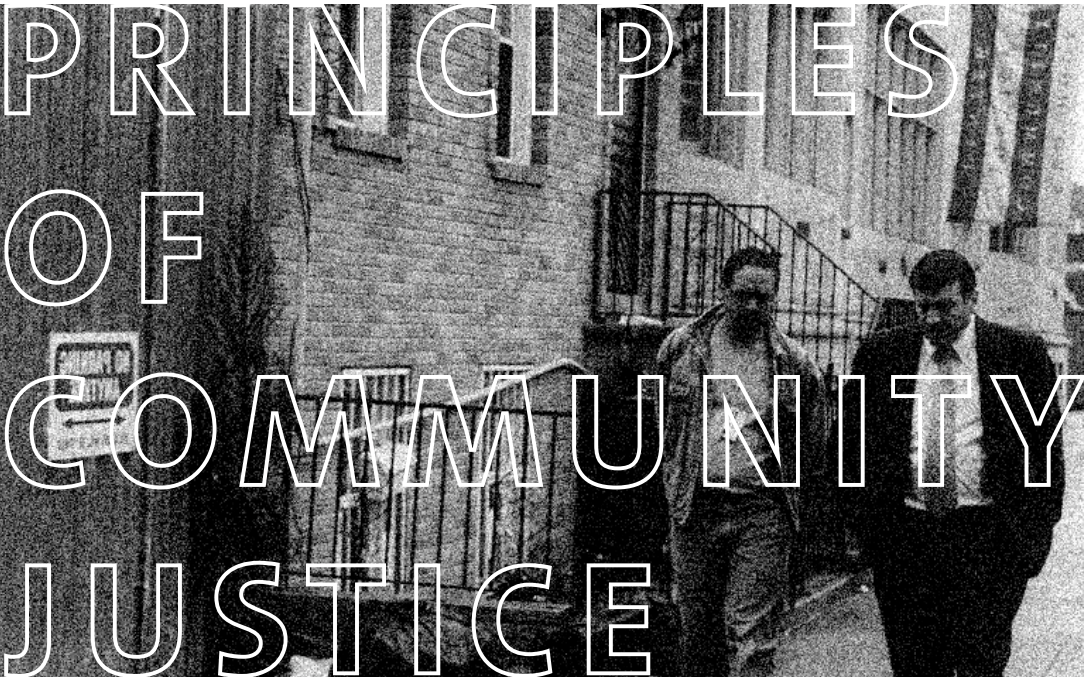


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PRINCIPLES  
OF  
COMMUNITY  
JUSTICE

A Guide for Community Court Planners



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This document builds on an earlier version (1997) drafted with the help of John Feinblatt.

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# PRINCIPLES OF COMMUNITY JUSTICE: A GUIDE FOR COMMUNITY COURT PLANNERS

Instead of focusing exclusively on reacting after the fact to individual crimes and offenders, many criminal justice agencies have begun to think more broadly about how to improve public safety and the quality of life in crime-plagued neighborhoods. This process began in the field of policing. Starting a little more than a generation ago, several overlapping reform movements emerged: broken windows policing, community policing, and problem-oriented policing. In general, advocates of these ideas argued that police officers could address neighborhood crime and disorder more effectively if they established closer relationships with community residents, took low-level crime more seriously, and thought more deeply about how to identify and solve crime patterns as opposed to simply responding to a call for service after a crime had been committed.

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From this starting point, these ideas began to spread to other branches of the criminal justice system. For example, some states created community courts in an effort to improve the judicial response to low-level crime and bolster public trust in justice. And many district attorneys created community prosecution programs to test novel responses to chronic neighborhood public safety problems.

Taken together, these “community justice” programs seek to focus the justice system on two goals: prevention and problem solving. At the end of the day, community justice is about engaging stakeholders like residents, merchants, churches, and schools in seeking to prevent crime before it occurs. And it’s about testing new, aggressive, and strategic approaches to public safety when crime happens, particularly low-level offending.

This guide is intended to help criminal justice reformers who are interested in learning more about community courts. With 20 years of experience with community courts, the Center for Court Innovation has helped plan, implement, operate, and evaluate numerous community justice experiments, including the Midtown Community Court, Red Hook Community Justice Center, Harlem Community Justice Center, and Bronx Community Solutions.

Using New York's community courts as a foundation, along with a few other successful examples from across the nation, this guide seeks to articulate a set of common principles for community courts. In providing these principles, we seek to offer a starting point for justice reformers across the country and around the world.

