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I WISH TO SEE ...

BLAKE PATTONIA
MAYOR OF
BROWNSVILLE

MY PEOPLE
IN THE
FULLNESS
OF THEIR
LIVES

I WOULD LOVE
TO SEE

SPACE OF...

Love

Remembrance

Cultivation

Beauty

Liberation

Play

Imagination

Performance

Desire

Community Justice Today

Values, Guiding Principles, and Models

IN A DAY

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Foreword

As the 1990s crime wave crested across the country, local and national leaders strategized on how to proactively protect communities. Reformers in New York City, at the Department of Justice, and nationwide, took note of the revolutionary approach and early success of the Miami-Dade Drug Court as it worked to tackle the troubling crack-cocaine epidemic in its community. This first drug treatment court was described by researchers as shifting the paradigm of the criminal courts system, proving that treatment does more for rehabilitation than punishment alone ever could.¹

New York City was dealing with its own high crime rates in the early 1990s² when in 1993, the Midtown Community Court opened its doors to address low-level crimes in the Times Square neighborhood by responding with social services, treatment referrals, and community service opportunities. Building upon earlier innovations in

community policing and prosecution, this criminal court offered a fresh, groundbreaking response to address neighborhood concerns and featured a small, local courtroom with a single judge. It brought services—like job training and parenting education—into the courthouse and employed a “resource coordinator” to link people to support in the community. A *New York Times* opinion piece expressed, “The new court will give the city another shot at reclaiming its streets and its people.”³

At the same time, President Bill Clinton, first elected in 1992, filled the role of attorney general with Janet Reno, who had helped establish the Miami-Dade Drug Court. President Clinton then appointed Nancy Gist in 1994 to serve as the Director of the Bureau of Justice Assistance (BJA), the U.S. Department of Justice’s largest grant-making agency. The time was right for significant federal support of local problem solving initiatives like the Midtown



Community Court. In 1996, the first grant from BJA came to the Midtown Community Court via the New York State Unified Court System, which helped the burgeoning Center for Court Innovation create the infrastructure it needed to develop a sustainable organization that would eventually open other community courts and community justice centers across the New York metropolitan area and deliver training and technical assistance to developing community courts around the country.

As the prominence of the Midtown Community Court grew, more and more staff time was dedicated to hosting other jurisdictions on tours of the Court's programming and teaching visitors about community justice. The Center collaborated with BJA to facilitate the creation of a website and to hire formal technical assistance providers to both support interested jurisdictions who approached the Center, as well as seek out more jurisdictions who would be a good fit for modeling the community-inspired programming of the Midtown Community Court. That grant request was funded and further paved the way for the long-standing partnership between the Center and BJA that became "the catalyst for dozens of community courts taking shape and serving thousands of participants," as described by Julius Lang, the Center's former director of Training and Technical Assistance and an early director of the Midtown Community Court.

During the first decade of the community justice movement, community courts were rooted in the innovative ideas of their day, including a focus on low-level crime, combining accountability and help to halt the "revolving door" of crime and jail, and engaging communities to generate solutions. These community courts shook up the status quo and

demonstrated new, less punitive ways to respond to crime. For example, participants with housing insecurity were connected with housing services and participants with mental health or substance use needs were connected to treatment providers in lieu of being sent to jails where their needs would go largely unaddressed.

Over the years, community justice models have evolved to become as diverse as the jurisdictions they serve. While some community courts have dedicated buildings, others operate out of libraries, shelters, community centers, and other non-traditional locations. They have a global footprint, reaching urban, suburban, and rural communities alike; and though they may look different and deal with varying issues, they all work toward locally-determined goals and share the same underlying principles, which are laid out in this publication.

BJA has supported the Center and countless justice systems across the country in expanding the definition of community justice beyond the early community court model. While early iterations of community justice may have focused more narrowly on community service and drug treatment as alternatives to incarceration and fines, the field now includes a host of other possibilities that meet participants at earlier intercept points and showcase inventive programming concepts. Early diversion—sometimes led in collaboration with prosecutors or with police—has become more common, and initiatives that involve placemaking projects and arts-based programming located at cultural institutions exemplify the cutting edge. Some sites established by the Center like the Brownsville Community Justice Center) do not even contain a courtroom. Instead, the Brownsville program is a thriving resource center that conducts community initiatives based on feedback from residents. As described by current Center Executive Director Courtney Bryan, "this exemplifies one of the strengths of the model of community justice—it's nimbleness and responsiveness to the stated needs of community members themselves."

