

Hartford Community Court

Origins, Expectations and Implementation

Written by

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Introduction

Traditionally, courts have not been concerned with neighborhood conditions or solving community problems. In a typical centralized court, low-level crimes are treated as isolated incidents rather than an ongoing quality-of-life problem. In contrast, community courts promote constructive responses to low-level crime and provide service and feedback to the community (Feinblatt et al., 1998; Sviridoff et al., 1997; Feinblatt and Berman, 1997; Kelling and Coles, 1996; Anderson, 1996; Rottman, 1996).

Over the past five years, a growing number of urban jurisdictions have begun to rethink the roles that community-focused courts can play in responding to neighborhood problems. This stems largely from national interest in the experience of the Midtown Community Court, launched in October 1993 by a coalition of civic and government leaders.¹ The Midtown Court arraigns misdemeanants arrested for quality-of-life crimes in the neighborhoods of Times Square, Clinton and Chelsea. The Court's problem-solving agenda extends beyond the courtroom, transforming the courthouse into a place where both defendants and community members can get help for underlying problems and community stakeholders can address pressing local issues. Community courts have become a central part of the Justice Department's community justice agenda.

Community courts close the gap between courts and communities by bringing justice back to neighborhoods. They are much more than local branches of centralized court systems. Broadly conceived, they expand traditional notions about the role of courts and test their ability to serve as a catalyst for social change. As exemplified by the Midtown Community Court, they are dedicated to:

Paying Back the Community Community courts sentence offenders who have committed low-level crimes to perform community service — cleaning graffiti, maintaining local parks — thereby “paying back” the community.

Using the Court as a Gateway to Services Community courts use their coercive power to sentence defendants to participate in treatment and other services. By

¹ Community courts stem partly from the effort in the 1970's to create neighborhood justice centers to bring local dispute resolution capacity to communities, often as an alternative to formal case processing (McGillis, 1997). Community courts bring both formal court processing and informal dispute resolution mechanisms into urban neighborhoods.

housing a broad array of social services on-site, they also promote voluntary service participation among defendants and community members.

Increasing Community Involvement Community courts give neighborhood members a voice in the justice system through advisory boards, which offer input into programs and identify pressing community needs, and community conditions panels, which draw together local stakeholders to develop solutions to hot spots of crime and disorder.

Solving Community Problems Court-based mediators take advantage of the court setting to address individual and community-level disputes. By convening interested parties and facilitating discussions as an objective third party, many chronic, quality-of-life and interpersonal problems in a community never reach a courtroom.

Promoting Accountability Community courts use the tools of modern technology to provide urban Judges with information that would be readily accessible in a small town courthouse (e.g., whether or not a defendant completed community service or attended drug treatment).

Influencing Community Norms Community courts are committed to restoring community confidence in the justice system. By demonstrating that courts can be responsive to community concerns, they attempt to increase respect for legal norms and compliance with the law and to involve community members in setting local norms.

Currently, more than twenty community court replications are in various stages of development in jurisdictions throughout the country.

The Hartford Community Court

Recently, Hartford, Connecticut, became the second jurisdiction (after Portland, Oregon) to follow the Midtown Court's example and open a community court. Two characteristics of the Hartford Community Court distinguish it from the Midtown Court, and make Hartford's experience informative for other jurisdictions. First, it is centralized, serving the entire population of Hartford (approximately 130,000 citizens in 17 neighborhoods). Second, Hartford planners lobbied to pass legislation enabling their court to mete out alternative sanctions for ordinance violations — cases that previously almost always received a small fine or were dismissed outright. As other jurisdictions work on developing community courts, the experience of the Hartford project will be of national significance as it tests: (1) the extent to which a centralized court can respond to neighborhood-specific problems; and (2) the implications of changing the court system's approach to ordinance violations that affect the community's quality of life.

The Hartford Community Court opened on November 10, 1998, after two years of intensive planning. This paper chronicles the origins, creation and initial operations

of the Hartford Community Court — how system actors and the community together coordinated its design and implementation.² It explains the quality-of-life conditions that spurred a united planning effort to create the Court, drawing together system actors and community members. It also documents the Court’s expected caseload, as well as the way it is designed to process cases, how its innovative approach differs from “business as usual,” and how the Court’s sanctioning policies are expected to radically change the “going rates” for low-level offenses. Finally, this paper highlights the accomplishments of the Court, and points out potential problems.

Project Origins

In the early 1990s, serious gang- and drug-related crime was ravaging Hartford’s neighborhoods. In 1993, in an effort to help the City combat its crime problem, the federal government awarded Hartford a \$2.2 million Comprehensive Communities Partnership (CCP) grant. This money was designated to improve coordination among law enforcement agencies as well as between the criminal justice system and the communities it serves. Components included money for community policing and anti-gang initiatives.

The CCP program facilitated collaborations at many levels. The Community Planning and Mobilization Committee, with members drawn from the community, City agencies and the police was created to solve problems for the City.³ In recent years, as Hartford witnessed a dramatic decrease in serious crime, communities set their sights on addressing quality-of-life concerns that are widely recognized as precursors to more serious forms of deviance (Kelling and Coles, 1996; Wilson and Kelling, 1982). The idea for a Community Court arose after CCP participants agreed that quality-of-life crimes were having a significant negative impact on their communities and the existing system did not adequately address many quality-of-life offenses.⁴

The search for a collaborative solution was galvanized by a speech Attorney General Janet Reno made in Hartford in May 1996. The idea of creating a Community Court in Hartford was the product of a meeting between the City, the State’s Attorney for Hartford, and the State of Connecticut’s Judicial Department. Soon after this conference, a small group from Hartford toured the Midtown Community Court. On the heels of this visit, coordinated planning began to build on

2 The information contained in this report comes primarily from interviews with Hartford Community Court planners — both system actors and representatives of Hartford’s neighborhoods — conducted before the Court began operations. Hartford system actors interviewed include: the Court’s inaugural presiding Judge, the State’s Attorney, the police chief, and representatives of the Bail Commissioner, the Office of Alternative Sanctions, the City Manager’s Office, and the Sheriff’s Department. Interviews were also conducted with those overseeing the Court’s alternative and social service sanctioning components, as well as a designer of its management information system. Additional information about the project was gathered during the first few months of operations.

