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Dispensing Justice Locally

The Impacts, Costs and Benefits of the Midtown
Community Court

Written by

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The Impacts, Costs and Benefits of the Midtown Community Court

Introduction

In October 1993, the Midtown Community Court opened as a three-year demonstration project, designed to test the ability of criminal courts to forge closer links with the community and develop a collaborative problem-solving approach to quality-of-life offenses. The product of a two-year planning effort, the project brought together planning staff from the New York State Unified Court System; the City of New York; and the Fund for the City of New York, a private non-profit organization. The purpose was to design a community-based courthouse that would provide effective and accessible justice for quality-of-life crimes—low-level offenses like prostitution, shoplifting, minor drug possession, turnstile jumping, unlicensed vending and disorderly conduct -- that often arise in the Times Square area and the surrounding residential neighborhoods of Clinton and Chelsea. The decision to establish the Midtown Community Court grew out of a belief that the traditional court response to low-level offenses was neither constructive nor meaningful to victims, defendants or the community.

As a demonstration project, the Midtown Community Court required evaluation to document its evolution; identify the characteristics that distinguish the court from the centralized court; examine its various impacts (on case processing, case outcomes, compliance with intermediate sanctions, defendants' recidivism, community conditions and community attitudes toward the court); and, ultimately, review the costs and benefits of the project.

Beginning in 1993, with funding from the State Justice Institute, the National Institute of Justice and the Center for Substance Abuse Treatment, research staff at the Midtown Community Court, in collaboration with research staff at the National Center for State Courts, have been conducting a multi-method research project, designed to examine the implementation, effects, costs and benefits of the court. The research was designed in two phases. The first phase of the research examined the implementation and preliminary effects of the project over its first 18 months (Sviridoff et al, 2000). The second phase of the research, reported on here, has two primary objectives: to review overall project impacts and to develop a strategy for documenting the costs and benefits of the Midtown Community Court.

The second phase of the research addresses a series of questions about project achievements and impacts that were not addressed in earlier research—whether the project could sustain preliminary impacts on case outcomes, community conditions and community attitudes over a three-year demonstration period; whether

the court's approach affected recidivism rates for selected sub-groups of defendants; whether it produced an overall reduction in jail days after accounting for "secondary jail sentences," imposed for non-compliance with intermediate sanctions; and how ordinary community residents (a group not included in the first phase of the research) reacted to the project. It also considers the implications of those impacts for the review of project costs and benefits. Specifically, Phase 2 analyses examined:

- whether preliminary effects on case outcomes, compliance rates, local quality-of-life problems and community attitudes could be sustained;
- 'jail displacement' effects, taking into account defendants who are resentenced after failing alternative sanctions;
- the court's effects on defendant recidivism for specific sub-groups;
- the attitudes of a random sample of community residents to the project;
- defendant and staff perceptions of the value of court-based services; and
- the costs and benefits of the Midtown Court.

Sustaining Preliminary Impacts

Project planners anticipated that the court would have impacts in four primary areas: case outcomes, compliance with intermediate sanctions, community conditions and community attitudes. The analysis of preliminary impacts showed that, in its first 18 months, the court had substantial effects in all four areas. Continuing comparison of the Midtown and Downtown courts in the second phase of the research revealed that early impacts on arrest-to-arraignment time, case outcomes and community service compliance rates were sustained over three years. In addition, by the third year, the Midtown Court produced a higher rate of dispositions at arraignment for comparable cases than the Downtown court—an impact that developed after the first phase of the research.

Case Outcomes and Case Processing

A central objective of the court was to move sentencing for low-level offenses into the middle ranges, between "walks" (e.g., sentences of "time served" and conditional discharge, with no condition imposed) and jail. A review of aggregate data for three years of operations suggests that the preliminary impacts on sentence outcomes at the Midtown Court—an increase in intermediate sanctions, marked reductions in the frequency of "time served" sentences and reductions in the frequency of jail for some charges—were sustained throughout the demonstration period. Specifically, community service sentences were at least twice as frequent at Midtown as at the Downtown court; sentences of "time served" were far more common Downtown (ranging from six times as frequent for unlicensed vending to forty times as frequent for prostitution); and jail sentences were roughly twice as common Downtown for all charges, although jail sentences at the Midtown Court were typically longer.