Today, with the continued support of the Bureau of Justice Assistance, the Center for Court Innovation is a leader in delivering technical assistance in a variety of justice fields beyond community justice, such as tribal justice initiatives, treatment courts,

and gender and family justice. As an independent non-profit organization, the Center works to create a more fair, effective, and humane justice system by designing and implementing operating programs, conducting original research, and providing reformers around the world with the tools they need to launch new strategies. This includes co-hosting biennial international conferences with BJA for community justice practitioners. These conferences bring together judges, attorneys, researchers, social service providers, law enforcement officials, and other professionals from across the country to discuss pressing issues in justice reform.

For the past six years, the Center has served as BJA's technical assistance provider to recipients of its National Community Court Grant Initiative,⁴ working closely with community court sites around the country to reconceptualize courthouses as spaces of community involvement, treatment, and wellness. The Center and BJA have also collaborated to develop and implement the mentor court program, identifying model community courts around the country to serve as mentors to the field. The current mentor community courts include community courts in Dallas (TX), Olympia (WA), Orange County (CA), and Spokane (WA). These community courts serve as regional resources for jurisdictions looking to implement community justice initiatives that promote the use of evidence-informed practices as alternatives to incarceration and fines.

The Center is unique among technical assistance providers in its simultaneous maintenance of operating programs that serve both as innovative platforms and as demonstrations to visitors of how community justice principles look in practice. Working together, the Center and BJA have “elevated what justice can be” and proved that “communities themselves can identify problems and develop solutions,” per Eric Lee, former managing director and co-founder of the Center for Court Innovation. Supported by BJA for the past 30 years, the Center shows developing programs how justice can look in their own communities, helping practitioners reimagine their work to better serve both individuals and communities.

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Introduction

About 30 years ago, a number of civic leaders, community activists, and government policymakers embraced the term *community justice* to describe an alternative approach to a system that they saw as remote, bureaucratic, and ineffective.

These reformers were frustrated with the conventional legal system’s inability to reduce crime, meet the needs of victims, communities, and litigants, and end the so-called “revolving door” that moved those charged with low-level crimes in and out of the system without addressing the underlying challenges, such as substance use, mental health disorders, or lack of housing, that brought them into the system in the first place.

Community justice called for building trust with local stakeholders by involving them in planning and operations; developing new measures of success—for instance, tracking increases in public confidence in government rather than the number of weekly arrests-per-officer or cases-per-judge—and adopting a problem-solving approach that focused on addressing underlying community concerns rather than issuing fines and jail sentences.

Today, frustration with the justice system is at a peak. Following the murder of George Floyd, the public is more aware than ever of the system’s



failings—systemic racism, the prevalence of police violence against Black and Brown people, and the persistent harms to individuals, communities, and society from the overuse of incarceration.

The national conversation about systemic racism and the need to transform the justice system has created an opportunity, opening the door to—and building an appetite for—major reforms. Community justice—because it is flexible and values collaboration with stakeholders and evidence-based solutions—is uniquely suited to respond to these urgent issues, including the profound inequities of the legal system and society at large.

The Center for Court Innovation helped develop some of the nation’s first community justice initiatives, including the Midtown Community Court, and we continue to help grow and adapt community justice for a new generation.

Community justice can and must meet new challenges and embody the values that animate justice reform today, values that include shrinking the footprint of the justice system by diverting more cases to community-based solutions, empowering residents to co-create justice on their own terms, and advancing racial equity in a system that continues to disproportionately impact the lives of people of color.



Guiding Principles of Community Justice

The Center for Court Innovation articulated the first set of guiding principles for community courts with the help of a national committee in 1997, when the Midtown Community Court was the only such model in the country.⁵ These original principles reflected the goals of and lessons learned by the Midtown Court’s staff, partners, and planners.

With community court models proliferating nationally and internationally, the Center for Court Innovation published a revised set of “principles of community justice” in 2010.⁶ The revised principles streamlined the original 1997 version and sought to distill the increasing diversity of community justice models into “six common underlying principles that differentiate the kind of problem-solving justice practiced in community courts from standard operating procedure in the justice system.” These six principles were: enhanced information, community engagement, collaboration, individualized justice, accountability, and outcomes.