The first community court, the Midtown Community Court, was born of a profound frustration with quality-of-life crime—including prostitution, vandalism, and minor drug possession—in and around Manhattan's central business district. These conditions are not necessarily what fuel community courts in other places. Community courts are not designed to be cookie-cutter models; in a perfect world, each will be specifically tailored to reflect the needs of the neighborhood it serves. Indeed, just within New York City, each community court has its own special orientation, with Harlem focused on prisoner reentry, Red Hook focused on youth, and Bronx Community Solutions on the challenges of taking the community court model to scale.

Recognizing that each jurisdiction must adapt the community court model to its unique situation, this guide concludes with some practical advice for planners, including a frank discussion of the obstacles that they are likely to face and how they might be overcome.

## **MIDTOWN COMMUNITY COURT**

The Midtown Community Court represents a dramatic departure from the way that lower courts traditionally have operated in New York City. In the 1960s, New York closed down a network of neighborhood magistrate courts that were responsible for arraigning defendants and disposing of low-level criminal cases. Under the new system, intake and arraignment duties were shifted to centralized courthouses serving each of the city's five boroughs. The change was intended to increase efficiency and deter corruption. These improvements came at a cost however: as courts were removed from the communities they were intended to serve, many New Yorkers lost a visible connection to the justice system.

In the years following the abandonment of the magistrate courts, caseloads increased exponentially, in response to rising crime and an increased focus by law enforcement agencies on quality-of-life offenses such as shoplifting, prostitution, vandalism, and minor drug possession. Judges and attorneys felt enormous pressure to adjudicate cases as quickly as possible. The majority of misdemeanor cases were disposed of during their first appearance in court with only the most cursory legal review—a far cry from a meaningful “day in court.”

If the process was far from ideal, so too were the outcomes. All too often, defendants who admitted their guilt to low-level offenses were sentenced to either a few days in jail or to nothing at all—essentially a conditional discharge with no conditions. Neither of these dispositions did much to advance the traditional goals of sentencing: rehabilitation, incapacitation, individual deterrence, or general deterrence. And neither did much to impress local residents and assure community members that their concerns were taken seriously.

No neighborhood was hit harder by quality-of-life crime in the 1970s and 1980s than Times Square. It is sometimes difficult to remember now—through the prism of two decades of historic crime reductions—but not too long ago, New York City was viewed by many as ungovernable, and Times Square was known for having more low-level crime than any other place in the country. Several Broadway theaters sat empty—no ticket buyers, no shows. Civic leaders such as Gerald Schoenfeld, the head of the Shubert Organization, which owns many Broadway theaters, argued at the time that tourists were being scared away by the neighborhood’s reputation for disorder and crime.

Recognizing these problems, a small group of criminal justice planners—led by John Feinblatt and including Michele Sviridoff, Robert Keating, Amanda Burden, Herb Sturz, and others—began to advance a novel idea: that a neighborhood-based court, located in Midtown Manhattan and devoted exclusively to handling minor offenses, could do a better job of demonstrating to the local community that the justice system is responsive to local concerns. The planning team spent more than two years on research, program development, and fundraising. In 1993, they revealed the results of their labors.

Located on a busy side street not far from Times Square, the Midtown Community Court occupies a 100-year-old building that was formerly a magistrate courthouse. The planning team put great effort into the physical design of the courthouse, making it complement and reflect the programmatic vision of the experiment. For example, the holding area for defendants featured clean, well-lit areas secured with specially-treated glass panels—a marked contrast to the squalid holding pens with iron bars in many urban courthouses. A full floor of office space was devoted to an on-site clinic staffed by social workers and alternative sanction staff responsible for working directly with defendants. And the building was wired for an innovative computer system that allowed the judge, attorneys, and social service providers to keep in touch with each other and access information about defendants at the click of a mouse.

The location, architecture, and technology were all designed to help the Midtown Community Court address the problem of low-level street crime on the West Side of Manhattan. Misdemeanor defendants at the Midtown Community Court were sentenced to pay back the community they had harmed through visible work projects in the neighborhood—caring for street trees, getting rid of graffiti, and cleaning local parks. At the same time, the court sought to use its legal leverage to link defendants with social services—drug treatment, job training, and counseling—to help address the problems that often fueled criminal behavior. By combining punishment and help, the court sought to stem the chronic offending that was demoralizing local residents, businesses, and tourists.

Evidence suggests that the Midtown Community Court has largely succeeded in its mission. Today, Times Square is a symbol of New York’s rebirth—a vibrant crossroads and a prime destination for tourists. Independent evaluators from the National Center for State Courts studied the Midtown Community Court for three years, ultimately producing a book on the experiment called *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court* (Routledge, 2000). Among other things, the researchers documented that the project helped to reduce local crime—by as much as 56 percent in the case of prostitution—and improve

compliance with court orders—the community service compliance rate was 50 percent higher than other comparable courts. Each year, defendants sentenced by the court performed hundreds of thousands of dollars worth of community service in the neighborhood. Perhaps as a result, there was a surge of local support for the idea of community justice—two out of three local residents reported that they would be willing to pay additional taxes to support a community court.