3 As one community activist explained, the communities existed naturally before, but some were more active than others; some had established organizations that were relatively inactive; some were characterized by infighting between organizations. Funds from the CCP grant helped to “shape up” all 17 communities.

4 Specialized courts, including drug courts and domestic violence courts, are popular in the State of Connecticut. The City of Hartford is also home to a juvenile drug court.

the Midtown Community Court model in Hartford. Beginning in late 1996, with the support of Connecticut's Chief Court Administrator, a working group — including representatives from the City, the community, the Hartford Police Department, the State's Office of Alternative Sanctions (OAS), the Public Defender's Office, Adult Services, the Bail Commission/Pre-trial Services Office,⁵ and the State Sheriff's Office — was convened to develop an implementation plan for Hartford's Community Court.

Planning a Court

Two individuals initially drove this project: Rae Ann Palmer, the Director of the Comprehensive Communities Partnership, who worked out of the City Manager's Office; and Alta Lash, a community organizer with over two decades of grass-roots experience with Hartford's neighborhoods. Whereas the traditional court system was heavily criticized for being too removed from the communities it purportedly served, having these two actors at the table ensured that the Court was designed to address the concerns of and be responsive to the City and its neighborhoods. Six months after planning began, Raymond Norko, the Court's inaugural Judge, entered the planning process and played an integral role in conceptualizing the Court's processing and sanctioning procedures. Thus, in contrast to some jurisdictions, where the planning was either prosecutor-driven or led by a neutral non-profit organization, planning for the Hartford Community Court gradually became more judge-driven.

Building Support

In addition to the core project planners, the concept of a community court in Hartford had several important early allies. Hartford's Court of Common Council and Mayor Michael Peters were staunch advocates, as was Aaron Ment, the Chief Court Administrator of the Connecticut Judicial Branch, and Susan Shimelman, a representative from the State's Office of Alternative Sanctions. Several of those involved in the Community Court's planning process reported that it was facilitated when other key figures, some of whom were skeptical at first, also came on board, becoming advocates of the Court.

The State's Attorney: For example, Jim Thomas, the State's Attorney, was initially skeptical about the concept of a community court when he was approached with the idea. Yet, after reading a Bureau of Justice Assistance publication on the Midtown Court and then visiting Midtown, he came to recognize that community courts could provide an effective means of dealing with low-level offenses.

The State's Attorney had long been frustrated with the Hartford criminal justice system's inability to address quality-of-life offenses — public drinking, larceny, prostitution, graffiti. When police made arrests for such offenses, the overburdened criminal court could not devote a lot of attention to them. Data showed that more than 65 percent of misdemeanor arrests were “nolled” — declined to prosecute. This

⁵ Pretrial staff interview defendants and complete a criminal history check, including searching for outstanding warrants, pending cases, probation records, and for holds for other states and institutions.

fostered cynicism among police officers who saw their efforts go for naught when cases entered the court system. It also reinforced the belief that there were no consequences for low-level criminal behavior and no justice for quality-of-life victims (especially victimized neighborhoods). After reading about the Midtown Court's emphasis on holding individuals accountable for their behavior and witnessing Midtown offenders "pay back" the community, the State's Attorney became an advocate of the community court concept.

Glenn Kaas, the first assigned prosecutor for the Hartford Community Court, had this to say about his role there:

I find that I am not as much enforcing state statutes and city ordinances as I am seeking compliance with contemporary community standards. And even though many of the cases I "prosecute" will end up in a dismissal,⁶ I find I am nonetheless gratified knowing that my participation in the process has led to hundreds of hours of community service work, that in all probability, would otherwise have been left undone.

The Police Joseph Croughwell, the Chief of Police, was well aware of the absence of meaningful sanctions for quality-of-life offenders. Though he shared the State's Attorney's skepticism of "boutique courts" in general, he saw the Community Court as an effective means for filling this sanctioning void.

Additionally, the Chief of Police shared the State's Attorney's frustration with how low-level cases had traditionally been handled. He remarked that, over the past several years, quality-of-life enforcement had become a priority of his department, saying that cops strive to solve problems in the community. Moreover, he said that in recent years, the City of Hartford had adopted innovative practices, such as using civil nuisance abatement laws, to address quality-of-life problems. Yet the potential effectiveness of intensified enforcement of disorderly offenses was limited by a lack of meaningful response from the court system.

Members of the Community Court's planning team recognized that because line-level police officers are the "gatekeepers" of the criminal justice system, it was important that they buy into the concept of a Community Court. After all, a significant portion of the Court's projected caseload volume would be dependent on officers' aggressive response to "nuisance" offenses. Thus, planners worked to educate the police on how the Community Court would provide a meaningful response to low-level cases, trying to convince them that it would be worth their while to write summonses for them.

Police participation was seen as important in other ways. First, it was recognized as crucial that officers fill out summons information (on arrest location and nature of the offense) accurately, so that defendants could be assigned to appropriate commu-

⁶ By "dismissal," the prosecutor is referring to offering a plea agreement whereby when the defendant completes an alternative sanction, his case is dismissed. As explained below, at the Community Court, the State's Attorney has modified his traditional adversarial stance for the sake of offering a constructive response to individual offenders and offenses.

nity service crews. Second, in cases where defendants failed to comply with the mandates of their alternative sanctions, the police would be responsible for enforcing warrants. Members of the planning team report, based on early operations, that line-level police officers (like their chief) are accurately recording key information on summonses, making the police a cooperative partner of the Court. Yet it is still too early to tell whether the police are effectively going after warranted “no shows.”⁷

The Community Residents of Hartford’s communities, as represented by the Community Planning and Mobilization Committee, also lobbied vocally for the creation of the Community Court. Community support for the Court was spurred by perceived inadequacies in the way the court system handled low-level crime. Residents were dismayed that those who committed low-level crimes and nuisance offenses faced no consequences; the system lacked accountability. They saw the criminal justice system as an entity removed from, and unresponsive to, the citizens it purported to serve. By contrast, the impetus for the Community Court was a product of the City listening to its neighborhoods. As one representative of the City put it, the Court was “implemented from the ground up.” Citizens were active advocates of the Court; several community members took personal time from work to testify in support of the legislation enabling its creation.

