

# Informed Decisions

Technology in the Courtroom

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#### **About the Authors**

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# Technology in the Courtroom

## Introduction

Is it possible to promote greater civic involvement in justice? Can judges make better use of their coercive power? And how can courts play a role in solving some of the underlying problems that bring people to courts?

At the root of these questions is a more fundamental concern: Is it possible to improve public confidence in justice? Restoring this faith is the goal of the Center for Court Innovation. The Center is the only one of its kind in the nation: a small team of planners, researchers and thinkers dedicated to improving the way courts do business. The Center functions as the New York State Unified Court System's independent research and development arm, investigating chronic problems and formulating new programs in response. Nationally, the Center disseminates the lessons learned from its experiments in New York, helping jurisdictions across the country launch their own problem-solving initiatives.

Over the last several years, the Center has created a series of demonstration projects designed to test new approaches to justice. From community courts to treatment courts, from domestic violence courts to youth courts, the Center's model projects target problems — including quality-of-life crime, addiction, child neglect and juvenile delinquency — that have proven resistant to traditional judicial approaches. While the Center's new court prototypes each address a different issue, they all share a common goal: to encourage courts to become more problem-solving and consumer-oriented.

What does this mean? It means re-thinking business as usual. It means forging new partnerships and bringing new resources into the court system. And it means reaching out to communities to find out what they expect from their courts.

## Solving Problems

Over the past several years, the Center for Court Innovation has done just that, in neighborhoods as diverse as Midtown Manhattan, Harlem and Red Hook, Brooklyn. Through focus groups, phone polls, town-hall meetings and door-to-door surveys, the Center has found that what citizens want is for their courts to make a difference. For example, a community-wide household survey of Red Hook revealed that more than 80 percent of the respondents wanted a neighborhood-based court to offer drug treatment, education, job training, mediation and other unconventional programs. And in Midtown Manhattan, more than 50 percent of a random sample of residents saw links to services, close monitoring of

defendants and good background information to support sentencing as “very important” for courts.

Clearly, these citizens are looking for a multi-faceted, problem-solving court system. They not only want courts to uphold the law and protect the rights of individuals, they also want courts to help drug-addicted shoplifters get off drugs. They want courts to link mothers who give birth to positive-tox babies to parenting skills classes and drug treatment. They want judges to hold batterers accountable for their behavior. They want their neighborhoods to be restored when they have been undermined by vandalism and quality-of-life crime. And they want young people to learn that even minor infractions have consequences. In short, they want a justice system that combines punishment and help.

This shouldn’t surprise anyone. While many of the cases that are heard in the country’s frontline courts — criminal, family and housing — are not complicated legal matters, they are committed by people with complicated lives. Problems like addiction, mental illness and unemployment aren’t checked at the courthouse door. Like it or not, courts are where the problems are. Look at families: more than 225,000 cases pass through New York’s Family Court each year, including neglect and abuse, juvenile delinquency and custody cases. Or look at substance abuse: research tells us that two out of every three criminal defendants tests positive for drugs at the time of arrest. Or look at domestic violence: one out of every five cases in New York City’s Criminal Court involves domestic violence. When courts fail to address these problems in a meaningful way, the results reverberate throughout our schools, our hospitals and our streets.

But how does a court become a problem-solver? It begins with information. And in today’s world, this means technology. The Center for Court Innovation’s demonstration projects use information technology in three principal ways: to help judges make more informed decisions, to enhance the accountability of offenders and to promote collaboration with old and new partners.

## **Informed Decisions**

Accusations of “revolving-door justice” are often hurled at courts when they focus more on processing cases than on achieving meaningful outcomes for victims, communities and defendants. In fairness, it is difficult to expect courts to engage in aggressive problem-solving when judges have extremely limited information at their disposal. For instance, criminal court judges don’t always know whether the offender appearing before them is on drugs. Nor do they always know whether children live in a home where domestic violence is occurring. Needless to say, information like this would make a profound difference when shaping a disposition or issuing an order of protection. Bringing information into the courtroom at the earliest stage of the court process is a fundamental principle of each of the Center’s experimental projects.

For example, judges at the Midtown Community Court, an experimental court that targets quality-of-life crime, know within hours after an arrest whether a defendant is using drugs. Information about drug use is collected by New York

City’s pre-trial service agency and downloaded into the Court’s computer system. As each case is called, the judge’s computer screen lights up in red to alert the judge that treatment may be a relevant disposition in the case at hand.

Midtown Community Court Assessment Screen

Is this new information making a difference? Armed with data, judges at the Midtown Court have been able to sentence selected misdemeanor offenders to long-term drug treatment — something that rarely, if ever, happens in conventional criminal courts. Preliminary research shows a 64 percent decrease in annual arrest rates for offenders who complete 90 days or more of court-mandated drug treatment. Results like this are due in large part to introducing information into the courtroom at the earliest possible juncture.