In a 2009 *City Journal* essay entitled “How New York Became Safe: The Full Story,” one of the original authors of the broken windows theory, George Kelling, addressed the crucial role that the Midtown Community Court played in transforming Times Square: “Sporadic police programs weren’t enough. Only when a wide range of agencies and institutions began to work on restoring public order did real progress begin... The judiciary branch got involved with the 1993 opening of the Midtown Community Court, which swiftly handles those who commit minor offenses.”

It didn’t take long for the results of the Midtown Community Court to attract the attention of policymakers in Washington, D.C. In 1996, the U.S. Department of Justice (DOJ) devoted a policy brief to the project, *In New York City, a “Community Court” and a New Legal Culture*. This was soon followed by a visit from the U.S. Attorney General to Midtown.

Federal interest advanced the cause in two important ways. First, a grant from DOJ’s Bureau of Justice Assistance provided the Midtown Community Court’s planning team with resources to disseminate the community court model nationally; resources were used to create a website, how-to manuals, conferences, and training sessions. Equally important, another federal grant helped to jumpstart planning for a second community court in New York, located in Red Hook, Brooklyn.

## **RED HOOK COMMUNITY JUSTICE CENTER**

Located in a refurbished parochial school, the Red Hook Community Justice Center shares the same basic DNA as the Midtown Community Court; each is a neighborhood-based court that seeks to improve the local quality of life and re-engineer the relationship between the justice system and local residents. Within this broad framework, however, there are significant differences, many of which result from differences between the two neighborhoods.

Unlike Midtown Manhattan, which is a central hub of business and tourism, Red Hook, Brooklyn, is an isolated community dominated by one of New York’s largest and oldest public housing developments. In Midtown, the population is exceedingly transient—each day hundreds of thousands of people come into the community, from other places across the region and around the world. By contrast, Red Hook is rarely visited by outsiders; most of the crimes committed in Red Hook feature residents as both victims and perpetrators.

While Times Square is known as the crossroads of the world, Red Hook rarely intrudes on the public consciousness—except when things go terribly wrong. One such moment occurred in 1992, when Patrick Daly, the principal of a local elementary school, was shot to death in a gunfight between two rival drug dealers. In the aftermath of his murder, Brooklyn District Attorney Charles J. Hynes successfully prosecuted both dealers even though forensics could not determine whose bullet ultimately killed Daly.

But Hynes also recognized that traditional law enforcement alone could not solve Red Hook's problems. Just a few years earlier, *Life* magazine, in an article entitled "Downfall of a Neighborhood," had labeled Red Hook one of the most crack-infested neighborhoods in the country. Hynes argued that addressing Red Hook's problems would take more than arrests, prosecutions, and prison sentences. Looking for potential answers, he turned to the idea of a community court.

The community court model that emerged in Red Hook—with the crucial backing and leadership of New York State Chief Judge Judith S. Kaye, Chief Administrative Judge Jonathan Lippman, and the City of New York under Mayor Rudy Giuliani—is a multi-faceted one. In addition to hearing low-level criminal cases, the Red Hook judge handles selected juvenile delinquency cases from Family Court and landlord-tenant disputes from Civil Court.

The justice center's multi-jurisdictional courtroom acknowledges that the problems faced by citizens often do not conform to the narrow jurisdictional boundaries imposed by modern court systems. Criminal defendants may also be involved in a landlord-tenant dispute or a small claims matter. Handling all of these cases in the same place enhances the court's ability to get to the root of the problem. As with the Midtown Community Court, the Red Hook courtroom emphasizes finding non-traditional answers to the problems that bring people to court. Functionally, this has meant moving away from incarceration as a default setting, and moving toward the use of social services—drug treatment, counseling, and job training—and community restitution as a response to criminal behavior.

Given New York City's stringent land-use process, designed to prevent poor neighborhoods from being burdened with unwanted government programs, the Red Hook Community Justice Center had to be approved by the local community board, the borough president, and the city planning commission before it could open its doors. The justice center passed each of these hurdles without a single objection from either a community leader or a local elected official. Given the general unpopularity of criminal justice programs, particularly those that promise to keep defendants in the community, this was a significant accomplishment.

So, what drove this success? There are many answers. By design, and by circumstance, the planning team for the justice center spent several years on a thorough community needs assessment process in Red Hook, getting to know the neighborhood and all of the key players. This certainly helped facilitate the approval process.