Designing the Court

Planning for the Hartford Community Court was undertaken with an eye towards the Midtown Court. Hartford planners decided early on to adapt many of the Midtown Court’s features to their jurisdiction, including offering defendants help with underlying problems by serving as a gateway to social services, promoting accountability through use of a custom-designed management information system, and focusing on community restitution by having offenders “pay back” the neighborhoods in which they offend through community service.

Yet, as discussed below, the Hartford Community Court departs from the Midtown Court’s example in several ways. First, whereas the Midtown Court handles only arraignments, at the Hartford Community Court, a case can be held over several appearances (until disposition or trial). Second, the vast majority of its cases are non-custodial. Third, it has no impartial resource coordinator in the courtroom to help screen cases for appropriate social services and to scan the “rap” sheet.

Perhaps the most significant way in which the Hartford Community Court deviates from the Midtown Court’s example is that it is centralized. The Court’s community focus is not limited to one or a handful of communities. It extends throughout the entire City of approximately 130,000 residents. Court planners recognized that the effort to use alternative sanctions to craft solutions to the problems of 17 diverse neighborhoods was a considerable challenge. They needed a mechanism to ensure

⁷ Some system actors, citing a considerable existing backlog of unserved warrants, questioned whether low-level warrants would be enforced by the police. This raises interesting operational questions. Before the Court opened, planners considered an alternative response to noncompliance: issuing “capeus writs,” that are enforced by sheriff’s deputies, instead of warrants.

fairness to all neighborhoods while maximizing the ability to respond to 17 different priority problems.

Community Focus and Community Input

Given that the Hartford Community Court serves the entire City, it is designed to maintain close contact with representatives of each of the City's 17 neighborhoods. Each neighborhood has a problem-solving committee that determines priorities for their communities, including crime and non-crime issues to be dealt with by the police, the Community Court, and other appropriate City departments (e.g., public works). A representative from each of the 17 problem-solving committees serves on the citywide Community Planning and Mobilization Committee — the advisory board to the Court. Every month, the committee meets with representatives of the Court — including the Judge and the Director of the Comprehensive Communities Partnership — as part of an ongoing assessment of community conditions.

At the time of this writing, the Court anticipates having technological links to each of the 17 communities. Each neighborhood is developing an “on-line” connection to the Court's MIS via community-based computer terminals, housed at convenient locations such as centers for the elderly and libraries. This technology will enable members of problem-solving committee to provide regular, tangible feedback about community conditions to Court actors.

To coordinate service to the community, the Court employs a community service supervisor as well as four community service project supervisors (who oversee work crews), each of whom is responsible for one quadrant of the City (four or five of its neighborhoods). These supervisors maintain contact with designated community representatives, in order to be responsive to communities' improvement priorities such as: abandoned property/vacant lot clean-up, trash pick-up, clean-up/set-up for special cultural events, landscaping around senior centers and snow removal. Defendants are typically required to perform community service in the same neighborhood in which they committed their offense.

Funding

In many cities, community court planners face financial obstacles, particularly if their plans involve construction costs to build or renovate a courthouse building. By contrast, planners of the Hartford Community Court began with strong support from the City. They then used the City's financial backing to leverage State commitment and resources to the project.

The planning and operations of the Hartford Community Court were originally supported with a combination of federal and City funds. “Seed” money for the development of the Court came from \$700,000 remaining from the 1993 Comprehensive Communities Partnership federal grant that was awarded to the City. Additionally, one half of a \$700,000 federal Local Law Enforcement Block Grant was designated to the Court. This federal money was also used for Court staffing — including the salaries of the prosecutor, public defenders, bail clerks, and sheriff's deputies — for the first nine months of its operation. And the City of Hartford contributed roughly \$300,000 from its general fund for equipment, including computers and furniture.

Upon witnessing the City’s dedication to the project, the State allocated existing funding sources to the Community Court, as well as issuing a \$5.8 million bond for renovation of the building which houses it. The building, which it owns, is next to the Superior Court building. It took “buy-in” from the Governor’s Office to obtain the building, and the State’s Department of Public Works assisted in its renovation.

The Court’s first-year budget includes \$1.3 million from the City, plus \$300,000 in “in-kind” City staff for the Human Services Department.⁸ In addition, the State has put up approximately \$300,000 of “in-kind” money to support the salaries of courtroom personnel and social service staff.

Staffing

Court staff include a judge, who is permanently assigned to the Court; five full-time court clerks and one deputy clerk;⁹ sheriff’s deputies, who provide courthouse security (eight special deputies have been permanently reallocated to the Community Court); a prosecutor, who is permanently stationed at the Community Court so that he is familiar with its procedures and operations; and two Bail Commission workers, who conduct preliminary assessment interviews.

The Court’s human services staff include five individuals from the Hartford Department of Human Services; two people from the State Department of Social Services; and three individuals from the State Department of Mental Health and Addiction Services (DMHAS). The Court’s human services coordinator explained that it is especially important to have the participation of this latter organization which serves as the gatekeeper for mental health and substance abuse services. A private contractor, Community Partners in Action, provides the Court with the aforementioned five alternative sanctions staff who develop and oversee community service projects, and monitor and report on compliance.

Caseload

The Community Court is designed to deal with “nuisance” cases, including both non-violent misdemeanors and municipal ordinance violations. A prime goal of the Hartford Community Court is to respond constructively to those who “make a nuisance of themselves.” In handling these cases the Court is addressing behavior which traditionally has not received a meaningful response from the court system.

The Superior Court handled roughly 16,000 criminal cases — misdemeanors and felonies — annually before the court opened. Planners expected the Community Court to process 6,000 of these cases (or approximately 38% of the dockets). If so, the Superior Court’s caseload would drop substantially — an expected system benefit.