## Accountability

Most urban courts face daunting caseloads each day. In this environment, it is very difficult to ensure that alternative sanctions — whether they be community service or treatment — have teeth. In New York, the courts are learning to use technology to raise the standards of accountability for offenders. Keeping close records of all cases allows judges to know whether offenders fulfill their obligations and to act quickly when they do not.

For example, the Brooklyn Treatment Court uses a state-of-the-art computer system to track the performance of defendants linked to long-term drug treatment instead of incarceration. The system captures the results of regular urine tests, as well as case notes submitted by off-site treatment programs. The result is that defendants can no longer “play” the system. When a defendant returns to

court to report on his progress, the judge can access, at the click of a mouse, the defendant's record in treatment. No more waiting around while someone calls the treatment program to verify information. No more disputes about whether a urine test was positive or not. And no more confusion about whether a court order has been violated.

Test Date	Not Collected	TH	He	Co	Be	Am	PC	Al	Me	Ba
Thu 03/06/97										
Tue 01/21/97										
Fri 01/17/97										
Fri 11/01/96										
Thu 10/31/96										
Wed 10/30/96										
Tue 10/29/96										
Mon 10/28/96										
Fri 10/25/96										
Wed 09/11/96										
Thu 08/29/96										

Brooklyn Treatment Court Compliance Tracking Screen

This isn't only important to the judge, it's also important to the community. If public support for alternative sanctions is going to have durability, courts must demonstrate that they mean business. This is particularly important for courts like the Midtown Community Court that seek to pay back the community for the costs of crime by requiring offenders to perform community service — painting over graffiti, sweeping the streets, and cleaning local parks. In many cases, this work is supervised by local community groups. In an era of “Not in my backyard” activism, these courts are bucking the trend by asking neighborhoods to take offenders back on their streets and by asking community organizations to do the supervision themselves. No neighborhood is going to accept these terms unless courts can provide assurance that they are keeping close tabs on the compliance of each offender. And given the caseloads that frontline criminal courts handle each day — a typical daily calendar at the Midtown Community Court might include 70 cases — it is simply impossible to guarantee this level of scrutiny without technology. Midtown's emphasis on accountability has achieved significant results: compliance with alternative sanctions stands at 75 percent, about 50 percent higher than other New York courts.

## Partnership

Too often, criminal justice agencies fail to coordinate their efforts. Cases move from street to court to cell and back again without any meaningful communication occurring among police officers, prosecutors, judges, probation officers and others. This is why critics say the criminal justice system isn't a system at all. It is also why individual cases sometimes fall through the cracks.

If courts are to become more effective problem-solvers, they must create stronger links with existing partners within the criminal justice system. They must also make new alliances. After all, crime is not just a criminal justice problem — it's also a mental health problem, a substance abuse problem, an education problem and so on.

Nothing cements a collaboration like information. Partnerships work best when information flows quickly, reliably and easily between everyone involved. The Midtown Community Court learned this lesson early on. During the Court's first months, it became clear that there was a real sense of disconnection between the courtroom and local police. After making an arrest, officers had no way of knowing what happened to the case. Was the defendant found guilty? What was the sentence? Was it completed? Without knowing the answers to such questions, it was impossible for officers to know if they were making a difference. Without information, police had little incentive to enforce court warrants. And without information, there was nothing to dispel the widely-held opinion that, at least when it came to low-level cases, courts were a set of revolving doors spinning wildly out of control.

Arresting Officer Report (From: 12/15/95 To: 1/15/96)

Select Officer's Name: ARMETTA MICHAEL

BRAVO	Arrest #: M95129	NYSID: 81881
Arrest Location: 34 ST 7 AVE BTH R141	Arresting Officer: ARMETTA MICHAEL	
Top Charge: PL165.15(03)	Arrest Date: 12/28/95 13:40:00	Arresting Precinct: 014
MARTINEZ	Arrest #: M95129	NYSID: 81878
Arrest Location: 34 ST 7 AVE BTH R141	Arresting Officer: ARMETTA MICHAEL	
Top Charge: PL165.15(03)	Arrest Date: 12/28/95 13:40:00	Arresting Precinct: 014
MOLINA	Arrest #: M9600	NYSID: 69608
Arrest Location: 34/8 SUBWAY	Arresting Officer: ARMETTA MICHAEL	
Top Charge: PL165.15(3)	Arrest Date: 1/3/96 13:50:00	Arresting Precinct: 014

Sort By  
 Defendant's Name  
 Arrest Number  
 Arrest Date

3 Arrest(s) Found

Sentence Information

Print

Search

Exit

*Midtown Community Court Police Link*

In response, the Midtown Court established a computer link with the local precinct house. Using a PC, any beat cop could log into the Court’s system and check on the outcome of any arrest brought to the Court. With a few clicks of the mouse, an officer could review a list of his or her own cases. The result? Officers were able to act quickly on warrants in the event of non-compliance. And by demonstrating that it was dispensing meaningful justice, the Court was able to build credibility and trust with an initially skeptical police force. The reverberations of this shift have been profound. Focus groups with local police officers have tracked significant changes in their attitudes, from skepticism to acceptance and, finally, endorsement. This has led to a number of joint projects, including a unique homeless outreach program that pairs case workers from the Midtown Court with beat cops on patrol in the neighborhood.