The updated guiding principles described in this new publication build upon the foundational principles of community justice, preserve the operational flexibility that makes community justice special, and infuse new ideas and practices that are supported by research and experience. They are intended to build upon the work done in the field for nearly three decades while also broadening the concept of community justice to include both community courts and non-court models, offering court planners, practitioners and communities a blueprint for building programs that meet today’s challenges and keep community justice at the cutting edge of justice system reform.

1. Co-Create Justice

Community justice programs recognize that communities are partners in defining and creating justice. They believe community members—individuals, families, and institutions (including businesses, service providers, houses of worship, and schools)—should have a voice in planning and creating programming. Community justice programs build relationships and actively listen to their communities to identify, prioritize, and solve local problems throughout the life of an initiative.

This principle was originally termed “Community Engagement,” but over time, we have seen that the most effective and just way to approach communities is not simply through top-down engagement but by actively seeking input from all quarters (including those who are in or have been through the justice system) and treating communities as equal partners.

Some ways to do this include:

■ Convening an advisory board

Many community justice initiatives get input from advisory boards—groups of interested residents and neighborhood stakeholders who receive regular updates from the court, help monitor safety trends, identify hotspots, and communicate feedback and concerns to the court. Advisory boards can ensure that diverse voices from the community are included in project design and policy decisions. They can also help promote transparency by requesting justice system data—such as number and types of cases, crime locations, case dispositions, and more—and holding the justice system accountable when its operations are misaligned with the community’s vision of justice and safety.

EXAMPLE of convening an advisory board

In Texas, the **Downtown Austin Community Court** has partnered with the **Austin Homelessness Advisory Committee**, whose members includes several individuals with lived experience of homelessness. The advisory committee offers insights and recommendations to the community court and helps to identify, prioritize, and solve local problems.

■ Opening the doors

Community justice programs welcome observers and visitors. In community courts, calendars and other information about courtroom activities are easily accessible to the public. Staff are prepared to answer questions and give tours. Security officers and

other staff are trained to create a welcoming and inclusive environment. On-site services—such as continuing education, employment training, or housing assistance—are offered to all community residents on a walk-in basis. When feasible, community justice centers make conference rooms and other spaces available for appropriate public use. In brief, community justice programs ensure that community members feel welcome and see the space as a resource for the whole community.

■ Thinking about space

The physical spaces in which the justice system operates are central to how the community experiences justice. Community courts have been at the cutting edge of rethinking how these spaces are designed. Many feature less formal courtrooms, with a lower judge’s bench (or no bench), natural light, and natural materials. Other community courts operate almost as “pop-up” courts that are set up in local libraries or community centers—locations that are already seen by community members as welcoming spaces. Over time, many courts have de-emphasized the courtroom and emphasized programming that “moves upstream,” emphasizing prevention and neighborhood investments—like placemaking and entrepreneurship programs—that promote safety. Looking forward, community courts and community justice centers will continue to push the physical boundaries of justice with the goal of designing spaces that are accessible, inclusive, and inviting.

EXAMPLE of thinking about space

Nevada’s Reno Community Court operates in the Washoe County Public Library, a space where court participants feel comfortable appearing for court hearings and where both participants and community members can access services. During the COVID-19 pandemic, the court set up interim operations at a local homeless shelter to provide services to court clients, many of whom are housing insecure.

■ Employing community members

Community justice programs reflect their communities by hiring locally and supporting the economic development of neighborhoods. Residents have served in administrative roles and have worked directly with participants and fellow community members as, for example, peer mentors for justice-involved individuals, tutors, and street outreach workers. In addition, community impact panels, restorative justice circles, and other programs can provide opportunities for community members to be trained and paid to help resolve court cases or neighborhood disputes in collaborative, non-adversarial ways.

2. Advance Equity

Community justice programs are committed to equity and combatting racism. They seek to end the justice system’s disproportionate impact on Black, Brown and Indigenous populations by emphasizing community investment, prevention, “upstream” diversion, and policies and practices that eliminate or reduce the collateral consequences of conviction. They use data to document inequities and ameliorate them.

Although advancing equity has long been a goal of many planners and practitioners in community courts, this has not been articulated as a principle of the field. Decades of scholarship, research, and the voices of justice-involved individuals have underscored a tragic truth—the justice system reflects and perpetuates endemic racial injustices in American society. In addition, the justice system continues to produce disproportionately harmful outcomes for women, LGBTQ+ individuals, and the poor. Community justice acknowledges these truths and commits to taking affirmative steps to combat oppression and inequity.