The following table, based on a year’s worth of court data, indicates the major misdemeanor charge categories expected to constitute the Community Court’s annual caseload:

⁸ As this in-kind money is earmarked for staff who were already employed by the State before the Court, these are not new expenditures, but a reallocation of existing resources.

⁹ Clerks’ roles at the Community Court are the same as at the Superior Court, except for one who serves as the administrative assistant to the Judge, performing tasks such as writing the Court’s newsletter.

Quality-of-Life Crimes Expected to Appear at the Hartford Community Court*

Misdemeanor Charge	Number of Cases Docketed 12/1/95 through 11/30/96
Breach of Peace	1,820
Criminal Trespass 1, 2, 3	1,179
Disorderly Conduct	962
Larceny 6	1,046
Threatening	303
Patronizing Prostitutes	86
Criminal Mischief 2, 3	239
Obstructing Free Passage	152
Total	5,787

*These are cases which were “nolled,” dismissed, or resulted in a guilty verdict. As discussed below, notable excluded categories of cases include: drug offenses, prostitution cases, and cases involving domestic violence.

As this table illustrates, the Community Court expects to handle approximately 6,000 misdemeanor cases annually.¹⁰ In addition, the Community Court handles violations of City ordinance, including: loitering, graffiti, public drinking, unreasonable/excessive noise and public indecency. For these offenses, the police officer has the discretion to make an arrest, but usually issues a summons on the spot, just as he would issue a traffic ticket (the summons is akin to a non-custodial arrest). Violation of municipal ordinance cases are now routed through the Community Court as the result of the same legislation that authorized creation of the Court itself.¹¹ Because planners expect that enforcement of ordinance violations will increase, it is difficult to predict accurately the number of these cases that the Court will see. Planners expect that the Court will encourage substantially more enforcement of nuisance offenses, resulting in as many as 2,000 ordinance violation cases annually. If so, ordinance violations would account for 25 percent of the Court’s caseload.

Excluded Cases The Community Court specifically excluded cases involving drug, assault and domestic violence charges. In addition, the prosecutor retains discretion to reject some cases, rerouting them to the Superior Court. As the State’s Attorney

¹⁰ To provide a sense of the severity of these offenses, the most serious is probably Larceny 6 — a theft of goods worth no more than \$250.

¹¹ Before the advent of the Community Court, ordinance violation cases went through the Superior Court, where they resulted in a fine (at most). Under this legislation, these offenses now come through the Community Court, where they are subject to more onerous sanctions — community service or sometimes, in cases of non-compliance, jail.

put it, “if the person has a horrendous prior record, say a record of violent crimes, I’m not too sure we’d want to put that person in a Community Court setting where they might be painting an elderly person’s house.” Project planners report that the list of excluded cases might be modified over the first year.

Case Processing

The Hartford Community Court’s case processing procedures include: streamlining the arrest-to-arraignment process; emphasizing alternative sanctions; “paying back” the community; assessing defendants for social service needs; linking defendants to Court-based social service providers; and using a Management Information System (MIS) that enhances information-sharing among Court personnel. The MIS also promotes accountability by tracking sanctioning and treatment decisions, and by monitoring compliance with alternative sanctions.

Expedited case processing is a goal of the Community Court. The period from arrest to arraignment has typically been two weeks; the Community Court has reduced it to 48 hours. In addition to handling misdemeanor charges, the Court receives cases through police issuance of summonses.¹² In order to move cases before the Judge within 48 hours, the police must get arrest and summons information to the courthouse within 24 hours, so that it can be entered into the Court’s MIS. Accurate police information is essential to having defendants “pay back” the neighborhood in which they committed their offense. The Court needs a precise record of arrest location and a reliable description of the offense to match community service sentences to places and offense type. (For example, a graffiti artist may be sentenced to clean graffiti.)

Preliminary Assessment When a defendant arrives at the courthouse, a staff member from the Bail Commission conducts a pre-arraignment interview, which contains information about defendants’ substance abuse, education, employment, health and housing problems. He enters criminal history information into a notes field in the Court’s computer application. He also flags individuals who appear to have acute human services needs (e.g., a visible or self-reported drug problem). Individuals who are flagged report to the social service staff for assessment, including a battery of questions about their needs, before they come before the Judge. Through this process, the recommendations of the human services department are available to the Judge before he makes his sanctioning decision.¹³ After the Bail Commission inter-

¹² There are two other potential ways cases might be funneled to the Community Court. First, they could be diverted at the police station after arrest. In this scenario, a perpetrator would be released at the police station on a Promise To Appear (PTA) and docketed at the Community Court. Bail Commission interviewers at the station would identify Community Court-eligible cases before they are sent to Superior Court. Second, some cases from the Superior Court could be transferred to the Community Court, also by means of a PTA.

¹³ Those who are not flagged go before the Judge first, then are sent to the social service staff, where the social service instrument is administered.

view, the defendant goes to the State's Attorney for a discussion of the plea before coming to the courtroom.¹⁴

The Bail Commission's staff person provides the Court with information from three sources: the pre-arraignment interview; a criminal history (including National Criminal Investigation Center and State Police Bail information, and information on outstanding warrants and pending cases); and the police incident report.¹⁵ For non-custodial arrest cases, this criminal history information is normally checked the day before an individual is scheduled to appear. For ordinance violations, record checks based on identifying information such as name and birth date are always performed on the day of their appearance because summonsed individuals are not fingerprinted.¹⁶

In addition to the pre-arraignment screening interview conducted by the Bail Commission, all defendants who come through the Community Court are assessed by social service staff for underlying problems.

Sanctioning Procedure Sanctioning at the Court is contingent on the defendant accepting the community service and/or social service mandates of his plea agreement. Based on information provided by the Bail Commission staff (and sometimes the Court's human services assessment), the Judge offers a plea with specified conditions. Charges against the defendant are dismissed (and his record expunged in 30 days) if he complies with the conditions of his plea.