But the real key was the decision to respond to community input about the program. One of the recurring themes during the needs assessment was a desire for the justice center to be more than just a courtroom. As a result, the planning team, led by the Center for Court Innovation, developed a plan for the justice center to be the hub for a broad range of unconventional programs targeted at preventing crime, not just responding after it occurs. This vision ultimately came to include an AmeriCorps community service program, a teen-led youth court, a mentoring initiative, health care screening, GED classes, and a teen photography program. Crucially, these programs were available to anyone in the neighborhood who was interested in them, not just those with court cases.

In no small part because the justice center incorporated feedback from local residents into its design, the project has had a steady diet of accomplishments since its opening in 2000. It has won numerous awards,

including national prizes for innovation from the American Bar Association and the National Criminal Justice Association, and favorable coverage by the mainstream media, including a PBS documentary.

More importantly, the justice center has made a difference on the streets of Brooklyn. Like the Midtown Community Court before it, the Red Hook Community Justice Center has succeeded in changing sentencing practice by reducing the use of incarceration. It has also improved compliance with community service mandates, which translates into hundreds of thousands of dollars worth of labor to the neighborhood each year. Surveys reveal that local residents' opinions of the courts and defendants' perceptions of fairness have improved considerably. For example, before the Justice Center opened, 12 percent of local residents viewed the local court system favorably. By contrast, a 2009 door-to-door survey revealed that 94 percent of local residents approve of the Red Hook Community Justice Center. Red Hook, once notorious for drugs, crime, and disorder, is now home to one of the safest police precincts in Brooklyn, as measured by the number of felony arrests.

## PRINCIPLES

The Midtown and Red Hook community courts have helped to pave the way for dozens of community courts around the world, including those close to home (Harlem, the Bronx) and those in far-off locations (England, Canada, South Africa, Australia).

Each community court has contributed its own special element to the movement. For example, at the North Liverpool Community Justice Centre, the judge was selected in a formal process overseen by a panel that included local residents—a first for England. The Hartford Community Court in Connecticut was the first to attempt to work citywide rather than in a single neighborhood. In Dallas, Texas, two community courts saved money and strengthened community ties by operating out of pre-existing community centers rather than a stand-alone courthouse.

While each community court is unique, it is possible to identify six common underlying principles that differentiate the kind of problem-solving justice practiced in community courts from standard operating procedure in the justice system:

- Enhanced Information
- Community Engagement
- Collaboration
- Individualized Justice
- Accountability
- Outcomes

Each of these principles is described in greater detail below.



### Enhanced Information

Community courts are committed to the idea that better staff training combined with better information—not just about individual defendants, but about the community context of crime—can improve the decision making of judges, attorneys, and other justice officials. For example, the Harlem Community Justice Center uses a validated, evidence-based screening tool to assess criminogenic risks and related needs. High-quality information—gathered with the assistance of technology and shared in accordance with confidentiality laws—can help practitioners make more nuanced decisions about both the treatment needs of individual defendants and the risks they pose to public safety. The goal is to ensure that defendants receive an appropriate level of supervision and services.

Community courts make available as much information as possible to the judge at the defendant's first appearance. This allows the judge to act as a practical problem-solver as well as an imposer of sanctions, matching the defendant with treatment and community service programs. By entering data into a central database simultaneously accessible by the judge, prosecutors, defense attorneys, and social service staff, a community court allows all parties to share information as soon as it is available. Simultaneous access helps disparate agencies work together and limits “gaming” of the system by litigants or their attorneys, who might seek to take advantage of information delays.

### Community Engagement

Community courts recognize that neighborhoods can be victims too. As the broken windows theory posits, if left unaddressed, low-level offenses erode communal order, leading to disinvestment and neighborhood decay and creating an environment where more serious crime can flourish.

Community courts seek to offer citizens and neighborhood groups an active voice in doing justice. Local residents have an important role to play in helping the justice system identify, prioritize, and solve local problems.

The operating theory behind community courts is that actively engaging citizens helps improve public trust in the justice system. And, as Professor Tom Tyler has documented in his seminal book *Why People Obey the Law* (Princeton University Press, 2006), people are more likely to obey the law if they believe it is legitimate. In an effort to help people feel safer, foster law-abiding behavior, and make members of the public more willing to cooperate as witnesses and jury members, community courts have sought to:

- *Make justice visible.* A community court puts offenders to work in places where neighbors can see what they are doing, outfitting them in ways that identify them as offenders performing community service.
- *Make justice accessible.* A community court welcomes observers and visitors. Calendars and other information about courtroom activities are easily accessible to the public. The courthouse staff is prepared to answer questions and give tours. Community members are thus able to see justice in action.

