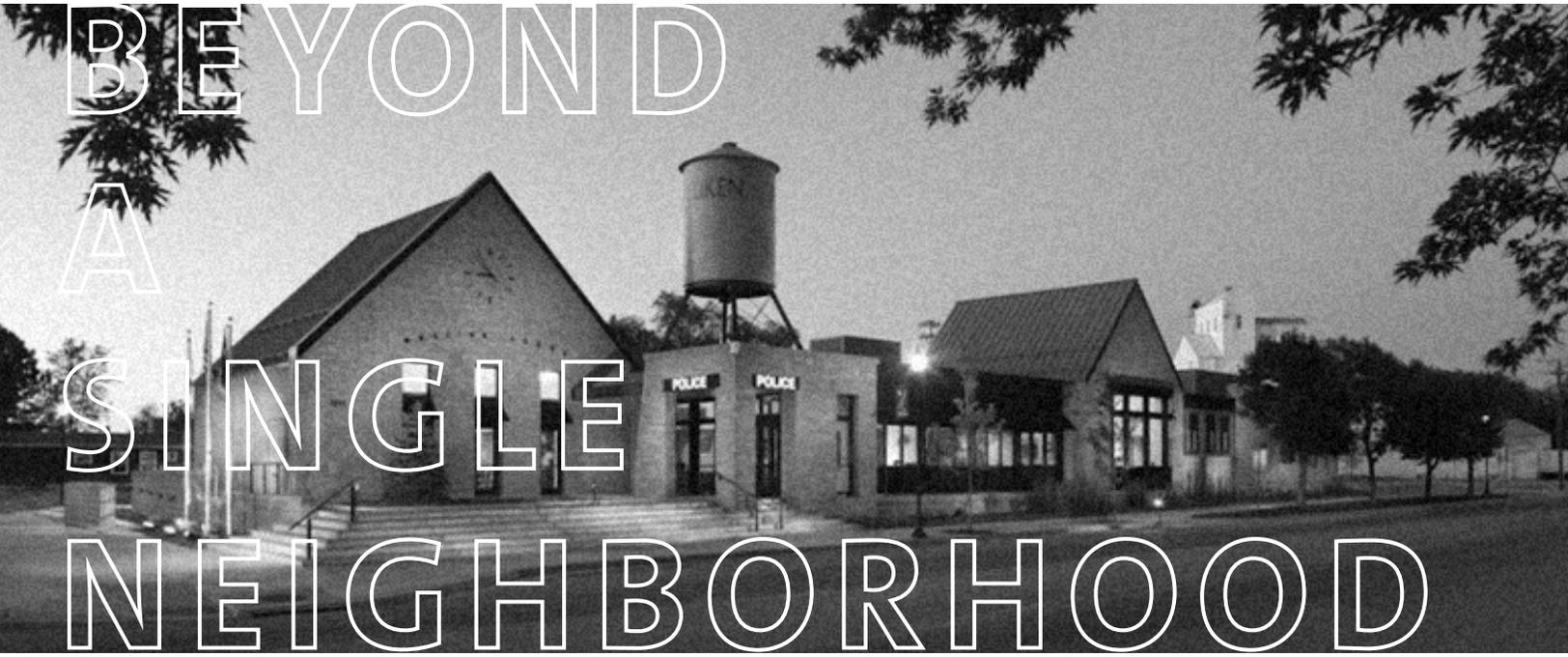


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BEYOND
A
SINGLE
NEIGHBORHOOD

Community Justice in Washington, D.C., Newark, N.J., and Milliken, Colo.

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BEYOND A SINGLE NEIGHBORHOOD: COMMUNITY JUSTICE IN WASHINGTON, D.C., NEWARK, N.J., AND MILLIKEN, COLO.

Community courts, which offer creative responses to low-level crime, have traditionally been thought of as neighborhood courts. But the core principles of community courts—promoting alternatives to incarceration, encouraging respectful treatment of defendants, engaging the public in doing justice—can work just as effectively when handling cases from an entire town, city, or county.