It does this by:

■ Documenting and understanding inequities

Community justice programs use data to identify where racial, ethnic, gender, and other disparities exist in the system and to understand the practices and policies that

EXAMPLE of documenting and understanding inequities

New York City's **Midtown Community Court** launched **Community First**—an initiative designed to meet the needs of individuals living on the streets and serve as an alternative to police-led responses. Developed in partnership with the local business district and community-based organizations, the program uses a team of community navigators to help meet people's immediate needs by learning about their lives, building trusting relationships with them, and making connections to services over time. The initiative focuses on prevention, providing support before individuals may have contact with police or the justice system. The navigators are community members who have previous experience with the justice system, homelessness, mental health challenges, substance use disorders, or poverty.



contribute to such disparities. Research from drug courts and other problem-solving courts suggests that disparities are often seen in initial referrals to the program, frequency and severity of sanctions imposed upon participants, access to culturally relevant services and supports, graduation/completion rates, and other areas. Community courts use robust data collection and analysis to detect these kinds of disparities in real time.

■ Taking action to advance equity

When inequities are identified, community justice programs take decisive action to rem-

edy them by changing policies and practices to achieve equity in program access, services, monitoring, outcomes, and other areas. If people of color are underrepresented in—and therefore denied access to the benefits of—a community court, for example, the court can expand its eligibility criteria to include individuals with more significant criminal histories, thereby acknowledging that over-policing and selective enforcement have led to disparities in criminal history. If women have lower rates of treatment engagement than others, the court can offer more gender-responsive treatment services. In addition, community justice initiatives create opportunities for facilitated dialogue among law enforcement, prosecutors, and court administrators to name and address the systemic issues that underlie and create inequities.

EXAMPLE of taking action to advance equity

The **Red Hook Community Justice Center**, in Brooklyn, New York, has built robust youth development programming designed to promote economic empowerment and cultivate entrepreneurship. Through a range of paid opportunities in restorative justice, skill-building, mentorship, leadership development, and the arts, neighborhood youth—many of whom come from economically disadvantaged households—receive fair compensation while building skills and a foundation for economic mobility and career growth.



■ **Partnering with organizations led by people of color**

A powerful way community justice programs combat systemic racism and oppression is to ensure that people of color and people with previous justice-system involvement are at the table and have leadership roles in all phases of program planning and operations. Community justice programs actively partner with organizations led by people of color and those with lived experience to develop concrete strategies for combating racial, ethnic, gender, and other disparities. These organizations often have deep knowledge of the community and help the court improve the way it engages with the public and meets the community's needs.

3. Put People First

Community justice programs seek to humanize the justice system by centering the needs of the individuals and the communities they serve. Rather than focusing on case processing time, the number of cases closed, or the value of fines collected, they measure success by their ability to help people lead healthy, fulfilled lives, and promote community safety, resiliency, and well-being.

Originally articulated as “Individualized Justice,” practitioners have expanded the notion to encompass more than just helping those charged with an offense address underlying issues. Putting people first also means reducing the harms associated with justice system involvement and working to produce positive outcomes for individuals and communities.

Community justice programs do this by:

■ **Individualizing justice**

Community justice programs understand that each person's circumstances are unique, and they seek to respond in an individualized manner that leaves the person and the community better off. The needs of each court-involved individual should be assessed by a resource coordinator, case

EXAMPLE of documenting and understanding inequities

In Nashville, Tennessee, the **Music City Community Court** engaged in a needs assessment process to understand and acknowledge the historical context that has led to some of the racial disparities currently being felt in the justice system. This information informed the location of the new **Bordeaux-North Community Justice Center**, which was selected in part to bring resources where they are needed to address disparities.

manager, or other trained staff. Whenever possible, courts should work to reduce the collateral consequences of conviction by offering diversion options and dismissing charges upon completion of any mandates. In addition, community courts maintain data on each participant's engagement with treatment and other services over time, enabling the judge and staff to encourage participants to address the underlying issues that may have brought them to court.

■ **Linking people with services and supports**

One of the defining features of community justice is its emphasis on connecting people with services. Community courts build collaborative relationships with a wide array of service providers in the community, including substance use treatment providers, mental health services, employment

EXAMPLE of linking people with services

In Colorado, the **Boulder Community Court** has worked with the police department's homeless outreach team to identify individuals cycling through the shelter system and create a navigation process to help these individuals complete the paperwork needed to secure permanent housing. The court team features two dedicated housing navigators who support participants in connecting to services.