- *Make justice proactive.* Court administrators monitor crime conditions in the community and look for opportunities to involve the community in addressing crime-related problems as they develop. Mediators attempt to solve simmering community disputes before they erupt into criminal matters.

A community court can open a dialogue with its neighbors, enlisting them in the effort to improve the local quality of life. At San Diego's Beach Area Community Court, for example, volunteers participate in community impact panels in which citizens discuss with low-level offenders the impact of their offenses on neighborhood quality of life. From hosting community events, to conducting door-to-door surveys, to convening a neighborhood advisory board, community courts can offer local residents a variety of mechanisms for interacting with the judge and court administrators.

### **Collaboration**

Community courts are uniquely positioned to engage a diverse range of people, government agencies, and community organizations in collaborative efforts to improve public safety. By bringing together justice partners (e.g., judges, prosecutors, attorneys, probation officers, court managers) and reaching out to potential stakeholders beyond the courthouse (e.g., social service providers, victims groups, schools), community courts can improve inter-agency communication, encourage greater trust between citizens and government, and foster new responses to public safety problems. For example, the Seattle Community Court has an advisory board that brings government and non-profit partners together to offer feedback and share ideas. Community court staff also regularly attend community meetings and keep partners updated through regular newsletters.

Too often, criminal justice agencies work in isolation, moving cases from street to court to cell and back again without communicating with one another or taking the time to problem-solve. Because of its role as a central hub in the justice process, a community court can play an important communication and coordination function, helping to reduce this phenomenon.

Even if the justice system works harmoniously, it cannot be expected to solve difficult neighborhood problems by itself. As criminal justice agencies look to play a more aggressive role in addressing complicated issues such as quality-of-life crime, they must also seek out new partners. Social service providers—both community-based organizations and government agencies—can provide valuable expertise, including counseling, job training, drug treatment, and mediation skills.

By locating representatives of multiple agencies under a single roof, community courts encourage social service providers and criminal justice professionals to work together. Judges in a community courthouse can consult with treatment professionals on individual cases. Police can alert counselors to defendants who may be open to receiving help. Clerks can help link individual victims to assistance. Physical proximity makes possible closer and more coordinated working relationships.

### **Individualized Justice**

Standard sentencing in low-level cases—short-term jail, fines, conditional discharges without any meaningful conditions—does little to restore the damage caused by crime. Nor does it do much to prevent an individual from returning to court again as a chronic offender.

Instead of simply reproducing business as usual, community courts seek to combine punishment and help. The focus of community courts is on linking defendants to individually tailored, community-based sanctions such as community restitution, job training, and drug treatment. Encouraging individual defendants to deal with their underlying problems (addiction, mental illness, joblessness) has a practical crime-control value: positive changes in offender behavior is directly linked to reducing crime (see, for example, research on drug courts which shows that reduced substance abuse leads to reduced recidivism).

Community courts look for ways that sentences can help defendants change their lives. Drug treatment, medical services, educational programs, and counseling can all be incorporated into sentences and court orders. In many respects, community courts seek to use a court appearance as a gateway to treatment. The crisis of arrest may prompt a defendant to seek help. A court can use its coercive power and knowledge of available resources to reinforce that impulse.

In attempting to tailor sentences to each defendant and in emphasizing alternatives to incarceration, community courts seek to help reduce recidivism, improve community safety, and enhance confidence in justice.

### **Accountability**

Community courts seek to send the message that all criminal behavior, even quality-of-life crimes, have an impact on community safety—and that there are consequences for breaking the law. For example, the Atlanta Community Court holds low-level quality-of-life offenders accountable by requiring them to perform community service—such as neighborhood clean-ups, graffiti removal, and office tasks—in the neighborhood where the offense occurred.

By insisting on regular and rigorous compliance monitoring and clear consequences for non-compliance, community courts work to improve the accountability of low-level offenders. One of the most basic tools in a community court judge's arsenal is requiring defendants to come back to court to provide updates on their progress in alternative sanctions. Regular reports can also improve the accountability of service providers, who know that their work will be under public scrutiny. Compliance appearances allow the judge to recognize problems as they develop—and to move aggressively to address them. They also send a message—both to other defendants and the members of the general public who attend court—that community court sanctions are meaningful.

As in drug courts, judges in community court use both positive reinforcement and threat of punishment to motivate defendant compliance. Positively acknowledging compliance is as important as punishing failure. Graduation ceremonies in the courtroom or even a simple handshake from the judge can be a powerful motivator to defendants as they attempt to get their lives on track.