Research found relatively minor variation in case outcomes at the Midtown Court over three years. Yet there were several substantial changes Downtown from Year 1 to Year 3—a decrease in "time served" sentences for prostitution (from 53 percent to 34

percent); an increase in community service sentences for prostitution (from 20 percent in Year 1 to 37 percent in Year 3) and unlicensed vending (from 21 percent to 43 percent); and a sharp reduction in fine use for unlicensed vending (from 27 percent to 4 percent). The changes in some case outcomes Downtown—particularly the increased use of community service sentences for prostitution and unlicensed vending—brought the Downtown court closer to the Midtown model. According to some system observers, these changes represent a “feedback” effect—an increasing acceptance of some aspects of the Midtown model. In spite of these changes, differences between the two courts in the frequency of jail sentences, community service sentences and sentences of “time served” remained large.

Primary Jail Sentences A separate analysis estimated the court’s impact on jail-days, taking into account both the reduced frequency and increased duration of jail sentences at the Midtown Court. A review of aggregate data on jail sentences at arraignment at the two courts demonstrated that Phase 1 differences were largely sustained over three years. That review also suggested that the reduction in jail frequency at the Midtown Court produced a substantial reduction in jail-sentence days, in spite of the longer average duration of Midtown sentences. The estimated likelihood of jail sentences at Downtown arraignment for the four most jail-bound charges at the Midtown Court was 18 percent for a total of 78,920 sentenced jail-days—roughly double the Midtown rate for the same charges (9 percent) for a total of 51,937 sentenced jail-days. This represents an estimated reduction of roughly 27,000 jail-days—roughly 74 years of jail time.

Arrest-to-Arraignment Time The first phase of research demonstrated that the Midtown Court moved cases from arrest to arraignment faster than the Downtown court. Over the court’s first three years, arrest-to-arraignment time was consistently lower than at the Downtown court, averaging 18.9 hours compared to 29.2 for a comparable period—a system cost-saving.

Disposition Rates at Arraignment Preliminary research also examined the hypothesis that extensive “forum shopping” would increase the frequency of adjournments at arraignment, thereby escalating system costs. Phase 1 research showed that there was no significant difference in the frequency of adjournments at the Midtown and Downtown courts, after controlling for differences in charge type, arrest type and precinct of arrest.

The Phase 2 review demonstrated that, by Year 3, overall arraignment disposition rates for the types of cases heard at the Midtown Court were higher at Midtown than Downtown. Estimates based on data from the two courts, broken down by both charge and arrest type, suggested that the Midtown Court produced a modest

increase in dispositions at arraignment (an estimated 952 additional arraignment dispositions) over three years.

**Compliance with
Alternative
Sanctions**

The first phase of the research showed that aggregate community service compliance at the Midtown Court was higher than Downtown (roughly 75 percent compared to roughly 50 percent), although the research was unable to control for underlying differences between the courts in case and defendant characteristics that can affect compliance. The second phase of the research again reviewed aggregate community service compliance rates at the two courts. Over three years, aggregate compliance rates at the Downtown court improved somewhat (Year 3 rate: 56 percent) while dropping marginally at the Midtown Court (Year 3 rate: 73 percent). Multivariate analysis of Midtown data demonstrated that a reduction in aggregate compliance rates at Midtown in Year 3 reflected a change in caseload composition—specifically an increase in the percent of cases involving summary arrests. Available data did not permit similar analysis of factors associated with improved compliance rates Downtown. Although the difference in aggregate community service compliance rates at the two courts narrowed a bit over the demonstration period, it remained substantial.

**Community
Conditions**

In Phase 1, ethnographic observations of local “hot spots,” interviews with offenders, analysis of arrest data, along with focus group and individual interviews with local police, community leaders and residents, pointed to substantial reductions in concentrations of prostitution and unlicensed vending in the Midtown Court early on. In addition, community members reported a marked reduction in graffiti along Ninth Avenue, the commercial strip that serves the residential community.

The court was one of several factors that converged to produce a general improvement in neighborhood conditions—increased police enforcement, clean-up crews provided by Business Improvement Districts, the redevelopment of the Times Square Area and general economic development in Midtown as a whole. The court’s “attentive public” saw it as one of several, mutually supportive contributors to the manifest improvement in quality-of-life conditions in the Midtown area.