If the defendant rejects the plea offer, his case is usually scheduled for further appearances at the Community Court.¹⁷ Court planners anticipated that the majority of defendants would accept a conditional plea. Project planners reported that in the first month of the Community Court's operation almost all defendants did accept their sanction. (Types of sanctions are discussed below in Case Outcomes.)

The Public Defender's Role All of those who come through the Community Court are eligible for public defender representation. Although public defenders are available during initial Court operations, very few defendants requested representation.

¹⁴ Before the creation of the Community Court, the Bail Commission interview was administered mainly to those who were arrested custodially. Because of the Community Court's focus on summonsed cases, "business as usual" has changed for Bail Commission staff.

¹⁵ For "bailable" offenses, this information includes a weighted release criteria form. For summons cases, there are no fingerprints taken. However, record checks of summonsed individuals are performed when they appear at Court. During the Court's early operations, this method resulted in taking into custody several individuals who had open warrants.

¹⁶ The Judge reports that while this system is not failsafe, in several cases it has successfully detected outstanding warrants for serious offenses among individuals who were brought in on ordinance violation charges.

¹⁷ For this reason, the concern about "forum shopping" — continuing a case in the hopes of receiving a more lenient case outcome at the Superior Court — is minimal.

According to the Judge, the reason for this is that, for low-level charges, most defendants are confident that they can handle their cases themselves.¹⁸

Pleading Not Guilty Cases where the defendant pleads not guilty and requests a bench trial can be heard by the Community Court’s Judge. Cases in which a defendant is eligible for and requests a jury trial normally are transferred to the superior court. In some instances, cases can be transferred to the Superior Court for other reasons as well. For example, the Judge reported that one defendant who had multiple cases pending at the Superior Court was transferred there. It was sensible, the Judge explained, to add the instant charge that brought him to the Community Court to his “total package” of cases at the Superior Court.

Pleading Guilty Defendants who refuse the community service offer can opt to plead guilty; they are commonly ordered to pay a fine (typically \$35). The guilty finding against them goes on their criminal record.

Consequences of Noncompliance If defendants fail to appear or fail to complete their intermediate sanction, the Court can issue a rearrest warrant that is referred to the Hartford Police Department to be served.¹⁹ At its discretion, the Court may impose additional sanctions for those who fail to complete their mandates. For ordinance violations, rearrest leads to a C Misdemeanor conviction for failure to appear or failure to comply with conditions.

Human Services After arraignment, every defendant receives a needs assessment through the Court’s human services offices, regardless of whether he accepts a plea or is transferred to another court. Human services staff might refer defendants to substance abuse counseling, mental health and medical services, GED classes, job placement, and housing, or provide medical or food stamp authorization cards.

Case Outcomes

Traditionally, the “going rates” for the offenses that the Community Court handles resulted in few sanctions. At the Superior Court, low-level cases were commonly “nolled.” The 36 percent of cases that were not “nolled” usually received fines or, according to Court personnel, “informal probation” through a conditional discharge. Unconditional discharges were issued as well. The most frequent sentence for convicted cases was a \$35 fine.²⁰

¹⁸ The handling of misdemeanors at the Hartford Community Court does not differ from Superior Court. In Hartford, low-level misdemeanor cases rarely have legal representation; individuals facing ordinance violation charges almost never do. The vast majority of cases at the Hartford Community Court would not have had legal representation previously.

¹⁹ If, given a second chance, defendants complete their mandate, then their case still is dismissed and their record expunged. In the event that they repeatedly fail to complete and are transferred to Superior Court, the instant charge remains on their permanent record and they go to Superior Court for sentencing.

²⁰ There is no baseline information on what proportion of those charged with an ordinance violation paid their fine, or what happened when defendants failed to pay their fines. Presumably, the Community

By contrast, at the Community Court, there is an emphasis on constructive sanctioning. When defendants enter a plea, Court-imposed conditions are designed both to “pay back” the community and to provide links to help for those defendants who need it.²¹ The typical sanction at the Community Court has both a community service and human services component.²²

Community service sanctions and human service mandates are determined in different ways. Community service sanctions are proportional to the severity of the offense, and to a lesser degree, criminal history. Accordingly, mandates are likely to be more onerous for those cases involving misdemeanor, as opposed to local ordinance, charges.²³ The Judge typically assigns one day of community service, but can assign an unlimited number of days.

By contrast, human service mandates are issued according to defendants’ needs. Unlike community service time, the Judge does not specify how much the defendant must participate in human services. Rather, he defers that decision to the human services staff, who have broad discretion to mandate whatever services they deem appropriate. Thus, even if a defendant comes through the court on a very minor charge (for example, public drinking), the human service staff could still compel him to go into extended substance abuse treatment. In fact, in the first month of Court operations, several defendants were placed in treatment for several months.

This open-ended policy might raise issues of proportionality. Given the low-level instant charges, do human service staff have too much discretion in assigning lengthy mandates? It also complicates the compliance issue: Will the prospect of a \$35 fine compel an addict to remain in long-term treatment? What ultimately happens if they fail to comply?

The Role of Technology

The City of Hartford’s technology staff have developed an integrated Management Information System (MIS). The MIS enables Court personnel — including Bail Commission, alternative sanctions, and human services staff, as well as the Judge — to share information about cases and individuals.

The MIS enhances the Court’s non-traditional operations. It makes assessment information entered by Bail Commission and Human Services staff readily available to the Judge. This information allows him to make more informed sanctioning decisions, based on the defendant’s social service needs. Moreover, it promotes accountability by providing a way for human service and alternative sanction staff to monitor whether defendants have fulfilled their alternative sanction mandates.

Court will bolster accountability and result in greater compliance because of its enhanced monitoring capabilities.

²¹ Staff reported that, during the Community Court’s brief period of operation, there already have been many cases where social service was assigned without community service.

²² Only in rare cases are fines imposed.

²³ In all likelihood, those defendants who continue their cases in the hopes of receiving a more lenient outcome at the Community Court at a future date will be disappointed. The Judge stated that, with each additional appearance, defendants will have community service time added to their mandates.

