

How It Works

A Summary of Case Flow and Interventions at the
Midtown Community Court

Written by

Eric Lee

Jimena Martinez

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About the Authors

Eric Lee is deputy director of the Center for Court Innovation.
Jimena Martinez is deputy project director of the Center for Court Innovation.

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Introduction

The Midtown Community Court provides swift and visible justice for low-level offenses such as prostitution, shoplifting, minor drug possession, turnstile jumping and disorderly conduct. A project of the New York State Unified Court System and the Center for Court Innovation, the Midtown Community Court is an official arm of the New York Criminal Court. The Midtown Community Court arraigns misdemeanor cases from three mid-Manhattan police precincts. When the Midtown court opened, these precincts accounted for over 40% of all misdemeanor arrests in Manhattan.

Locating the Midtown Community Court in the neighborhood where crimes occur had some immediate effects. Before the Court's existence, arrest-to-arraignment time averaged in excess of 31 hours. The Midtown Community Court reduced this to an average of 18 hours. But the Court's design does substantially more than replicate the routine case processing of low-level crimes that happens in traditional urban courts. The Midtown Court uses a combination of punishment and help. The following is a summary of case flow at the Midtown Community Court:

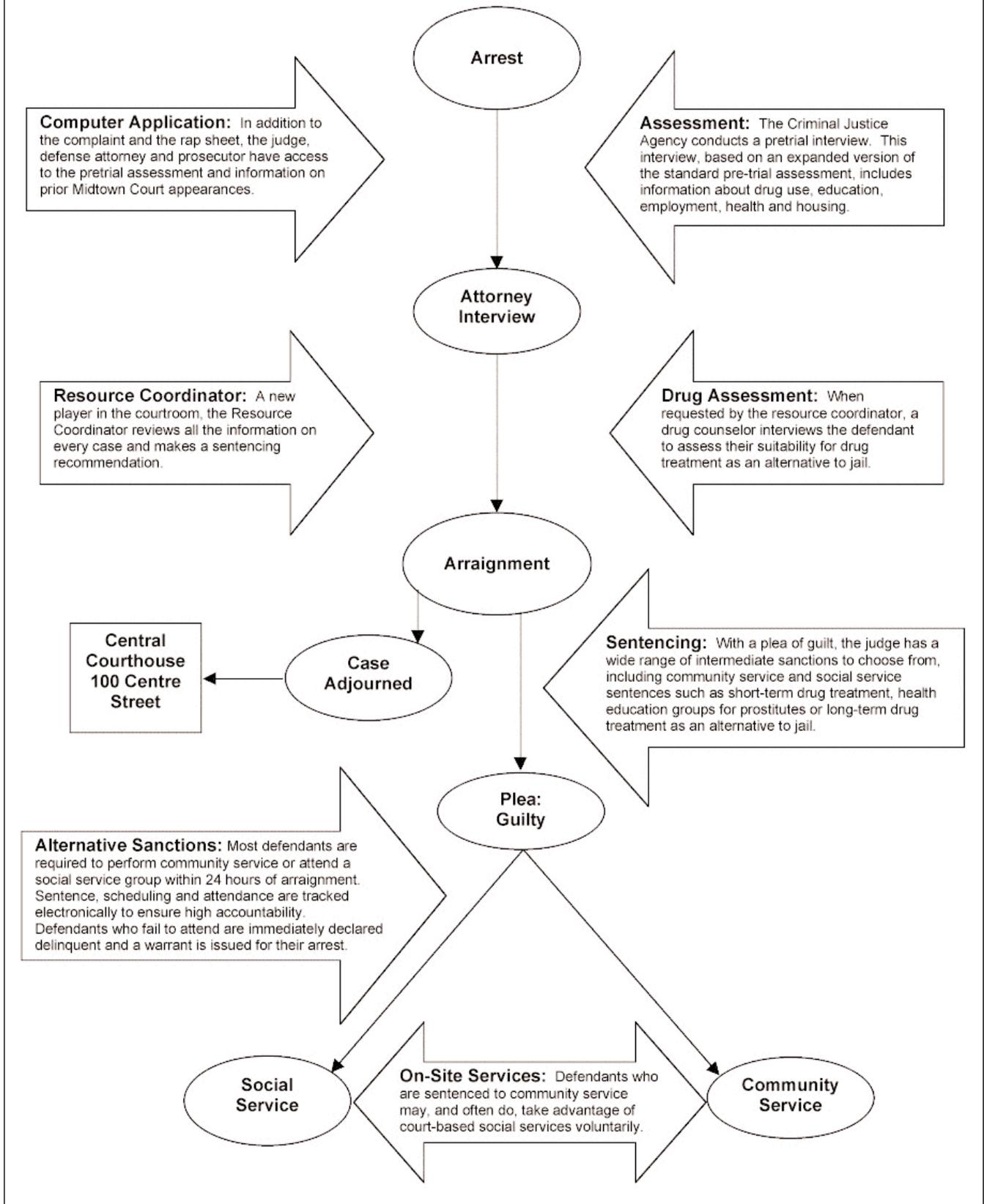
Prior to Arraignment

Arrest The Midtown Community Court's caseload includes "summary arrests," in which defendants are held in custody before arraignment, and desk appearance tickets (DATs), in which defendants are issued a summons to appear at court on a future date. All defendants are booked at the Midtown North Precinct. DATs return to court on the morning of their assigned appearance. Defendants detained by the police are escorted to the Court for arraignment.

Pretrial Assessment All defendants — both summary arrests and DATs — are interviewed by New York's pretrial services agency, the Criminal Justice Agency (CJA). The purpose of the pretrial interview is to help create a detailed portrait of each defendant — something that high-volume arraignment courts rarely have time to do. In addition to the questions they typically ask in order to make recommendations about pretrial release, the CJA also administers a rudimentary assessment interview, with questions about defendants' substance abuse history, shelter status, access to public entitlements and history of mental illness.

The Computer Application One of the goals of the Midtown Community Court is to provide easily accessible information to court players so that they can make better

Midtown Community Court Case Flow Summary



decisions. The information from the pretrial assessment, the district attorney's complaint, the defendant's criminal record and information about prior appearances at the Midtown Community Court (including compliance with past sentences), are available to the judge, defense attorneys and prosecutor at the touch of a button through the Court's computer system. Information is color-coded to highlight problem areas, such as criminal history, drug use and homelessness. Court personnel use this expanded set of information to shape individualized sentences: Is the defendant a good candidate for drug treatment? What kinds of community service assignments — street cleaning, graffiti removal, tree planting — would be appropriate? These are the kinds of questions that technology helps answer.