I. INTRODUCTION

Community courts, as first conceived in 1993 at the Midtown Community Court in Manhattan, were a local, neighborhood-based antidote to the anonymous revolving-door justice of centralized urban courthouses. In the case of the Midtown Community Court, planners focused on misdemeanor offending in the neighborhoods around Times Square. The goal was to increase the use of alternatives to incarceration, using community restitution sentences and mandated social services, like drug treatment and job training, to help solve the problems of defendants. Researchers have since documented that the community court approach has worked to reduce recidivism and incarceration.^{1,2}

As the idea of community justice has spread beyond New York City, community courts have taken different forms. This paper looks at three jurisdictions that have successfully adapted the community court model beyond single neighborhoods:

- In Newark, N.J., Newark Community Solutions handles low-level cases in Newark's municipal courthouse from the entire city;
- In Washington, D.C., the court system established six community courts so that the entire city benefits from a community justice approach;
- In Milliken, Colo., a small, rapidly changing municipality in the north of the state, the community court covers the entire town and collaborates with schools and law enforcement to solve community problems.

II. WASHINGTON, D.C.

During the 1990s, Washington, D.C. was known as the murder capital of the U.S. In an effort to restore order to a city plagued by drugs and violence, police increased their activity on the streets.

“We were inundated,” said Dan Cipullo, director of the Criminal Division of the Superior Court of the District of Columbia. “We went up about 30 percent in misdemeanor arrests, which led to a lot of delays in processing cases and a lot of police overtime.”

Much of the violence (and police activity) in D.C. was located east of the Anacostia River, in low-income neighborhoods separated from the rest of the city by the river. A planning team comprised of key stakeholders including members of the local courts, defense bar, law enforcement, pre-trial services, probation, and the community sought to create a community court for these neighborhoods that would handle misdemeanor cases and link offenders to meaningful alternatives including drug treatment and community restitution.

The East of the River Community Court opened in 2002. From the beginning, the project foregrounded the concerns of neighborhood residents, regularly holding town hall meetings to get feedback.

“We need community involvement in the courts,” Judge Rufus King III told *The Washington Times* the year the court opened. At the town meetings, the community cited auto theft, illicit drug sales, vandalism, and gang-related violence as major problems.

“If we can get [offenders] drug [rehabilitation] help and help them to find employment... [w]e have the ability to change lives, not just have trials,” said Judge Noel Kramer, who presided over the East of the River Community Court when it began.

“If you deal with the quality-of-life crime, it reduces the chances that more serious crimes will also fester in those neighborhoods,” Michael Francis, the coordinator of the program, said.

In 2007, an independent research team began an evaluation of the East of the River Community Court. The study tracked 4,046 defendants who went through the court from 2007 to 2009. Of the defendants who were involved in diversion programs, more than half—about 60 percent—successfully completed them.³

“Drug possession, theft, assault—East of the River Community Court showed that it could handle it,” said Judge Robert Morin, who has overseen the criminal division of the D.C. Superior Court since 2012.

In 2011, researchers from Westat issued a report documenting that the East of the River Community Court had succeeded in reducing reoffending. Compared with defendants with similar characteristics, defendants in the East of the River program who were linked to services had a 60 percent lower reoffending rate while their cases were pending. In the year after successfully completing diversion, those East of the River program defendants had a 42 percent lower reoffending rate.⁴

Building on these results, Lee Satterfield, the chief judge of the city’s courts, approached Judge Russell F. Canan about taking community justice city-wide.

Expanding the Reach

With Chief Judge Satterfield's approval, Judge Canan led the planning for a community court program that would serve the whole city. "It was important to expand the community court concept to citizens throughout the city because the community court not only helps reduce recidivism—it provides much-needed services to misdemeanor defendants," Judge Canan said.

The one caveat was that there would be no additional funding to help with the expansion.

For a year, Canan held monthly discussions with prosecutors, other judges, and city agencies. He discovered that with some redeployment of personnel and restructuring of priorities, the District could successfully expand the court without additional resources.