EXAMPLE of linking people with services

The Las Vegas Community Court in Nevada attended a community resource fair where they, along with service providers, law enforcement, and community members were cross-trained on how to administer Naloxone kits. This event was organized to respond to community concerns around the increase in overdoses and empowered individuals from different walks of life to assist their neighbors in need.

programs, housing assistance, and more. These collaborations allow the community court to address individual needs in a culturally responsive way. Services are often incorporated into diversion programs and court orders. Whenever possible, community courts co-locate these services in the courthouse, making it easier for participants to access the services they need under one roof. Moreover, these services are offered to the public at large on a walk-in basis, turning a courthouse into a resource center for the whole community.

■ Creating a respectful space

Community courts have redesigned the physical and social environment of the courthouse and the way staff interact with the public. Court staff, including security officials, are trained to treat court users respectfully, offering help as needed and communicating clearly. Signage is clear and designed to help users navigate the building easily. Courtrooms attempt to de-emphasize traditional power dynamics by, for example,

putting the judge's bench closer to ground level. Judges communicate directly with litigants, who often stand nearer to the judge than in regular courtrooms.

4. Prioritize Community-Based Solutions

Community justice programs emphasize community solutions over traditional responses, like incarceration, probation, and fines. While recognizing that traditional responses are appropriate in some instances, community justice programs turn first to responses that mitigate collateral consequences of justice involvement and leverage community resources and assets to promote healthier outcomes for individuals and the community.

This principle articulates a practice that has been part of the community justice DNA since the beginning. It reflects the awareness—documented by extensive research—that incarceration is an ineffective response to most crime and often causes serious harm to individuals and communities.⁷ Likewise, fines impose a serious burden on many low-income individuals and their families, and unpaid fines can lead to



EXAMPLE of creating a respectful space

When planners in Syracuse, New York set out to create the Syracuse Peacemaking Project, their vision was to build a neighborhood-based peacemaking center to house the program. Working with a pioneering architect, they invited community members to participate in a series of hands-on design workshops to turn an abandoned house into a welcoming space for holding peacemaking circles and hosting community events. The workshops gave community members a direct voice in articulating the values that would choices including layout, colors, and materials. Today, the facility is a warm and vibrant community hub where peacemaking circles are used to resolve disputes referred from the justice system, local schools, and neighborhood residents.

EXAMPLE of creating a respectful space

In Washington, the **Spokane Community Court** was designed to put the needs of its participants first. Court planners recognized that many of the court's users would be individuals experiencing homelessness, and that many of these individuals were accustomed to using the Downtown Public Library for shelter and services. With remarkable support from the library's administrators, the Spokane Community Court convenes weekly on the library's first floor, setting up a makeshift court in one room and gallery of local service provider in the next room. Court users are encouraged to talk with the services providers before court, and they often receive referrals to services from the court itself. The Spokane Community Court seeks to make the court experience more humane by providing lunches to all participants and by offering a "coat check" system where individuals experiencing homelessness can store the belongings securely while they're at court.

undesired consequences like driver's license suspension, arrest warrants, and contempt of court proceedings.⁸ Therefore, it is important that community courts seek to reduce the use of jail and fines and instead promote alternative outcomes that address underlying issues, minimize collateral consequences, and build individual and community capacity.

Community justice does this by:

■ Developing early off-ramps

Since their earliest days, community courts have offered participants pre-plea dispositions or have agreed to dismiss charges upon successful completion of court-mandated services. Looking forward, community courts can go even further by encouraging prosecutors and police to implement pre-charging diversion programs. Community courts can play a vital role in supporting early diversion programs by serving as service hubs and resource centers where individuals access mandated services as well as find additional supports.

EXAMPLE of developing early off-ramps

New York City's **Midtown Community Court** offers early diversion opportunities for most misdemeanors through Project Reset, an innovative pre-court diversion program that offers participants the opportunity to resolve criminal cases without ever coming to court. Participants engage in group-based programming that encourages connection and reflection about the criminal justice system, the experience and impact of arrest, and perspectives on accountability. Programming takes place either at Midtown Community Court or at the New Museum, where the Midtown team and a teaching artist co-facilitate arts-based discussions based on current exhibitions. Upon successful completion, the district attorney's office declines to prosecute the case, participants avoid a criminal conviction, and their arrest and court case are both sealed.