Attorney Interview Defense attorneys interview all defendants prior to arraignment. The majority are represented by a public defender, but defendants may also retain a private attorney. Four defense attorneys are assigned to Midtown Community Court — two from the Legal Aid Society and two private attorneys that New York City hires to represent the indigent.

Resource Coordinator In addition to traditional court staff, the Midtown Community Court has stationed a new player in the courtroom: the resource coordinator. The resource coordinator, affiliated with neither the prosecution nor the defense, uses the Court's computer application to review all information available on a case, and then makes a sentencing recommendation to the judge. If a defendant has requested drug treatment — either in the pretrial interview or in speaking to the defense attorney — the resource coordinator will ask a court-based case manager to conduct a more detailed assessment interview. The resource coordinator also serves as the link between the alternative sanctions floor and the courtroom, verifying information if there are data discrepancies, or talking to the court-based counselors to get a better understanding of defendants who have received social services in the past.

Arraignment

In New York, the arraignment is the first time the defendant appears before the judge. At arraignment, the prosecuting attorney formally presents the charges against the defendant, the defendant enters a plea, and the judge makes a decision on the case. If the defendant pleads not guilty, or if the case needs to be continued for another reason (e.g., the defendant has a case pending at another local court), the case is adjourned to Manhattan's centralized court. However, nearly 80% of the cases at Midtown are disposed of at arraignment (about the same as other New York City courts), either through a guilty plea or through an adjournment in contemplation of dismissal (ACD). Defendants who receive ACDs have their cases dismissed and sealed six months after disposition if court-stipulated conditions are satisfied. The Midtown Community Court typically requires that defendants have no new arrests over the six month period and that they complete community service or social service sentences. ACDs are generally reserved for defendants with little or no prior involvement in the criminal justice system.

Choosing among a greatly expanded set of sentencing options and equipped with unprecedented information on the case before her, the judge at the Midtown Community Court is able to construct more meaningful sentences — sentences that take into account the defendant’s personal circumstances, past criminal history, and compliance with prior sentences at the Midtown Community Court.

Approximately 70 percent of defendants whose cases are disposed of at the Court receive community service and/or social service sentences — more than double the rate of other criminal courts in New York City.

The judge disposes the remaining cases with jail or fines. Although the Court sentences jail less frequently than other courts in the city, when it does, the sentences are longer. This reflects the Court's philosophy of increasing the consequences for repeat offenders.

Alternative Sanctions

Defendants who are sentenced to community service and/or social services do not leave the building following arraignment. An officer of the court escorts them to the alternative sanctions floor, significantly increasing the likelihood that a defendant will complete the sentence. Such immediacy sets the Court apart from prior community and social service programs, many of which have foundered because they refer defendants to programs miles — or days — away.