## Outcomes

At a community court, the active collection and analysis of data—measuring outcomes and process, costs and benefits—are crucial tools for evaluating the effectiveness of operations and encouraging continuous improvement. For example, Bronx Community Solutions has a researcher who measures compliance rates and other variables, providing regular feedback to staff. In one instance, the researcher found that approximately 15 percent of individuals sentenced to perform alternative sanctions never made it from the courtroom to the intake office. Based on this information, program administrators instituted an escort system that relies on AmeriCorps members to walk participants from the courtroom to the intake office.

A community court seeks to move beyond the standard units of measurement used to assess court performance. In all too many places, courts are asked only to report on volume and speed: how many cases were processed and how quickly? While these results are important and should be tracked, community courts seek to add additional questions to the list, including:

- What impact did the court have on local quality of life?
- Do defendants think that their cases were handled fairly?
- How do local residents perceive the court?

Community courts' use of research is based on a simple premise: by changing the questions asked of the justice system, it is often possible to change the behavior of those who work within the system.

Public dissemination of community court research can be a valuable symbol of public accountability, offering tangible evidence to local residents that the justice system is attempting to address their concerns and solve public safety problems.

## OBSTACLES

Developing a community court is a complex undertaking. While it is almost impossible to predict all of the challenges community court planners will confront, there are several obstacles that stand out:

Defining Roles: By definition, community courts embrace a variety of stakeholders. These include not only judges, police officials, defense attorneys and prosecutors, but also tenant groups, victims organizations, businesses, schools, and block associations. Reaching outside the walls of the justice system to involve new players and create new partnerships can complicate both planning and implementation. Most criminal justice officials are not trained for this specific type of work. Moreover, there is the problem of defining roles, responsibilities, and boundaries. Community leaders will understandably expect to have substantive involvement in a community court, but there are always going to be decisions that must be made by professionals alone.

Figuring out where to draw this line—and then communicating it in a way that everyone involved understands—is crucial to the ultimate success of a community court.

Looking at the Big Picture: Shifting the criminal justice system’s focus is easier said than done. The justice system works one case at a time—arresting, prosecuting, and adjudicating individual defendants. While there are obvious benefits to this approach, it tends to obscure neighborhood-specific patterns. Getting criminal justice players to think about the community-wide impacts of their work is a big task.

Legal and Professional Concerns: While the need to bridge the gap between communities and courts may seem self-evident, there are legitimate reasons why many judges, attorneys, and police officers don’t reach out to the community in any systematic way. Many criminal justice players believe that greater involvement with the community will compromise their objectivity. In an effort to maintain impartiality, judges have traditionally insulated themselves from the communities and victims affected by the issues they adjudicate, while district attorneys and police departments have restricted the discretion of front-line attorneys and officers on the beat. In addition, many criminal justice professionals feel too overwhelmed by the daily pressures of their jobs to reach out to the community. They are reluctant to take on new responsibilities when they are unsure they will receive the tools they need to get the job done. Community court planners can go at least part of the way to overcoming these objections by linking reluctant judges and attorneys to their peers in other jurisdictions that have managed to navigate these same issues.

Tension Between Social Work and Criminal Justice: Some criminal justice agencies may be uncomfortable working with social service providers. After all, the underlying assumptions and guiding philosophies of law enforcement and social work differ in fundamental ways. Criminal justice professionals are accustomed to a system of escalating sanctions in which defendants are punished more severely each time they fail; criminal courts are not usually in the business of giving offenders a second chance. Treatment professionals, on the other hand, expect relapses and consider it critical that clients remain in treatment regardless. Addicts may have to hear the same message several times before it finally sinks in. A community court’s approach can work only if criminal justice and social service professionals are willing to adjust their outlooks and work in a coordinated way.

Taking Full Advantage of Technology: Providing timely and accurate information to courtroom decision makers may also prove problematic. Although many criminal justice agencies are automated, their computers are rarely designed for courtroom use. Information managers typically organize and track transactions after they occur, rather than using information to improve the quality of decision-making as it takes place. In addition, courtroom decisions often hinge on information maintained by different agencies—police, probation, social

services, the court—whose computer hardware and software may not be compatible. Only through vigorous collaborative planning can these kinds of concerns be overcome.

Limited Resources: Finally, there is the problem of money. It is difficult to open a community court without some new resources. Even if a jurisdiction decides to forego the costs associated with a new or renovated building, there will almost invariably be expenses associated with new staffing and technology. Particularly in a time of shrinking government resources, it may be difficult for criminal justice reformers to make the case that a community court is worthy of investment.

