of common principles for community courts. In providing this information, this manual is designed to be neither a recipe nor a prescription, but rather a starting point for further planning efforts.

The Midtown experiment was born of a profound frustration with quality-of-life crime in the neighborhood — prostitution, vandalism, low-level drug offenses and such. These conditions may not be what fuel community courts in other places. Community courts are not designed to be cookie-cutter models; in a perfect world, each would be specifically tailored to reflect the needs of the neighborhood in which it is housed. With that in mind, this manual concludes with some practical advice for community court planners, including a frank discussion of the obstacles that their efforts are likely to encounter.

## Midtown Community Court

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

In 1962, New York City closed down a network of neighborhood magistrate's courts that handled intake for the city's court system, arraigning defendants and disposing of low-level offenses without forwarding them to any higher tribunal. Under the new system, intake and arraignment duties were shifted to lower court judges in centralized courthouses serving each of the city's five boroughs. The change was intended to increase efficiency, and to an extent it succeeded. The cost was remoteness — courts were removed from the communities they were intended to serve.

As caseloads increased in the centralized courts, 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. Judges were under tremendous pressure to dispose of such cases quickly. All too often, defendants arrested for low-level offenses were sent on their way after being sentenced to "time served" in jail while awaiting their court appearance, or perhaps to a fine that might or might not be paid, or community service that might or might not be performed.

Mindful of these problems, the planners of the Midtown Community Court project sought to re-create a neighborhood-based intake and arraignment court along the lines of the old magistrate's courts, but with a number of 1990s updates. The hope was that such a court could focus on the quality-of-life crimes that erode a community's morale. The plan for the Court 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.

## Honoring the Idea of Community

Planners found a location for the Court near Times Square on the West Side of Manhattan, an area teeming with quality-of-life crimes. Renovated for use as the Midtown Community Court, the 1896 building, which had once been a magistrate's court, featured clean, bright holding rooms secured with glass panels rather than bars, a pointed contrast to squalid downtown holding pens. The new courthouse also included a full floor of office space for social workers to assist offenders referred by the judge in the courtroom a few floors below. And the building was wired for an innovative computer system that would allow the judge, attorneys and social service workers to keep in touch with each other and access a defendant's full record at the click of a mouse.

The location, architecture and technology were reflective of a larger strategy. The Court sought to honor the idea of community by making justice restorative. Offenders would be sentenced to pay back the community through work projects in the neighborhood — caring for street trees, getting rid of graffiti, cleaning subway stations and sorting recycled cans and bottles. At the same time, wherever possible, the Court would use its legal leverage to link offenders with social services — drug treat-

ment, health care, education — to help them address their problems. In these ways, Midtown sought to stem the chronic offending that demoralizes law-abiding residents.

By 1997, the Court was arraigning an average of 65 cases per day for an annual total of over 16,000 cases. This volume made Midtown one of the busiest arraignment courts in the city. In addition, sentenced offenders were performing the equivalent of \$175,000 worth of community service work per year. Midtown's emphasis on immediacy — offenders must report to the Court's community service or social service center immediately after sentencing — has improved compliance rates. Nearly 75 percent complete their community service sentences as mandated, the highest rate in the city.

## Principles

The Midtown Community Court's success has stirred the interest of prosecutors, judges, court administrators and neighborhood groups elsewhere who hope to make intake and arraignment courts more community-oriented and more effective in dealing with quality-of-life offenses. Achieving those objectives begins with an understanding of certain principles:

- 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 physical courthouse that reflects these ambitions.

Each is described below.

## Restoring the Community

**Recognize that communities are victims.** Quality-of-life crime damages communities, often more so than individuals. If left unaddressed, low-level offenses erode communal order, leading to disinvestment and neighborhood decay and creating an atmosphere where more serious crime can flourish. A community court acknowledges this reality.

**Use punishment to pay back the community.** Standard sentences — jail, fines, probation — may punish offenders, but they do little to restore the damage caused by crime. A community court requires offenders to compensate neighborhoods through community service.

**Combine punishment with help.** Encouraging offenders to deal with their individual problems honors a community's ethical obligation to people who break its laws because they have lost control of their lives. Social service programs also have practical crime control value as they can permanently alter the behavior of chronic offenders.