Although the cases heard at Midtown Community Court are not very complicated, they involve defendants with very complicated lives. Drug abuse, homelessness and illiteracy are common among misdemeanants and contribute to continuing criminal involvement. Because of this, the Midtown Community Court has devoted an entire floor to the scheduling and monitoring of alternative sanctions and the provision of court-based social services.

All defendants sentenced to alternative sanctions meet first with nurses from the city’s Department of Health, who conduct health interviews, offer referrals to health services and provide on-site testing for HIV, TB and STD’s, along with pre- and post-test counseling. Defendants in need of additional medical services may meet with a nurse practitioner assigned to the Court from the NYU School of Nursing.

After meeting with a Department of Health nurse, defendants speak with an intake counselor who conducts a more detailed needs assessment. The intake counselor is responsible for assigning the defendant to their community service or social service placement, describing the social and educational services available on-site and encouraging defendants to use the services. Whenever possible, defendants begin serving their sentence the same or the next day.

Community Service

The Court designs community service sentences to both punish defendants and to pay back the community in which the crime was committed. Projects are divided into three levels: low, medium and high supervision. Defendants under low supervision have limited or no prior criminal history and have no immediate health, drug or homelessness concerns. Under the direction of community partners such as the Salvation Army or Times Square Business Improvement District, defendants com-

plete their community service sentences in the surrounding neighborhood. Medium risk defendants are either under 18 years old, or homeless and living in a shelter. They work in the community, but are supervised by court staff, cleaning streets, painting fire hydrants, eliminating graffiti and restoring tree pits. Defendants who require high supervision may have mental or substance abuse issues, or a violent criminal record. Managed by court supervisors, they complete their community service in the building, either cleaning the courthouse or working at Times Square Express, the Court's bulk mailing operation for local nonprofits.

Social Services

A central premise of the Midtown Community Court is that the courthouse can serve as a gateway to substance abuse treatment and related services for a population with multiple problems and limited access to assistance. While some defendants are mandated to participate in treatment, the Court strongly urges all defendants to make use of its services any time they feel ready, whether or not they are still coming to the Court.

The Midtown Community Court is the first court in the nation to house a comprehensive array of social service providers on-site, under one roof. Agencies at the Court include New York City's Human Resources Administration, Department of Homeless Services, Board of Education and Department of Health and New York University's School of Nursing. Clinical staff share office space with court personnel and thus are able to offer a coordinated response to defendants' problems with substance abuse, housing, health, education and employment.

The traditional response to misdemeanor crime is either a short-term jail sentence or "time served." One of the challenges for a community court is to craft meaningful, short term sentences as an alternative to the two extremes: jail or nothing.

Short-term social service sentences at the Court include:

Treatment Readiness Program (TRP) TRP is a group counseling program for defendants with substance abuse problems. Each session consists of three general components: acupuncture, drug awareness and life coping skills.

Health Education Health education groups for prostitutes and "johns" address issues such as safe sex practices, street survival skills and other health-related information.

Prostitutes' Group This group targets prostitutes with multiple arrests and appearances at the Court. Groups focus on building self-esteem, goal setting and planning for the future.

Individual Counseling Individual counseling sessions can be arranged for clients who may have mental health problems that preclude them from participating in

community service or for individuals who have multiple problems and would not benefit from other groups.

For jail-bound defendants with a more serious criminal history or offense, the Court offers an alternative to jail. The judge has the option of placing jail-bound defendants who are interested in drug treatment in short- or long-term drug programs. All candidates must be assessed by Court staff for suitability. Court-based case managers monitor defendants' participation daily. During the course of their treatment, defendants appear before the judge regularly so that their progress can be reviewed and their urine tested.

In addition to the above services, the Court offers a variety of services that are open to any defendant or community member on a voluntary basis. These include English as a Second Language classes, high school diploma equivalency classes, voluntary drug testing, a health clinic run by New York University School of Nursing, a job employment training program — Times Square Ink — and sessions of Alcoholics Anonymous.

Compliance

Court staff monitor compliance with alternative sentences closely. If a defendant fails to report for service, the Court sends out a warning letter within two days. Within a week, the judge will sign a warrant for the defendant's arrest. At the Midtown Community Court, the compliance rate for community service is 75%, the highest in the city.

Notes

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Center for Court Innovation

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

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

For more information, call 212 397 3050 or e-mail info@courtinnovation.org.

Center for Court Innovation

520 Eighth Avenue, 18th Floor
New York, New York 10018
212 397 3050 Fax 212 397 0985
www.courtinnovation.org

U.S. Bureau of Justice Assistance

Office of Justice Programs
Bureau of Justice Assistance
810 Seventh Street, N.W.
Washington, D.C. 20531
202 307 5974
www.ojp.usdoj.gov/BJA

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