## STRATEGIES

While these obstacles shouldn't be minimized, they can be overcome if reformers are creative, flexible, and strategic. Based on the Center for Court Innovation's experience in Midtown, Red Hook, Harlem, and the Bronx, here are some practical strategies that can assist in the development of a community court project.

### Outreach

There is an enormous temptation to make quick work of the planning process in general, and community needs assessment in particular. This is a mistake. Fast tracking the creation of a community court to meet the schedules or demands of elected officials, funders, or other interested parties invariably creates as many problems as it solves.

It takes time to truly understand a neighborhood and its unique history, values, and cultural dynamics. For example, before launching the Red Hook Community Justice Center, organizers met with scores of community groups, local residents, and neighborhood political leaders. These early meetings made it possible for court planners to hone their rationale for the project, ensure that their proposed solutions actually matched local problems, and determine how to work productively with key stakeholders, both inside and outside the criminal justice system.

Over the course of many months, Red Hook's organizers built a corps of supporters willing to donate resources, including community service supervision, social service staff time, and supplies. The early outreach also made it possible to recruit the court's community advisory board, which helps identify emerging problems in the neighborhood and potential community service projects. Just as important, Red Hook's planners were able to find community voices who were willing to advocate for the project in the local press and to local elected officials—a key factor in the ultimate success of the project.

### Political and Financial Support

Even with the endorsement of local residents, a community court project won't get very far unless it enjoys enthusiastic support at the highest levels of local government. Community court planners can expect to invest

significant time and energy explaining the idea and merits of the court to leadership of the executive, legislative, and judicial branches.

Government must do more than endorse a community court, of course—it must provide resources (both manpower and money) to make the project happen. Fundraising efforts for the court should be multifaceted and should not be limited to traditional funders of criminal justice initiatives. Indeed, community court planners should take advantage of their project’s capacity to make a visible difference in community life by appealing to local businesses, foundations, and non-profit groups in addition to government funders.

Community courts have the potential to appeal to a wide variety of funders, including those interested in public health, housing, race relations, and at-risk youth. Organizations interested in economic development are another potential source of funding. After all, meaningful and lasting economic development rarely takes place in areas where residents, merchants, and employees fear for their safety. By addressing neighborhood blight, improving public safety, and providing social services, a community court can be a valuable addition to economic development efforts. Businesses, government agencies, and foundations with a stake in neighborhood economic development are a crucial constituency for community court planners. For example, the initial funding for the Harlem Community Justice Center came from the Upper Manhattan Empowerment Zone, a federally chartered effort to promote economic renewal in Harlem.

### **Alternative Sanctions**

Communities won’t be comfortable with community service, and judges and prosecutors won’t utilize it, without some attention to risk and needs assessment. At Bronx Community Solutions, only misdemeanor offenders are sentenced to community service. Work projects are classified as high, medium, or low supervision. Each offender is matched to the appropriate level of supervision based on a review of his or her criminal history, background, and crime of arrest. At the Midtown Community Court, offenders with more extensive criminal histories and those considered less likely to complete their sentences are assigned to projects that take place in the courthouse (e.g., performing building maintenance, staffing a bulk-mailing operation). Those considered lower risk are assigned to more visible outdoor projects (e.g., removing graffiti, painting fire hydrants and streetlights).

A community court’s social service program will require similar attention; long-term drug treatment alone is not enough. In fact, in-patient drug treatment may not be an option in many cases. Since many low-level offenders face little or no jail time, the court must set up mandates that are proportional to the defendant’s record and crime. Bronx Community Solutions has created an array of short-term interventions that take place in the courthouse itself, including a “treatment readiness” group that introduces defendants without serious records to drug treatment and prepares them for long-term help, group counseling sessions for prostitutes that include basic health information, links to help for those who want to escape life on the streets, and job-readiness sessions that help familiarize chronically unemployed defendants with job training programs.

While the immediate goals of these short-term interventions are modest, hundreds of defendants have used them as stepping stones toward changing their lives, and many voluntarily seek additional help after completing their sentence.

### **Staffing**

A community court requires a larger, more diverse staff than a traditional courthouse. In addition to clerks and security officers, community courts may need social workers, victim advocates, job developers, and managers for community service work projects, along with additional research and public information officers.

For example, Bronx Community Solutions has a full-time community outreach coordinator who is responsible for introducing the program to local merchants, community groups, and elected officials. The Harlem Community Justice Center has employed mediators to help resolve local conflicts. The Red Hook Community Justice Center has used IT specialists to help install a computerized data-sharing system.