At the Brooklyn Domestic Violence Court, a problem-solving court that seeks to improve the monitoring of offenders and provide enhanced services to victims, technology is being used to link the Court with the city’s Probation Department. The goal here is to ensure that probation officers know immediately when a judge has sentenced an offender to probation, as well as any conditions that may have been added to the sanction. The same Internet link also enables probation officers to report on offenders’ compliance directly to the judge. The net effect is to fill the gaps in communication that have traditionally plagued the system.

BROOKLYN  
TREATMENT  
COURT

Agency: Odyssey House    Case-ID:

Attendance

Client List
Attendance
Assessment

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**Limit Search based on:**

Location Type:

Drug Test Dates Only:

Date Range:

                    

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Name	Case ID	Intake Date	BTC Case Manager	Last Update Date
Bonaparte, Ana	85	3/29/98	Willis, Wayne	6/12/98

*Here are your search results based on All client records IN THE PAST MONTH*

Notes	Date	Att.	Location	Drug Test Results											
				TH	He	Co	Be	PC	Am	Al	Me	Ba			
	6/12/98		Treatment												
	6/10/98		Treatment												
	6/8/98		Treatment												
	6/5/98		Treatment												
	6/3/98		Treatment												

Brooklyn Treatment Court Link to Off-Site Treatment Provider

But criminal justice agencies are not the only ones who benefit from enhanced communication with the courts. At the Brooklyn Treatment Court, video technology is used to link the Court with potential clients incarcerated at the city jail on Riker’s Island. What does this accomplish? Previous efforts to



link defendants to drug treatment have been hampered by bureaucratic obstacles. Questions about eligibility, available beds and payment for treatment could take days and require the defendant to make several trips back and forth between jail and the courts. In the meantime, the opportunity to take advantage of the moment of arrest was wasted. Now, thanks to video hook-ups, case workers at the Court can interview a potential client while they are still at Riker's Island, significantly expediting the assessment process.

Meanwhile, video and Internet links to off-site treatment providers let the Brooklyn Treatment Court know how many slots they have available and whether a specific defendant meets their eligibility requirements. This means that the Court does not have to send defendants to potential service providers until the appropriate program has been identified, greatly reducing the chances that they will miss appointments or abscond. In these ways, technology helps knit together disparate agencies and improve court efficiency.

## The Future

As courts seek to become more problem-solving, they will inevitably need to build stronger links to communities. But how can courts — most of which are housed in remote downtown office complexes — forge these kinds of relationships?

Perhaps “virtual courtrooms” can be established in police precincts, community centers and schools — or even an individual family's home computer. Shouldn't a victim of domestic violence be able to “see” a judge by walking into the neighborhood precinct to get an order of protection? Shouldn't a tenant be able to scan a photo of his apartment into a terminal and send it to the judge as evidence that a court-ordered repair has not been made by his landlord? And shouldn't a judge be able to monitor a defendant who is in in-patient drug treatment 100 miles from the court without requiring him to return physically? Technology offers the promise of what until now has seemed like an impossibility: affordable decentralization. Instead of justice being meted out exclusively from impersonal office complexes in center cities, perhaps the future will see dozens of possible portals for citizens who need to interact with courts, either as witnesses, victims, defendants or litigants. With the aid of technology, accessible justice can be more than just a slogan.

## Conclusion

There is a final use of technology that should not be overlooked, and that is evaluation. The Center's experiments use technology to help measure their effectiveness, compiling data about case outcomes and impacts. And because people have a right to know what courts are doing, what's working and what isn't, these results are then spread to all of the relevant stakeholders: criminal justice agencies, service providers, and the community. Too often, neighborhoods experience the effects of crime first-hand, but never see how the system is responding.

The United States spends millions of dollars each year on criminal justice, but very little of it is devoted to rigorous reflection. Do offenders complete community service sentences? Is court-ordered drug treatment any more effective than

voluntary treatment? How many batterers violate the terms of their probation? Technology allows the Center for Court Innovation's model courts to answer these questions and communicate the results to the general public through newsletters, web sites and computer kiosks at the courthouse.

Of course, New York is not the only state court system that is testing new applications of technology. Scratch the surface and it's easy to see that much of this new wave of experimentation is driven by the same concern that animates the Center for Court Innovation's work in New York: the desire to put a stop to the erosion of public confidence in courts.

The lesson that New York has to offer these new experiments is simple: technology in and of itself is never the goal. Rather, technology can be an effective tool, helping courts make better decisions, hold offenders accountable, forge new partnerships, engage in reflection and disseminate information to the public. In sum, technology has made it possible for New York courts to play a broader and more meaningful role in the lives of victims, families, communities and defendants.

### **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](mailto:info@courtinnovation.org).**

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