The planning team decided to try organizing the courts by police district, which they found helped streamline the process from arrest to case processing.

"One of the things you have to think about in projects like this is whether the workload would be comparable to the existing system," said Judge Robert Morin. "We spent months comparing workloads and found they were about the same. Then we thought, 'why *wouldn't* we implement this?'"

Planners also went out into the community to spread the word through town hall meetings and other community events. "We started with community engagement, trying to get the judges out into the community to work with civic associations and neighborhood commissioners and start talking about the program," Dan Cipullo said. (And even today, the D.C. community court judges and staff continue to attend monthly community meetings in police districts to stay updated on community concerns.)

In January 2012, Washington, D.C. became the first major city in the nation to handle all its misdemeanor cases through community court calendars.

In the D.C. system, each police district has a dedicated judge that hears misdemeanor cases in the central courthouse. Chief Judge Satterfield assigns judges to the courts on a rotating basis. "These projects can't be personality based—they won't be successful in the long term," said Judge Morin. "Judge Canan really put this on the map. He established the program so that each judge can pass the baton on."

Keeping Up With the Community

The new community court system built on a foundation created by the East of the River Community Court, using existing community partnerships as a jumping off point for expansion. Aligning each court's catchment area with existing police districts helped community service sentencing become more meaningful; having offenders do community restitution in the same area where they committed their crime accentuates the restorative nature of their work.

"It is a community court principle to try and have a defendant perform community service in the neighborhood where he/she committed the crime—it just makes good sense," said Michael Francis.

To keep up-to-date with the community, each judge attends at least one community meeting a month. “This is especially important since all the community courts are housed in the central courthouse and not embedded in the community,” Judge Canan said.

The community court judges also meet with each other regularly to discuss both legal issues and concerns in the neighborhoods they serve.

“Many experienced judges find they are doing things differently than they have in their entire career,” Judge Morin said. “In the community court, there are a lot more opportunities to engage people and figure out what the underlying problems are.”

III. NEWARK, NEW JERSEY

Located five miles from New York City, Newark, N.J., with a population of 285,000, is the most populous city in the state. Once considered among the nation’s major industrial hubs, in recent years, the city has faced enormous challenges including high levels of poverty and crime.

When Cory Booker was elected mayor of Newark in 2006, improving the criminal justice system was one of his priorities. The model of the Red Hook Community Justice Center caught his attention. He brought together municipal leaders and nonprofit partners to explore adapting the community court model to Newark’s needs. He also appointed Judge Julien Neals as chief judge of the Newark Municipal Court.

“Just arresting and piling more people into our courts doesn’t change much,” said Booker. “What this is doing is ... powerfully plugging our judges, our lawyers, our clients—the people coming through our courts—into a bevy of resources to help them empower their lives, so it not only meets the mandates of justice but it meets them in a deeper and richer and more robust way.”⁵

“It’s easy to address the crime, but if we’re not doing anything to address the underlying problem, we’re not really doing anything to make the situation better,” Judge Neals said.⁶

To plan New Jersey’s first-ever community court, the New Jersey State Bar Foundation funded a needs assessment, conducted by the City of Newark, the Newark Municipal Court, and the Center for Court Innovation, in collaboration with the New Jersey Institute for Social Justice and the Center for Collaborative Change, two local nonprofit organizations.

To understand the needs of the community, planners held 18 community meetings and heard from over 300 community members from all of Newark’s five wards—which range from busy urban districts to quiet suburban areas—about the problems they saw, the social services available, and the types of community service that might help heal the community in the aftermath of crimes.

Planners also worked to understand the problems in the municipal court itself. “We went into it honestly saying, ‘We need to work with the municipal court to identify problems and prioritize solutions,’” said Jethro Antoine, one of the planners.

“Everyone arrested in the city of Newark got filtered into one courtroom,” said Kelly Mulligan-Brown, court operations officer for Newark Community Solutions. “There was an extremely high volume, some people arrest-

ed 60 and 70 times, and arrested over and over again for not being able to pay a fine.”