EXAMPLE of developing early off-ramps

The **Community Court in Puyallup, WA** developed a track for individuals with no prior justice involvement. Called "Track 1," this early off-ramp imposes few requirements and offers complete dismissal of charges upon completion.

■ Emphasizing support over punishment

Community courts hold defendants responsible by supporting them with the tools and opportunities they need to improve their wellbeing and avoid further justice system involvement. Court participants are

EXAMPLE of emphasizing support over punishment

In New Jersey, **Newark Community Solutions** created the Health, Housing, and Justice Access project. Adapted from the court's remote hearing program at a local homeless shelter, the project facilitated six outreach events that included representatives from a local hospital, housing agencies, and social service providers. Participants were given the option to undergo a warrant check to resolve outstanding legal issues while actively engaging with healthcare providers, housing navigators, and other service providers on-site and on-call remotely.



sometimes required to complete appropriate services as part of a pre-plea diversion plan, as part of a plea agreement (often with charges dismissed after completion), or as part of a sentence. Moreover, community courts encourage justice-involved individuals to engage in services on a voluntary basis and offer to assist people in accessing services.

■ Offering restorative approaches

Some community courts have developed restorative justice programs as an alternative to regular case processing. Restorative justice can take many forms, including victim-offender mediation, family group conference, talking circles, and more. At its root, though, it brings together the individuals impacted by conflict and seeks to repair the harm done and build consensus for moving forward.

When led by trained community members, it also empowers residents to have a direct role in resolving conflict in their communities.

■ Investing in prevention and neighborhood development

Some community justice programs on crime prevention and building community capacity rather than responding to crime after it occurs. In the Brownsville neighborhood of Brooklyn, for example, community leaders decided they wanted a community justice center without a courtroom. As a result, the Brownsville Community Justice Center works to promote community safety not by responding to crime but by building the capacity of neighborhood youth, healing community trauma, and promoting economic development. These forward-looking strategies seek to help residents avoid justice system involvement and promote long-term, sustainable change.

EXAMPLE of Investing in prevention and neighborhood development

In Brooklyn, New York the **Brownsville Community Justice Center** is a pathbreaking and innovative version of community justice—it contains no courtroom and has no formal role within the criminal justice system. Rather, the Brownsville Community Justice Center utilizes place-based strategies for building community resilience, achieving economic vitality, and promoting public safety, all while reducing criminalization and incarceration. Since its launch in 2011, the Brownsville Community Justice Center has designed programs that address systemic causes—like racism and poverty—that lead to community violence and trauma. Among other approaches, the Brownsville Community Justice Center offers alternatives to incarceration, creates youth development programs, reclaims public space, and engages the community in formulating solutions. With its focus on resilience, healing, and economic development, the Justice Center aims to support long-term, sustainable, community-driven change.

5. Promote Accountability

Community courts promote individual and system accountability by ensuring everyone has equal access to justice, court processes are transparent and procedurally just, and individuals receive sentences that are proportionate to the offense, minimize harm, and promote well-being.

Court-involved individuals are typically held accountable for harms to the community through a variety of court-mandated and voluntary programs. Just as important, though, community courts hold themselves and their system partners accountable to the community they serve. By promoting mutual accountability, community courts improve public trust and confidence in the justice system.

To hold individuals accountable, community courts:

■ Are proportionate

Community courts ensure that the requirements they impose on participants are proportionate to the offense committed and aimed at supporting individual and community well-being. They recognize that many of the cases they see are crimes of poverty or are related to underlying substance use disorders, mental health issues, or trauma. For these reasons, community courts use a range of approaches, including pre-charge or pre-plea interventions, voluntary linkages to services, or brief mandates that require concrete action but do not draw people deeper into the justice system or cause unintended harms.

■ Think beyond punishment

Early community courts relied almost exclusively on community restitution projects to promote individual accountability. But recent research has revealed that more needs to be done to develop standards for community restitution projects to ensure these responses are fair and proportionate.⁹ Moving beyond community restitution or traditional punishments, community

EXAMPLE of think beyond punishment

Throughout the COVID-19 pandemic, **Brooklyn Justice Initiatives** used federal CARES Act funding to provide cell phones to participants who had no other way to communicate with the court team and treatment providers. This effort grew from the court's recognition that participant's lack of engagement was due to technology gaps rather than noncompliance. BJI's approach ensured that participants were accountable to the court, but it also demonstrated its own accountability to the community by maintaining consistent contact with individuals under court supervision and promoting access to services.

courts help develop skills as a mode of accountability. Prompting a person to take the difficult steps necessary to address an underlying substance use disorder, become a more involved parent, or develop new job skills can improve both individuals and communities. Therefore, community courts link participants with a broad array of services, both court-mandated and voluntary, to ensure that participants have access to the critical and individualized services they need.