It also augments communications between the Court and the 17 communities it serves — a unique feature of the Hartford MIS that is appropriate to the Court’s centralized role. Summons information (the specific location and exact nature of the offense) is entered into the system by human services staff. The MIS automatically “geocodes” this information, assisting alternative sanctions staff in making appropriate community service assignments. Community members, in turn, are able to provide on-line feedback to the Court on conditions in their neighborhoods.

MIS designers were careful about specifying which case information could be shared among various Court actors, ensuring that privileged information would be available only to those who were authorized to see it. For example, human services staff are not authorized to view most criminal history information. To accomplish this, technology staff incorporated information “fire walls” — security measures, such as passwords — into the MIS. Some files and tables are “read-only” for certain individuals, reducing the chance that data are mistakenly deleted or “corrupted.” By building in these precautions, the MIS designers made it possible for staff to enter sanctioning and compliance data on-line, precluding the chance that information is lost in the shuffle of papers.

Community Service

Although the community court concept is new to the State of Connecticut, alternative sanctioning has deep roots. The State has a strong tradition of using alternative sanctioning, including community service. The role of the State’s Office of Alternative Sanctions (OAS) is to issue bids for subcontractors to run alternative sanctioning programs.²⁴

In the case of the Community Court, OAS accepted the competitive bid from the Hartford-based Community Partners in Action (CPA) to administer its alternative sanctions, including providing community service supervision. Founded in 1875 and formerly known as the Connecticut Prison Association, the CPA has a long history in the State. It runs a variety of alternative sanction projects, including a day incarceration center, an alternative incarceration program with a community service component, and a referral process for detoxification.

The neighborhood problem-solving committees have compiled long lists of potential community service projects for defendants to perform. Interviewed before the Court opened, when the Court’s projected caseload was somewhat uncertain, a CPA administrator stated, “I don’t think we’ll be hurting for projects.”

This forecast proved accurate. In the first month of Court operations, defendants were assigned to 129 job sites, logging 834 hours of community service. Those who received the benefits of community service included public entities, private individuals and businesses who have been victimized.²⁵

CPA staff’s extensive experience with community service projects in the Hartford area facilitates their deep understanding of the problems associated with implement-

²⁴ The OAS was established in 1991, and today has a budget of \$40 million.

²⁵ For example, community service crews can be assigned to festivals held by the Spanish-American Merchants’ Association, an active participant in community meetings.

ing community service. CPA staff also have a lot of experience dealing with offenders who have physical conditions which make them difficult to place in community service projects. Their expectations are grounded in experience. As a result, there is less concern about community service liability than in jurisdictions with no community service “track record.” As one respondent put it, liability issues are “not a major concern.”

CPA has hired five full-time personnel devoted exclusively to the Community Court. These include a community service coordinator and four community service supervisors. Each of the four crew supervisors is assigned to a quadrant of the city with a vehicle to transport the crew. Crews are provided brown-bag lunches from a local vendor (who has been victimized multiple times and is an active community participant).

The community service coordinator has a multifaceted job. First, he helps the Judge to coordinate crew scheduling. He is also responsible for presenting progress reports (about compliance and appropriateness of behavior) to the Judge. The Court relies on this information in deciding whether to dismiss the case or issue a warrant for non-compliance. Using the Court’s MIS, he ensures that projects are monitored and assigned properly, and are coordinated with defendants’ human services mandates. In addition, the community service coordinator serves as liaison to the 17 community members who represent their respective problem-solving committees, accepting referrals for service projects from them.

Mediation

CPA also runs the Hartford Area Mediation Program (HAMP), which traditionally functioned as a form of pretrial diversion. In its preliminary operations, the Community Court has used attendance at a one-on-one dispute mediation session, run by HAMP, as a condition of a plea for some cases. In the future, dialogues between community members and defendants at the Community Court might also include reconciliation groups that bring together neighborhood residents and offenders. For example, Court planners have discussed the possibility of convening sessions between community members and those arrested for soliciting prostitutes.

Human Services

The coordinator of the Community Court’s human services component, who has a history of working with welfare and medical benefits, supports the concept of providing services “under one roof.” The coordinator believes that having multiple service providers close to one another makes service delivery more efficient, stating, “while we all have worked for the same or similar clients, we have never had the opportunity to work as a team in the same environment for the same end.” To facilitate service delivery, the courthouse building contains a large seminar room that will be used for educational groups, as well as a computer room that can be used for vocational training.

As mentioned earlier, the human services staff have considerable autonomy in delivering service plans for defendants. If the human service staff decides that it would benefit a truant youth who has committed a disorderly offense to return to

school, a week of school attendance could become the condition of the youth's alternative sanction. Moreover, if the human services staff feels that a given defendant is unfit to perform community service, they inform the Judge, who will waive the defendant's community service obligation.

When the Court opened, few social service sanctioning options were firmly in place. As the human services coordinator stated, "we don't know who's coming through the door. ... It's like shooting in the dark." Yet, over the first month of Court operations, the human service staff demonstrated a flexible response to programmatic needs. For example, they established substance abuse education groups, conducted in both Spanish and English. They also have made numerous job and housing placement referrals.

As of this writing, several other groups and services have been implemented or are planned in response to the complex problems of the defendant population, including:

A "Good Citizenship" Class Hartford's Human Services Department and its public access television channel put together a film designed to make those who commit quality-of-life offenses aware of how their behavior affects the community. It is designed to educate viewers as to how to be good citizens. A Court-based social worker will use this video in mandated pro-social behavior class (e.g., for defendants brought in on noise violations).

A Parenting Group In its first month of operations, the Court has seen a significant number of 16- and 17-year olds appearing on disorderly charges. As many of these youths are parents, human services staff are discussing the prospects of developing a "responsible parenting" class to serve them.

An Employment Orientation Group Soon, a representative from the Hartford Department of Human Services will conduct a weekly seminar on resume-writing and building interview skills at the Court (followed by one-on-one training sessions).

An HIV/AIDS Education Group and HIV Testing Beginning soon, the City's Department of Health will test for HIV in the Courthouse building. Testing for other sexually transmitted diseases may follow.