With an annual volume of about 500,000 cases, the Newark Municipal Court was crowded and chaotic. “It was this elaborate machine,” Antoine said. “The court players themselves seemed at once overwhelmed and disconnected from what they were doing—they were on autopilot.”

While the initial impetus for planning in Newark came from the Red Hook Community Justice Center, another project emerged as a model for implementation: Bronx Community Solutions. Rather than working in a single neighborhood, Bronx Community Solutions sought to bring community court-style sentencing to a centralized courthouse serving 1.4 million people. The planning team in Newark was attracted to the idea of scaling up the community court approach.

The decision was made to locate the community court in the centralized municipal courthouse and to accept case referrals from the entire city. In this way, the project ultimately dubbed Newark Community Solutions, sought to transform the way all low-level cases in Newark were handled.

A New Court for Newark—in the Old Courthouse

“It was crucial to house Newark Community Solutions in the Newark Municipal Court,” said Adam Mansky, a lead planner on the project. “From this central vantage point, the community court would be in an ideal position to connect with service providers and community service opportunities in every ward of the city.”

Newark Community Solutions makes social services and community restitution sentences available in response to non-violent offenses from across the whole city. The most common charges are failure to comply with court orders, drug possession, loitering, and prostitution. Previously, judges often felt they only had two options in these cases: fines or short stints in jail. Now, Newark Community Solutions expands the array of options—linking offenders to services and sentencing them to community restitution projects. Since 2011, more than 3,000 participants from Newark Community Solutions have contributed more than 20,000 hours of community service to the community.

“The reason that this community-court concept is so effective is because it restores the individual’s dignity and self-respect,” said Municipal Court Judge Victoria Pratt, who presides over Newark Community Solutions.⁷

Knocking on Doors and Giving Back

From the very beginning, residents played a key role in shaping the project. Newark Community Solutions holds regular community advisory board meetings to get feedback. “It’s an open meeting—we invite everyone to come,” said Kelly Mulligan-Brown. “We literally go up to local institutions—to their buildings—and knock on the doors and invite people to attend.”

These meetings help Newark Community Solutions identify opportunities for meaningful community service projects that solve local problems.

One such opportunity is the Adopt-a-Lot program. Adopt-a-Lot owners, all of whom are Newark residents, lease vacant lots from the city for one dollar a year with the promise of improving the land as a community gar-

den or urban farm. Newark Community Solutions participants work with these gardeners by clearing debris and preparing the planting beds.

“Without the community involvement, leadership, guidance, and connection we’re really talking about the same justice system that has perpetuated itself in such a negative way here for so long,” Booker said.⁸

In addition to Adopt-A-Lot, Newark Community Solutions partners with the Greater Newark Conservancy, the Newark Community Garden Coalition, and others, as community restitution sites.

“At first, some people who had to do community service and get services here were resistant, but now the word got out that Newark Community Solutions is great and is helping a lot of people,” said Khlaise Blanding, a behavioral technician at Bethel Church and Counseling Center.

And Newark residents don’t have to get in trouble to get help. Newark Community Solutions also makes its services available to anyone who needs them. Staff members from attend cultural events throughout the city to make it clear that the community court is there to serve the community, not just process cases.

“Even if you’re not justice-involved—like the homeless veterans we work with, for example—we are here for you,” Mulligan-Brown said. “We attend as many community activities as we can across the entire city, which keep us aware of the community and keeps the community aware of us.”

“We don’t turn anyone away,” Antoine added. “We encourage staff to ask around for people who need help and to bring them in.” In 2013, 21 percent of all Newark Community Solutions cases involved voluntary services.

IV. MILLIKEN, COLORADO

Milliken, Colorado is a small but expanding town (population of about 6,000) in northern Colorado that began as a trading post in the 1860s for agricultural products.

When Milliken was designing a new police station and courthouse, an opportunity arose to cement interagency collaboration—literally. Situated in downtown Milliken, the Milliken Meeting House building combines a community court, police station, and social services in one location.

