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Dispensing Justice Locally

The Implementation and Effects
of the Midtown Community Court



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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:

- Centralized courts focus resources on serious crimes and devote insufficient attention to quality-of-life offenses;
- Both communities and criminal justice officials share a deep frustration about the criminal court processing of low-level offenses;

- Community members feel shut off and isolated from large-scale centralized courts;
- 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
- 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 system'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. 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 depart 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 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 diffi-

culties 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:

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.

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.

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.

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.

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.

Impact Analysis

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., sen-

tences 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 percent versus 25 percent) 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:

- Reduction in such outcomes from 55 percent to one percent for prostitution;
- Reduction in such outcomes from 39 percent to five percent for drug offenses;
- Reduction in such outcomes from 23 percent to six percent for petit larceny and criminal possession of stolen property;
- Reduction in such outcomes from 50 percent to 15 percent for turnstile jumping; and
- 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 percent reduction for prostitution, a 50 percent reduction for petit larceny and a 29 percent 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.

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 percent compared to 50 percent). 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 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 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.”

Conclusion

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.

Notes

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.

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