**Give the community a voice in shaping restorative sanctions.** A community court can open a dialogue with its neighbors, enlisting them in the effort to develop appropriate community service projects. A community advisory board can offer residents an institutionalized mechanism for interacting with the judge and court administrators.

**Make social services at the court open to residents.** Defendants are not the only ones in a community who could benefit from educational, job training and counseling programs. A community court can be a resource for anybody who needs assistance, opening its doors for Alcoholics Anonymous groups or English-as-a-second-language classes, for example.

### **Bridging the Gap Between Courts and Communities**

**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. It also publicizes its social service and treatment accomplishments. Success stories give community residents and organizations tangible evidence that the criminal justice system is accountable to the community.

**Make justice accessible.** A community court welcomes observers and visitors. Calendars and other information about courtroom activities are available to the public on computer terminals in the lobby. The courthouse staff is prepared to answer questions and give tours. Community members are thus able to see justice in action.

**Make justice proactive.** Court administrators 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 matters.

**Reach out to victims.** A community court can be a safe haven for victims, offering them both 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 quicker and in a less intimidating setting than larger, centralized courts.

### **Knitting Together the Criminal Justice System**

**Use the authority of the court 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 with one another or taking the time to problem-solve. Because of its role as a central hub in the justice process, a community court can play an important coordinating function.

**Don't reinvent the wheel.** Courts cannot be expected to solve difficult neighborhood problems by themselves. As courts look to play a more aggressive role in addressing complicated issues like quality-of-life crime, they must also look for new partners. Social service providers — both non-profits and government agencies — can provide valuable expertise, including counseling, job training, drug treatment and mediation skills.

**Make social service providers and criminal justice professionals work together.**

Judges in a community courthouse can consult with treatment professionals on individual cases. Police can alert counselors to defendants who may be open to receiving help. Clerks can help link individual victims to assistance. Physical proximity makes possible closer and more coordinated working relationships.

**Explore crossing jurisdictional lines.** The problems faced by citizens often do not conform to the narrow jurisdictional boundaries imposed by modern court systems. Criminal defendants may also be involved in a landlord-tenant dispute or a small claims matter. Handling all of these cases in the same place may enhance the court's ability to address a defendant's underlying problems.

**Helping Defendants**

**Put problems first.** Beyond focusing on case processing and punishment, a community court looks for ways that sentences can help defendants change their lives. Drug treatment, medical services, educational programs, and counseling all can be incorporated into sentences.

**Use the court as a gateway to treatment.** The crisis of arrest may prompt a defendant to seek help. A court can use its coercive power to reinforce that impulse.

**Remain involved beyond disposition of the immediate case.** The judge can monitor offenders' experiences in treatment, using the court's authority to reward progress and impose new sanctions for failure.

**Providing Better Information**

**Make available as much information as possible at the defendant's first appearance.** This allows the judge to act as a practical problem-solver as well as an imposer of sanctions, matching the defendant with treatment or community service programs.

**Make information available to everyone at the same time.** Entering new data into a central database 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.

**Use current information to enhance accountability.** Updates on a defendant's progress allow the court to monitor compliance with sentences. They also permit early recognition of problems and rapid responses to remedy them.

## Designing the Courthouse

**The courthouse should be 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.

**A community court should be more than just a courtroom.** Beyond holding pens, a courtroom, judge's chambers and a clerk's office, it must accommodate social service workers, victim advocates and community service managers; it also needs room to house community service workshops and to provide conference rooms for treatment sessions and classes. After hours, the courthouse can become a community resource for tenant groups, block associations and others who want to hold public meetings.

**Put everything under one roof.** Locating social services side by side with the legal process serves the needs of the community court by making it easier for a judge to craft sentences that combine punishment and help. It also serves the needs of social work and public health by bringing services to a center of need.

## Obstacles

Developing a community court is a complex undertaking. By definition, community courts embrace a variety of stakeholders. These include not only the usual suspects like judges, police and prosecutors, but also tenant groups, victims organizations, businesses, schools and block associations. Reaching outside the walls of the justice system to involve new players and create new partnerships complicates both planning and implementation.

In particular, shifting the focus of criminal justice from case processing to community-mending is easier said than done. While a community's quality of life is eroded by waves of smaller offenses, the justice system does its work one case at a time. That tends to obscure neighborhood-specific patterns. Furthermore, communities are understandably reluctant to accept arrested offenders back onto their streets. While supporting the benefits of community service, neighbors worry that an impersonal justice system won't be sensitive to their concerns about supervision.