The creation of the Milliken Community Court was largely inspired by community policing, an approach to law enforcement that promotes the use of local partnerships and unconventional solutions to address crime.

Milliken City Manager and Chief of Police Jim Burack, whose background is in community-oriented policing, brought this approach to planning the community court. “The desire was to have an all community approach to [dealing] with justice,” Chief Burack said, stressing the need for police and community members to be involved in the court process.

“About three years ago, Jim Burack came up to me and said, ‘You know, I think we should start a community court in the new meeting house,’—and I went, ‘What’s that?’” remembers Judge John Easley, who presides over the community court. “I knew about problem-solving courts like drug courts, but not about community courts.”

In October 2011, the Milliken Community Court opened. It operates the first and third Wednesday of every month, and holds a special youth docket on the second and fourth Tuesday of every month.

The Milliken Community handles municipal ordinance violations such as public intoxication, disorderly conduct, criminal mischief, criminal trespass, curfew violations, and truancy.

The Milliken Community Court operates on a deferred prosecution model. While defendants can hire defense counsel, there is no court-appointed counsel since the charges do not carry potential jail sentences. The court does not require a plea to participate in the community court program.

“Although defendants are not assigned counsel, the court has made efforts to ensure defendants do not feel coerced in taking pleas,” said Milliken defense attorney Sunita Sharma. “Many municipal courts across Colorado operate in a similar fashion and it is not uncommon to have most of the calendar heard without defense counsel appearing.”

A Community Court for the Whole Town

Because Milliken residents have voiced a particular concern about youth issues, the court has concentrated its efforts on problems like truancy. “We’re a youth-focused community court,” Jim Burack said. “We can make the most difference if we can intervene swiftly early on.”

Judge John Easley added that truancy “is just a marker of a larger dysfunction. We get these families in the court and find out there are severe economic problems, divorce, or substance abuse, and we’re able to help them, and give the offender and the family some hope.” Before juvenile offenders often paid a fine and got a mark on their record. In contrast, the community court gives young people an opportunity to learn and avoid further involvement with the court system.

Easley structures the sentences in a way that encourages self-reflection, community restitution, and education; he often requires participants to write a personal essay or poem about their goals for the future.

The court also works with the school district and the police to refer at-risk youth to services at the court—before they get arrested. The community court presiding judge, Judge Easley, takes time to speak openly with kids and their families. “What I really like about the community court and my role is I can get up close and personal with the people that pass through our system,” Easley said. “Under traditional court models, success was just closing the case. But with the community court, we have real wins.”

In this collaborative atmosphere, it remains important to remember the legal distinctions between the police and the court, Judge Easley said. Weekly team meetings convene members of the police department, the school resource officer, the court clerk, the case manager, and the prosecutor, to discuss updates. “Once an offender has opted into the community court program the team and I discuss them openly,” Judge Easley said. “As for new cases, I’m not included in those discussions. We are sensitive to these lines.”

The weekly meeting is also a time when the team can work together on practical issues, such as which resources are working and where there could be room to grow. The team often brings in representatives from local organizations to give presentations about other resources available in the community, such as a new parenting class or defensive driving course.

“We use the meeting to explore new options while remembering our goals. We discuss how we can achieve them moving forward,” Judge Easley said.

When the Weld County District Attorney’s Office wanted to pilot a program that diverts nonviolent, first-time offenders, it turned to the Milliken Community Court for advice. Milliken Community Court is one of the pilot sites for a new county-wide push towards restorative justice.⁹ “We’re going to take on cases that have more significance,” Burack said. “So there’s going to be a whole lot of interest in the Milliken Court as a model for the rest of the county.”

Easley hopes to apply the community court approach even more widely, expanding services and diversion options for adults. “When judges are engaged in outcomes, they become motivated and enthusiastic,” Burack observed. “They’re not processing kumquats. They want to make a difference in defendants’ lives.”