GED Classes/Distance Learning Using a grant from the Department of Defense, the State armory has made distance learning (receiving instruction from faculty at a remote location via computer) available to the public. In the future, Community Court defendants could be referred to GED classes that are conducted there. An enhancement grant would allow for hardwiring of the computer links to the armory. Alternatively, distance learning could be conducted at a classroom at the armory.

A Nutritional Education Group

The human services coordinator also expects that the Community Court will build partnerships with other agencies, potentially including: Catholic Family Services; the Department of Mental Retardation; and the Hartford Hospital, which is within walking distance (less than two blocks away). The hospital is willing to provide AIDS counseling at the courthouse.

Accomplishments

The Court's opening in November 1998 marked the culmination of the planning effort. As the Judge put it on the second day of Court operations, "Everything we are doing had to be conceptualized and implemented ad hoc. Today being our second full day has already produced tons of small changes in our procedures." He went on to say that, in light of all the innovations implemented by the Community Court, the system worked remarkably well from the outset.

The Hartford Community Court succeeded in creating an innovative Court whose operations reflect feedback solicited from neighborhood residents, and City and State criminal justice officials.

Building a Centralized Community Court Before Hartford, community courts had been conceived of as serving a limited geographical area comprised of one neighborhood or a few adjacent neighborhoods. Planners in Hartford are attempting to apply the community court model by implementing a centralized court which nonetheless is designed to be responsive to and help to "pay back" every neighborhood in the City. This model was seen as appropriate for Hartford because its relatively small geographic area of 17 square miles and small population of approximately 130,000 (about the same number of residents as is in the Midtown Community Court's catchment area). This centralized community court model may not be feasible in municipalities with markedly larger populations.

Redefining Behavioral Norms & Expectations The Court is also attempting to influence behavioral norms about low-level nuisance offenses. Court planners were ambitious in lobbying for legislation that expanded the menu of sanctions available in municipal ordinance cases, sending the message that certain forms of disorderly behavior will not be tolerated.

Problem-solving Partnerships The idea for the Court emerged as part of a larger Citywide problem-solving initiative. Even in its early stages, it established partnerships and coordinated with the police, the community, social service providers, the City's executive branch and a local university. These partnerships help leverage additional resources to enhance the Court's operations and services.

Expanded Use of Information Expanded use of information, facilitated by the Court's custom-designed Management Information System, serves three functions. Firstly, it bolsters accountability by making information about compliance with alternative sanctions readily available. Secondly, it allows neighborhoods to identify prior-

ity community service sites, enter compliance information on-line, and facilitate assignment of offenders to neighborhoods where their crime took place. And thirdly, it provides Court actors, including the Judge and human services staff, with enhanced information about defendants' needs and problems.

Flexible Response to Problems The project has been responsive to citizens' concerns. Concern over excessive noise is an example. In the planning stages of the Court, the notion of creating a sanction tailored to violators of the City's excessive noise ordinance was raised. Early on, planners considered having a "noise room" in the courthouse in which those who violate noise ordinances would be forced to listen to music that is noxious to them. Although the "noise room" proved too controversial to implement, the idea of having a sanction designed specifically for noise violators was not abandoned. Instead, the Court began requiring excessive noise violators to view the good citizenship film, which emphasizes that loud noise is contrary to good conduct. Ultimately, the Court took community concerns seriously in two ways: by recognizing the need to respond to noise violations and by developing a sanction that fit the crime without pushing too far.

Early Issues and Concerns

Before opening, Court planners were concerned with several issues. Would defendants agree to the alternative sanctions offered by the Court? Were there sufficient accountability mechanisms in place? During the planning process and early operations several key issues surfaced that will merit further attention as the Court matures. These are reviewed below.

Accountability Project planners were concerned about two types of compliance: the initial appearance at Court for defendants released on their own recognizance, and compliance with alternative sanctions. Because the project expected to change both the frequency and the return date of municipal ordinance summonses, it was difficult to estimate how often defendants would appear in Court on these cases.

Planners, concerned about potentially high no-show rates, focused on mechanisms to respond (e.g., warrant and rearrest procedures) to both failure to appear at arraignment and failure to comply with sanctions. They worked to ensure police cooperation in enforcing rearrest warrants. Over the first two weeks, compliance was good: 70 percent appeared at Court as required and only 10 percent failed to comply with alternative sanctions.

It is still too early to document how the Court deals with the chronic failures and no shows. Together, the experience of drug courts and the Midtown Community Court demonstrate the effectiveness of graduated sanctioning and certain consequences for non-compliance. Over the coming months, the Hartford Community Court will face the challenge of designing and implementing graduated sanctions for repeat offenders and appropriate responses for those who fail to comply.²⁶

²⁶ This is especially pertinent in regard to cases where a lengthy social service requirement (e.g., long-term drug treatment) is made a condition of an individual's mandate.

Defendant Choice in Sanctioning Originally, there was concern that a large proportion of defendants might plead not guilty and request a trial in the Superior Court, thereby avoiding Community Court sanctioning. During initial operations, Court personnel were pleased to note that the vast majority of defendants coming through the Court did accept the plea to alternative sanctions. Expunging the arrest and avoiding a small fine proved to be sufficient incentive for most defendants to accept the sanctions meted out at the Community Court.

Equitable Distribution of Community Service Work in Neighborhoods In the Court's planning stages, several individuals pointed out that two or three of the City's most-victimized communities would probably receive the vast majority of Court-sponsored community service assistance, because defendants would be assigned to pay back the victimized neighborhood. They were concerned that other neighborhoods might feel slighted. They suggested that, because the Court is centralized, it needed to respond to priority problems in all neighborhoods — even those with relatively low offense frequency.

This issue brought to the surface a fundamental conflict between the centralized community court approach and one of the basic principles of the community court model — paying back the harmed neighborhood. In allocating community service sentences, project planners in Hartford are concerned about striking a delicate balance between distributing “pay back” to neighborhoods where offenses occur and providing less disorderly areas with some minimal level of help.