Local residents are not the only ones who will have concerns about a community court. While the need to bridge the gap between communities and courts seems obvious, some judges, attorneys and police may believe that greater involvement with the community will compromise their objectivity. In an effort to maintain impartiality, judges have traditionally insulated themselves from the communities and victims affected by the issues they adjudicate, while prosecutors and police have restricted the



discretion of front-line attorneys and officers on the beat. In addition, most criminal justice professionals feel too overwhelmed by the daily pressures of their jobs to reach out to the community. They are reluctant to take on new responsibilities when they are unsure they will receive the tools they need to get the job done.

Criminal justice agencies may also be uncomfortable working with social service providers. After all, the underlying assumptions and guiding philosophies of law enforcement and social work differ in fundamental ways. Criminal justice professionals are used to 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, on the other hand, expect relapses and consider it critical that clients remain in treatment regardless. Addicts may have to hear the same message several times over before it finally sinks in. A community court's approach can work only if criminal justice and social service professionals are willing to adjust their outlooks and work in a coordinated way.

Providing timely and accurate information may also 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 using information to improve the quality of decision-making 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, community court planners can expect to confront architectural obstacles. Architectural innovation doesn't come easily. The space 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. The planning of a new courthouse is sure to enliven these ongoing conflicts. And the need to accommodate outsiders, such as community groups and treatment and education professionals, further complicates the process.

While such obstacles shouldn't be minimized, they can be overcome if all parties have a commitment to the process and share an understanding of goals and principles. The Midtown experience suggests a number of practical strategies that can assist in the development of any community court project.

## Outreach

Before launching the Midtown Court, organizers met with scores of block associations, business groups and local political leaders. 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.

From these early meetings, organizers built a corps of supporters willing to donate resources, including community service supervision, social service staff time and supplies like paint and plantings. The early outreach also made it possible to recruit the Court's community advisory board, which helps identify crime patterns in

the neighborhood and potential community service projects while providing feedback on the Court's relationship with the neighborhood.

Victims are a particularly important stakeholder group for any community court. Victims expect a lot from courts. They want to see justice done, but what this means depends upon the individual victim. For some, "justice" may mean having their pain acknowledged by the offender, the court system or the community. Others may want courts to rehabilitate the offender and make a concentrated effort to improve the neighborhood conditions that lead to crime. Still others may want offenders to express remorse and take responsibility for the harm they have caused. And some victims will want all of these things. Community court planners will want to make special efforts to understand victim issues. In so doing, they can insure that the community court provides constructive channels for victim involvement and that it offers victims both information and services.

## Government Support

Even with the endorsement of local residents and victims groups, a community court project won't get very far unless it enjoys enthusiastic support at the highest levels of both the executive and judicial branches of state and local government. Community court 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, as well as to judges and the local bar association.

Fundraising efforts for the court should take advantage of its capacity to make a visible difference in community life, appealing to local businesses and non-profit groups who stand to benefit directly. Foundations might also welcome the opportunity to help a promising program likely to demonstrate the value of innovation.

In addition, community courts can attract a new audience of potential funders: those interested in economic development. 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 be a valuable addition to economic development efforts. Businesses, government agencies and foundations with a stake in neighborhood economic development are a crucial constituency for community court planners.

As are police. Unfortunately, police — and community groups — lose heart in fighting low-level crime when they lack any reliable way to measure progress. Besides the traditional work of caseload and sentencing outcome analysis, research staff at the Midtown Community Court study problems raised by police officers and neighbors. The Court's researchers monitor patterns of prostitution and drug-dealing, as well as street sanitation. They have developed neighborhood-specific computer software to map arrests, complaints, and other quality-of-life indicators; the mapping helps both neighbors and police target resources.

Where the research confirms success, a community court should be ready to make it known. A court can create its own newsletter and Internet web site. It can also promote media coverage to ensure a regular flow of feedback to the community.

## Alternative Sanctions

Communities won't be comfortable with community service, and judges and prosecutors won't utilize it, without some attention to risk assessment. Common sense dictates that violent felony offenders are probably not good candidates 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. Each offender is matched to the appropriate level of supervision based on a review of 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 that take place in the courthouse (building maintenance, staffing a bulk-mailing operation); those considered lesser risks are assigned to more visible outdoor projects (cleaning graffiti, painting fire hydrants and streetlights).