These new staff do not necessarily need to be court employees. At the Midtown Community Court, planners convinced several social service providers—both non-profit organizations and government agencies—to outsource personnel to the courthouse. The rationale was service providers should bring resources to where the problem is, rather than vice versa. Every day the court has physical custody of dozens of people who are in need of the services that drug treatment providers, GED programs, and health care providers provide.

The Midtown Community Court also created a new role in the legal process: a resource coordinator, who is responsible for keeping track of all available sentencing options and helping the judge and attorneys match each defendant with the right program. The resource coordinator links criminal justice and social service professionals together. Situated in the courtroom, the resource coordinator is integrated into the case-processing system. At the same time, the coordinator is part of the court's clinical team, aware of treatment issues and the risks of success and failure. Over time, lawyers and judges have come to rely on resource coordinators and trust their recommendations.

### **Beyond the Courtroom**

Many quality-of-life problems in a community are not violations of the law and do not come to the attention of the police or courts. There are various ways that community courts can address these problems.

The Red Hook Community Justice Center has an on-site mediation service to resolve neighborhood disputes (e.g., arguments between neighbors over noise) before they escalate to legal battles. In addition, the justice center actively seeks to convene local residents and government agencies to address problems that do not lend themselves to simple solutions. When local residents were having a problem with abandoned cars in an alley behind their homes, the justice center created a task force to deal with the problem. As a result, the Department of Sanitation agreed to tow away the cars and local residents agreed to improve lighting and signage to prevent the problem from happening again.



Abandoned cars are not a problem in Midtown Manhattan, but homelessness is. In response, the Midtown Community Court set up a street outreach unit to enroll potential clients in social service programs before they get into trouble with the law. The outreach team combs the neighborhood, engaging likely clients (i.e., prostitutes, substance abusers, the homeless) in conversation and encouraging them to come in for help voluntarily. The court has also worked to address homelessness by helping homeless individuals clear their outstanding warrants through engagement in services and by working with the city's Department of Homeless Services and Common Ground—a local supportive housing provider—to link homeless defendants to housing opportunities.

The Midtown Community Court also opened Times Square Ink, an on-the-job training program for ex-offenders who have “graduated” from community service. By providing ex-offenders—both those from the court and walk-ins from the street—with job training and assisting them in finding jobs, Times Square Ink seeks to address the related problems of unemployment and crime.

## **CONCLUSION**

There is no magic recipe for creating a community court. While this guide has attempted to articulate lessons from the experience of existing community courts, other jurisdictions will inevitably have to improvise to respond to unique conditions on the ground. The fact that there is no universal formula or 10-point plan for community courts frustrates many people and probably has limited the prospects for replication. After all, there are other criminal justice innovations that are less complicated and labor-intensive. But for those who are willing to invest the time and energy, the potential rewards are significant: community courts have shown that they are capable of reducing local crime and disorder, improving perceptions of fairness, and bolstering public trust in government.

## FURTHER READING

The Center for Court Innovation is available to provide advice and information to anyone interested in community courts. For more information, contact (646) 386-4462 or visit the Center for Court Innovation's web site, [www.courtinnovation.org](http://www.courtinnovation.org), which contains hundreds of articles, interviews, research reports, and other materials for community court planners. All of the materials listed below—and more—are available for free download:

*Community Court Research: A Literature Review*

by Kelli Henry and Dana Kralstein

A review, updated July 2010, of the basic findings from the most notable community court evaluations conducted to date.

*Community Justice Around the Globe: An International Overview*

by Robert V. Wolf

A review of community court and community prosecution programs around the world. Originally published in *Crime & Justice International*.

*From the Margins to the Mainstream: Community Justice at the Crossroads*

by Greg Berman and Aubrey Fox

An edited transcript of a discussion about community justice among a small group of leading practitioners and thinkers.

*Examining Defendant Perceptions of Fairness in the Courtroom*

by M. Somjen Frazer

An article highlighting the major findings of a study of defendant perceptions of fairness at the Red Hook Community Justice Center. Originally published in *Judicature*.

*Red Hook Diary: Planning a Community Court*

by Greg Berman

How a planner for a neighborhood-based court in Brooklyn negotiated some of the early challenges of the project, including community needs assessment, fund-raising, and program design.

### **Center for Court Innovation**

The winner of the Peter F. Drucker Award for Non-profit Innovation, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State 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, mental health courts, reentry courts and others.

Nationally, the Center disseminates the lessons learned from its experiments in New York, helping court reformers across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice through original research, books, monographs, and roundtable conversations that bring together leading academics and practitioners. The Center also provides hands-on technical assistance, advising innovators across the country and around the world about program and technology design.

**For more information, call 646.386.3100 or e-mail [info@courtinnovation.org](mailto:info@courtinnovation.org).**

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