Defense Role As discussed, the defense bar has played a relatively small role in the planning and daily operations of the Hartford Community Court. Although the defense bar has traditionally played little role in the processing of ordinance offenses, the expanded range of sanctions available to the Community Court may raise due process issues. Without a well-defined defense role in the courtroom, are defendants interests sufficiently represented? This question is particularly relevant in low-level cases that lead to lengthy social service mandates in response to assessed need.

Proportionality of Sanctioning & Human Service Mandates As discussed, the length of social service sanctions is determined by human services staff based on a review of defendants' problems. This practice raises questions about the proportionality of sentencing and the appropriate response to non-compliance. What are the ramifications of mandating lengthy human service assignments for acts as minor as drinking a beer in public? If defendants originally faced a \$35 fine, what prevents them from ignoring social service mandates? What happens if they fail to comply?

Project Coordination In contrast to the Midtown Court and other community courts being planned, the Hartford Community Court does not have a designated coordinator. In addition to his role in the courtroom, the Judge carries substantial responsibility for project coordination and for overseeing court operations. Although the orig-

inal project planners from the Office of Alternative Sanctions and the City Manager’s Office assist, particularly with inter-agency coordination, neither is available full-time.

Some outside observers have suggested that the Court might benefit from a full-time coordinator. Overall operations in and beyond the courtroom might be hampered if the burdens of overseeing operations and hearing cases prove too much for the Judge to handle. If caseloads grow, the Judge’s courtroom responsibility might limit his administrative capacity.

In addition, judges in other community court sites see the project coordinator role as providing a valuable “buffer.” They worry that extensive community engagement might compromise their independence. Others see a need for a neutral party to coordinate the often complicated relationships among the various partners involved in community courts.

Shaping Community Expectations Finally, some community leaders were concerned that residents might have unrealistic expectations about the Community Court’s potential accomplishments. They were particularly concerned about expectations that the Court would sharply reduce recidivism, an ambitious goal for any criminal justice project. Recognizing that community frustration with disorder had produced enthusiastic support for the Court, they feared an erosion of community support if community members saw the same individuals repeatedly assigned to neighborhood work crews.

To address this issue, one community leader proposed efforts to review community expectations for the Court to ensure that they were not unrealistic.²⁷ There was concern that Court representatives communicate the message that its ability to break entrenched patterns of offending was limited. In the tradition of problem-oriented policing (Goldstein, 1990), project planners seek to clearly spell out goals (e.g., to provide strict accountability; to provide consistent, meaningful sanctions; and to “pay back” victimized neighborhoods) and thereby minimize dashing unrealistic expectations.

Conclusion

Hartford is the nation’s third jurisdiction to attempt bridging the gap between communities and the court system by creating a community court. Court planners were ambitious in lobbying for legislation that authorized the Court to be created and expanded the menu of sanctions for municipal ordinance violations (e.g., drinking in public and excessive noise). They were also ambitious in their effort to be responsive to the City’s 17 neighborhood problem-solving committees, a task that requires coordination between the Court and the neighborhoods it serves.

To date, planners have successfully developed key components of their vision, establishing the newly renovated Hartford Community Court as a means of promoting community restitution and a gateway to services; creating a plea structure that is

²⁷ Researchers at the Trinity (a local college) Center for Neighborhoods have submitted a proposal to study this issue – documenting expectations for the Community Court among both community members and criminal justice system professionals’ (e.g., police officers, prosecutors).

likely to transform “going rates” for low-level offenses; developing a customized MIS to support judicial decision-making and ensure accountability; building electronic links to neighborhood problem-solving committees; participating in monthly meetings to ensure continued community collaboration; and maintaining an ongoing planning capacity to tailor alternative sanctions in response to specific offenses and offender problems.

Yet several questions remain unanswered. Further documentation of the project is needed to determine whether preliminary expectations about the Court have been realized. Basic operational questions include: How do caseloads and case outcomes change? Are system efficiencies realized? How often are low-level offenders sentenced to long-term social service interventions? How often do defendants fail to comply with community service and social service mandates? Is non-compliance higher for social service mandates? Is the extent of non-compliance linked to differences in sentence length? How does the Court ultimately respond to non-compliance?

Broader Questions

There are also broader questions about the two distinctive features of the Hartford model: its centralized approach and its effort to transform the system’s response to municipal ordinance offenses. These are discussed below:

Centralized Approach The Hartford model raises questions about how a centralized Community Court can identify and respond to the existing and emerging problems of multiple neighborhoods. Future documentation should examine several questions: How does the project resolve the conflict between paying back victimized neighborhoods through community service and concerns about distributing work crews equitably to all neighborhoods? How is the collaboration between the Court and Hartford’s 17 neighborhoods operationalized? Does it go beyond the identification of local priority problems and responsive community service projects? Do monthly advisory board meetings provide a sufficient forum for sharing information between the Court and residents about project accomplishments and developing neighborhood problems?

“Defining Decency Up” An increasing number of American cities are rethinking their approach to low-level offenses in response to community concerns about disorder and low-level crime. At the same time, there is new and growing concern that increased enforcement of low-level offenses might unfairly target some groups (e.g., the homeless, the mentally ill, ethnic minorities). Future documentation should review whether and how these issues surface during the early operations of the Hartford Community Court.

Further documentation should also address the following questions: How do offenders respond to the changes in sanctions? Are community court sanctions seen as more or less punitive than fines? How do defendants respond to court-based serv-

ices? Do they take advantage of them voluntarily? Do they come to see the Courthouse as a place where they can get help?

Finally, community reactions should be reviewed. How do community residents respond to the project? How realistic are community expectations about its potential accomplishments? And how does the effort to develop a more constructive response to municipal ordinance violations affect perceived levels of neighborhood disorder? Do community members notice a visible change in quality-of-life conditions?

As an increasing number of community courts are implemented throughout the nation, the Hartford model can offer valuable lessons to the field. Its early operations will be closely watched by jurisdictions interested in improving the response to low-level offenses and by smaller cities, interested in building community court principles in a centralized court context.

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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.

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