In Phase 2, continued ethnographic observations and interviews, supplemented by arrest data and panel interviews with community leaders, pointed to a continuing influence on quality-of-life conditions over the three-year demonstration period. Prostitution markets were reduced further in the court’s second and third years. Although observations suggested that reductions in unlicensed vending markets were sustained through 1996, observers report periodic resurgences in unlicensed vending activity on Midtown streets shortly after the demonstration period ended.

**Community
Attitudes**

Over the project’s first four years, research staff repeatedly interviewed a group of project stakeholders representing Midtown’s residential and business communities as well as criminal justice personnel that worked in partnership with the court. Within this group, there was general agreement that the Midtown Court had con-

tributed to improvements in surrounding neighborhoods. There was consensus that the primary quality-of-life problems of the Midtown area, particularly prostitution, had been dealt with and that the priority problems of the neighborhood had shifted from quality-of-life problems to other issues, including the delivery of public services. There was a recognition that early skepticism about community service sentencing had been unwarranted. Some respondents reported that the project had also contributed to positive change in court functions beyond Midtown, including feedback effects on case outcomes at Downtown arraignment.

Local stakeholders also voiced several concerns, including concerns related to the role of the community as project partner and project advisor. Respondents saw a need for greater community outreach to “get through” to a broader population and increased resident participation on the project’s advisory board. Other concerns were related to costs imposed on project partners, including costs associated with supervising community service crews, implementing specialized technology and decentralizing staff assignments.

There was a general recognition of the benefits associated with the project including neighborhood revitalization; impacts on the broader court system; and system efficiencies. Yet respondents acknowledged the impossibility of parceling out the value of the Midtown Court’s contribution to neighborhood improvements resulting from a complex synergy among various simultaneous efforts to improve community conditions in Midtown Manhattan

Additional Impacts Phase 2 research also examined the court’s influence on the frequency of secondary jail; on recidivism rates for prostitutes and for defendants participating in mandatory case management/drug treatment; and on attitudes toward the court among a random sample of community residents.

Sanctions Given the Midtown Court’s dual emphasis on increasing the frequency of intermediate sanctions and on accountability through monitoring of compliance, it was important that the research explore the project’s effects on “secondary” jail sentences—typically, sentences imposed in response to non-compliance with intermediate sanctions. Analysis showed that secondary jail sentences overall were more common for cases originally sentenced at Midtown (11 percent) than for cases sentenced Downtown (3 percent) for the four most jail-bound charges at the Midtown Court. In a narrower analysis of differences in the frequency of secondary jail, focused solely on cases that received community service sentences, the difference between the two courts was smaller (Midtown, 11 percent; Downtown, 7 percent). In both analyses, differences between the two courts in the frequency of secondary jail were strongest for prostitution and drug charges.

Although defendants whose cases were first sentenced at Midtown received more secondary jail time than they would have if the first sentence had been handed out Downtown, analysis showed that “primary” jail savings, particularly for petit larceny cases, more than offset the added costs of secondary jail. After accounting for

the greater use of secondary jail at the Midtown Court, the net jail saving of the project over three years was reduced from roughly 27,000 jail days to roughly 12,600 jail days—or approximately 35 jail-years.

Prostitution

Given the visible reduction in Midtown prostitution markets and the marked decline in the frequency of Manhattan prostitution arrests, it was hypothesized that recidivism rates for prostitutes who passed through the Midtown Court might have fallen. Several steps were taken to examine the court's effect on the recidivism of prostitutes and prostitution markets, including:

- Pre-post analyses of differences in arrest frequency (controlling for time at risk) for a baseline Downtown sample and a Midtown sample of prostitutes;
- Analysis of differences in time to rearrest (survival analysis) for the two prostitution samples;
- Review of changes in the frequency of arrests in Midtown's target area overtime; and
- Review of data documenting the annual number of individual prostitutes arrested in Manhattan from 1990 through 1996 and their annual number of arrests.

Together, these analyses demonstrated that the reduction in prostitution arrests in New York City reflected both declining individual arrest rates and a reduction in the number of street-prostitutes arrested in Manhattan.