■ Use restorative justice practices

In addition to empowering community members to get involved in resolving disputes and addressing crime (see Promote Community-Based Solutions, above), restorative justice is a powerful accountability tool. Peacemaking circles, family group conferencing, and other restorative practices require individuals to acknowledge the harms that they have caused to others and to engage in dialogue with others about how to heal those harms. Restorative justice processes tend to achieve extremely high compliance rates and achieve high participant satisfaction. Programs like the Red Hook Peacemaking Program have demonstrated that courts can successfully refer cases to restorative justice processes for collaborative, community-based resolution.

EXAMPLE of use restorative justice practices

In New York City, the Red Hook Community Justice Center's peacemaking program enables community members to resolve court cases and neighborhood conflicts using a non-adversarial dispute resolution approach informed by Native American traditions. Community members are trained to serve as peacemakers and then facilitate peacemaking circles to help the parties arrive at a consensus resolution. The program enables an isolated, historically underserved community with high rates of justice system involvement to play a central role in healing its own wounds and solving its local problems. Court cases that are successfully resolved through peacemaking result in a reduction or dismissal of charges. In addition, the program hears cases referred from the community, aiming to resolve conflicts before they escalate to the level of arrest.



■ Monitor and support compliance

Community courts use ongoing judicial monitoring to track participants' engagement in court-mandated services and community restitution. Monitoring, however, is used primarily as a tool for ensuring that people get the services and support they need rather than for detecting noncompliance and imposing sanctions. When a participant struggles to complete a court mandate, the court works collaboratively with the participant and partner agencies to adjust the participant's service plan and give the participant the support they need to successfully complete

their mandate. Community courts are cognizant of the dangers of net-widening and avoid drawing participants deeper into the justice system through jail-based sanctions, fines, and other counterproductive steps.

To hold systems accountable, community courts:

■ Ensure quality of services

Community courts partner with community-based agencies to provide participants with high-quality services, including drug treatment, mental health services, job training, housing assistance, and much more. Court staff should visit service providers, learn about the specific services they offer, and observe the services whenever appropriate to ensure quality. Community courts should link participants only to trusted service providers that demonstrate high levels of professionalism, cultural responsiveness, transparency, and accountability.

■ Are transparent

Community courts share aggregated data with the public and partner agencies. A community court website, newsletter, bulletin board, or other public-facing resources can be used to organize and disseminate data for public consumption. Data usually includes total caseload, types of cases, participant demographics, case dispositions, filing-to-disposition time, and other appropriate measures that the community feels are important for understanding and assessing the court's operations. For community justice initiatives without a courtroom, data might include the number of people served, types and frequency of services provided, number of community events held, and other measures that demonstrate the impact of the project on community well-being.

■ Invite feedback

To ensure that their work is grounded in and informed by affected communities, community justice programs seek feedback from the community they serve, the



organizations they collaborate with, and their partners in the justice system. They listen openly—with humility and respect—and use feedback to correct errors, improve programming, and envision new initiatives. In addition, they invite court users to provide feedback about their experience at the court. For example, surveys and onsite kiosks have been used to provide court users an opportunity to tell the court anonymously how they were treated by security officers when they entered the building, how easy or hard the building was to navigate, whether court staff communicated clearly, and whether they feel they were treated fairly and respectfully. Community courts create feedback loops, communicating back to the community the changes and actions taken as a result of the community’s feedback.

■ **Repair harms**

Community courts recognize that systems often create barriers that limit people’s ability to succeed in programming and that problems blamed on individuals are actually rooted in racism and systemic disinvestment. Community courts co-create responses to reverse community disinvestment, and they play a leading role in addressing the harms that the justice system has too often caused to communities. Some community courts facilitate police-community dialogues about the harms of over-policing communities of color and the proper role of police in protecting and supporting the neighborhoods they serve. Going further, community courts

can convene “truth and reconciliation” processes to bring about deeper recognition of historical wrongs and promote long-term healing. Community courts ensure that all staff receive ongoing diversity, equity, and inclusion training and that staff performance evaluations include measures related to promoting these values.