A community court's social service program will require similar attention; long-term drug treatment alone is not enough. In fact, in-patient drug treatment may not be an option for many. Since many criminal court defendants are low-level offenders who face little or no jail time, the court must set up punishments that are proportional to the defendant's record and crime. The Midtown Court created an array of short-term interventions that take place in the courthouse itself. They include:

**A four day "treatment readiness" group** It introduces defendants without serious records to drug treatment and prepares them for long-term help.

**Counseling group sessions for prostitutes** The short course includes basic health screening and a meeting with an outreach counselor who offers support for women who want to escape their pimps and life on the streets.

**Job readiness sessions** They put chronically unemployed defendants together with employment counselors who make them aware of job training or placement programs.

While the immediate goals of these short-term interventions are modest, the Midtown Court has already seen hundreds of defendants use them as stepping stones toward changing their lives, many of them returning voluntarily for continued counseling after completing their sentences.

## Staffing

A community court necessarily requires a larger, more diverse staff than a traditional courthouse. In addition to clerks and security officers, community courts may need

social workers, victim advocates, job developers and managers for community service work projects, along with additional research and public information officers. For example, community outreach — introducing the court to local merchants, community groups and elected officials, and managing the court’s on-going relationships with its community service partners — may require a full-time ombudsman. A court that installs a computerized data-sharing system may need a technician to install the necessary hardware and software and adapt them for the court’s particular needs. A mediation service, should the court decide to offer one, would require a staff of its own. The court’s need for current information about a defendant’s legal and social service status requires a staff of interviewers who are able to compile basic data quickly.

These new staff people need not be court employees, however. At the Midtown Court, planners convinced several social service providers — both non-profit organizations and government agencies — to out-station personnel at the courthouse. The reasoning was simple: service providers should bring resources to where the problem is, rather than vice versa. Every day, the Court has physical custody of dozens of people who are in dire need of services. These are the same people who drug treatment providers, GED programs and health care providers aim to serve.

The Midtown Community Court also grew to depend on a new party to the legal process: the resource coordinator. His job is to keep track of the range of available sentencing options and help the judge and attorneys match each defendant with the right program. The resource coordinator links criminal justice and social service professionals together. Sitting in the well of the courtroom, he is integrated into the case processing system. At the same time, he is part of the Court’s clinical team, aware of treatment issues and the risks of success and failure. Over time, lawyers and judges have come to rely on the resource coordinator and trust his recommendations.

## **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 courts. The Midtown Community Court has sought to address these problems in three ways:

First, it established a mediation service to resolve neighborhood disputes — for example, the opening of an adult movie house or the operating hours of a noisy auto repair shop — before they escalated 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 case workers from the court — to enroll potential clients in court-based social service programs before they get into trouble with the law. Five mornings a week, the outreach teams comb the neighborhood, engaging likely clients — prostitutes, substance abusers, the homeless — in conversation and encouraging them 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 does copying work for local businesses and non-profits. By providing ex-offenders with job training and assisting them in finding jobs, Times Square Ink seeks to address the related problems of unemployment and crime.

## **Conclusion**

There is no such thing as a generic model for a community court; ideally, each one will reflect the particular nature of its neighborhood. For that reason, this discussion has focused on principles and advice rather than on a universal definition or formula. The principles, however, are well worth pursuing: a court that realizes them well becomes a powerful investment in the future of neighborhoods and the credibility of law.

## Notes

### **Center for Court Innovation**

The winner of an Innovations in American Government Award from the Ford Foundation and Harvard's John F. Kennedy School of Government, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how courts can solve difficult problems like addiction, quality-of-life crime, domestic violence and child neglect. The Center functions as the New York State Unified Court System's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, family treatment courts and others.

Nationally, the Center disseminates the lessons learned from its experiments in New York, helping courts across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice by convening roundtable conversations that bring together leading academics and practitioners and by contributing to policy and professional journals. The Center also provides hands-on technical assistance, advising court and criminal justice planners throughout the country about program and technology design.

**For more information, call 877 373 7300 or e-mail [info@courtinnovation.org](mailto:info@courtinnovation.org).**

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