Making a Difference

In the front lobby of the Milliken Meeting House, where the community court and the police station are housed in separate wings, a fireplace is surrounded by rocking chairs. There is also a children’s library and a police service counter where community members can speak to law enforcement. These user-friendly elements also help make the Meeting House a space that welcomes Milliken’s residents.

Through a community justice council, members representing community schools and organizations help identify local service projects as well as advise the court and police on issues of concern to the local community. In the summer of 2013, when massive flooding hit Colorado, Milliken was not spared the deluge. The flooding destroyed 45 homes and left many families homeless.

The Meeting House became a Federal Emergency Management Agency site, and the case manager for the Milliken Community Court, Kay Petsas, assumed a key role in managing the aftermath of the flood.

“After the flood we had people—many undocumented and who couldn’t speak English—who had lost everything,” Burack said. “The floods devastated the population that is already vulnerable because of poverty and lack of education—so instead of looking at it from the criminal justice perspective, the court talked about how it could help rebuild and provide support.”

Now Burack and his team are working on a plan to rebuild the lost housing and heal damage—literal and figurative. “Friction is inevitably generated when tragedy strikes, but all that we’ve done through community policing and community court has really paid off,” Burack said. “We are in a better position to bridge conflicts, and the initial responses went more smoothly because the police department and the court have already built bridges with the community. Our relationships with residents are better than ever.”

V. LESSONS

Changing the way justice is delivered can be complicated. Community justice started by thinking in terms of spaces as small as a few city blocks suffering from quality-of-life problems—not whole cities, counties, or states. But more recently, the community courts in Newark, N.J., Washington, D.C., and Milliken, Colo. have shown

that—with strong leadership, community involvement, and smart planning—what works in a small, localized area can be applied to larger jurisdictions.

A main challenge for all community courts—large and small—is learning how to build meaningful and trusting relationships with community partners. According to Newark’s Jethro Antoine, one key is honesty. “Admit that you don’t have all the answers and tell community members that arriving at the answers to complex problems will take time and sometimes uncomfortable conversations,” said Jethro Antoine. “I think we have succeeded in Newark because we have shown a commitment to the city. That includes being committed to working with local activists and hiring residents at every opportunity.”

Jurisdictions exploring how to adapt the principles of community justice can learn from the examples discussed in this paper. Some of the lessons that can be extrapolated from the experience of these three jurisdictions are:

- **Leadership:** All three programs were championed by a local criminal justice official with a clear vision that they effectively articulated to other players. While the idea for a community court often comes from outside the system, it is difficult to move these projects forward without a strong champion within the criminal justice system with the authority to convene justice stakeholders.
- **Ongoing Communication:** Any citywide community justice initiative will inherently involve multiple partners, both inside and outside the government. To keep diverse groups with disparate agendas pointed in the same direction, it is often helpful to convene regular planning sessions. Figuring out who should be at the table—and just as important, who should not—is a crucial early decision that must be made with care. Inclusivity is important, but it often comes at a cost.
- **Community Involvement:** Community involvement is especially important—and challenging—when dealing with larger geographical areas. Attention must be paid to the types of vehicles used to engage local residents. Planners would be wise to look to multiple vehicles at the same time—not just advisory boards but youth courts, restorative justice panels, neighborhood surveys, and other engagement strategies.
- **Managing Resources:** One factor that has motivated citywide community justice initiatives is a desire to maximize resources. It is often easier to justify the expenditure of money, time, and energy on a citywide basis rather than on behalf of a single community. A citywide effort can also tap into existing resources and relationships in a way that may not be possible if the project were focused on a single neighborhood.

There are numerous advantages to thinking about implementing community justice principles across an entire jurisdiction, whether it be a town, county, or city. But there are challenges as well. Much of what impresses a visitor to the Red Hook Community Justice Center or the Midtown Community Court is difficult to replicate

at scale—the deep understanding of the local context of crime, the connections with community leaders, the individualized attention to each defendant, the architectural tweaks designed to communicate respect for the public, etc. Still, the work being done in Washington, D.C., Newark, and Milliken offers encouraging signs that it is in fact possible for community justice to move beyond single neighborhoods.

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