6. Model Innovation

Community justice programs serve as models by monitoring emerging issues and research, identifying problems and appropriate solutions, and piloting new programs to test new ideas before they’re implemented by larger systems.

Throughout their history, community courts have served as models for the broader justice system, piloting innovative new ideas and exporting them to other courts. In New York, the success of the Midtown Community Court and the Red Hook Community Justice Center led centralized courthouses to adopt some of their core values, like reducing the use of jail and fines while connecting more people with needed services and opportunities. More recently, projects like Brooklyn Justice Initiatives and Newark Community Solutions have brought community-court style practices, like early screening, on-site services, and new diversion options into centralized courthouses, proving that these kinds of practices can be scaled up and made mainstream.

Community justice models innovation by:



EXAMPLE of implementing new approaches

In New York City, the **Midtown Community Court** empowers clients to respond to social issues and community problems through restitution projects. For example, the court launched the Civic Engagement Program as a community service option. The program allows clients to look critically at societal issues like mass incarceration and community organizing and includes conversations about civic engagement and the importance of community. This approach encourages participants to move away from the behaviors that led to their justice involvement while avoiding more traditional punitive measures. According to one participant: “My experience was that of a Socratic Seminar—a free flowing exchange of ideas and perspectives based around podcasts that explore issues on a local community level. I learned more about myself and why I made the choices I did to end up in this situation in these sessions than I did from a year and a half of IDP, victim impact panels, and having a breathalyzer installed in my car. Instead of fear and disdain, the Civic Engagement Program challenged me to see other people’s perspectives and life experiences in a new light. I learned about the system and how it affects everyone in the community from a varied group of voices that I would otherwise never have the opportunity to hear from. If I had the chance to participate in this program from the beginning, I can say with a clear conscience that I would not have attempted to get in a car and drive while intoxicated again. This program gave me a better handle on myself. A better outlook on how to help myself through helping those around me. It taught me how to be a better ally and leader in my community.”

■ Implementing new approaches

Community courts stay on the cutting edge of justice system reform by pioneering new ideas that make the system more equitable, accessible, transparent, collaborative, and restorative. Community courts have a long history of launching new approaches—for example, by moving the court to a residential neighborhood, a library, or a community center; co-locating service providers in the courthouse and making services available to anyone who wants them; training residents in peacemaking and empowering them to resolve court cases and community disputes; maintaining community advisory boards to help set priorities and hold the court accountable. Through collaboration and careful planning, community courts serve as engines of innovation, generating the ideas that others will adopt tomorrow.

■ Evaluating new approaches

Community courts partner with researchers to evaluate new practices and identify those that are effective. Local universities often serve as research partners for formal

evaluations. But community courts also conduct meaningful data collection and evaluation on their own, when necessary. The Center for Court Innovation has published a blueprint for community court evaluation, which provides specific data elements and performance measures for community court practitioners to analyze.

■ Disseminating lessons learned

Community courts are leaders in identifying promising new practices that improve the administration of justice throughout the court system. Community courts share successful practices broadly and encourage other courts to adopt them. Some community courts have used newsletters to keep colleagues in other courts informed about their latest innovations and lessons learned. Other publish community court evaluations online, host site visits for other justice system practitioners to see the community court in action, and put on presentations for other justice system practitioners (and offer continuing education credits for lawyers and clinicians whenever possible).

Conclusion

Community justice embraces change. Innovation, learning, seeking inspiration from collaborations with myriad different communities—these are some of its most important features. It’s no surprise then that the principles of community justice continue to evolve, along with society.

Rarely have the crises confronting our justice system—and society in general—been more urgent. As awareness of the harms of racial disparities, police abuses, overuse of jail grows, more and more people are demanding better solutions. They want—and deserve—safe communities that meet their residents’ needs, build safe and vibrant public spaces, and promote healing over harm.

Building on nearly three decades of experience, the six updated principles of community justice can help fulfill that vision, supporting practitioners as they test new approaches and learn new lessons. In their hands, community justice will continue to grow, ensuring it remains prepared for the challenges that lie ahead.

Endnotes

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"I like what the Justice Center is doing and I like to help people out. I work on community benefits projects, cleaning up Belmont Avenue, throwing up events to improve the relationship between the police and the community. I have a little brother. I want a good community for him"

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