Analyses of recidivism rates found significant differences between the Downtown baseline prostitution sample and the Midtown prostitution sample. For the baseline sample, the annual arrest rate rose from 11.1 to 13.1 arrests per year in the year after the instant arrest (an 18 percent increase), while for the Midtown sample, average annual arrest rates declined from 7.9 arrests per year before the instant arrest to 7.1 arrests per year (a 10 percent reduction). Other more rigorous statistical analyses that gauge the differences between the samples for time to failure (first arrest after the instant arrest) also indicate that the Midtown sample fared better.

Members of both prostitution samples participated in prostitution markets that changed dramatically over time. In the years before the Midtown Court opened, annual arrest rates for both samples ran high and held relatively steady. Between 1993 and 1995, annual arrest rates for the combined prostitution sample fell 56 percent. Analysis suggests that both the Baseline and Midtown samples were equally affected by historical changes in the nature of Manhattan prostitution markets concurrent with the opening of the Midtown Court.

Taken together, the recidivism data, the Midtown Court caseload data and the Unified Court System data suggest that by the third full year of the Midtown Court's operation (1996), the population of prostitution arrestees in Manhattan was markedly younger and less involved in the criminal justice system than it had been before the

Midtown Court began operations. Moreover, the data portray a street prostitution market with fewer individuals (according to Unified Court System data) offending with less frequency (according to recidivism and Unified Court System data). These factors were behind a decline in the aggregate number of prostitution-related arrests in Manhattan.

Data from ethnographic observations and interviews with prostitutes point to individual changes in the frequency of street prostitution (reduced hours, changed locations) that affected Midtown prostitution markets. Respondents reported that, in combination with increased enforcement activity, Midtown’s alternative sanctioning, including multiple-day community service sentences, put a strain on their “work” schedules and, as a result, diminished their income. This impact on individuals, in turn, negatively affected street prostitution markets in Manhattan. Established prostitution “tracks” (or “strolls”) saw less activity (and in many cases, disappeared entirely), which made it more difficult for prostitutes and would-be customers to make transactions. In this diminished market, a decline in the number of potential customers resulted in depressed prices for sex acts and, in turn, falling incomes for prostitutes. In this difficult working environment, individuals resorted to a number of different tactics to avoid arrest. While it is difficult to discern precisely the court’s role in this population’s transformation, one effect is evident: chronic recidivist prostitutes began either retiring, changing patterns of work or moving elsewhere (e.g., indoors, to another city).

Recidivism Rates for Participants in Mandatory Case Management/Drug Treatment

Research staff conducted two separate recidivism analyses to examine the effects of participation in the mandatory case management/drug treatment at the Midtown Court (an option designed as a jail alternative that was not typically available Downtown). This included an examination of reoffending rates for those in long-term case management in the court’s first year and an examination of recidivism rates for those who completed long-term case management in the first three years of Court operation.

First-Year Sample For the first-year sample, there was little difference in baseline and follow-up annual arrest rates overall. Yet the large majority of first-year participants did not complete the program. For the small number of participants who completed their treatment mandate, annual arrest rates were lower (baseline arrest frequency 2.5; follow-up arrest frequency .8). Arrest rates also fell for participants (completers or not) who spent over 90 days in treatment (baseline arrest frequency 3; follow-up arrest frequency 1.1).

Sample of program completers Over three years, the number and percent of participants who completed treatment mandates at the court increased considerably, providing a sufficiently large number of cases for analysis. The three-year sample of program completers demonstrated a marked reduction in annual arrest frequency (baseline arrest frequency, 2; follow-up arrest frequency, 1). Additional analyses are

consistent with the hypothesis that longer stays in treatment/case management are associated with lower rates of rearrest. The reduction in annual arrest rates was confined to the group that completed over 90 days of treatment (baseline rate, 2.3; follow-up rate, .9).

Interviews with participants and project staff support the conclusion that the Midtown Court is capable of facilitating improvements in some drug addicted offenders' lives. Some respondents reported that they would not have had the opportunity or the incentive to enter treatment absent the court. Yet, without a valid comparison group it is not possible to determine whether participants who completed over 90 days of treatment might have fared as well or accessed treatment services independent of the court.

Resident Perceptions

A random survey of 562 Midtown residents, conducted in the spring of 1998, examined residents' perceptions of neighborhood quality of life; personal safety; awareness of the Midtown Community Court; perceived importance of the court's components; perceptions about the relationship between the costs and benefits of a community court; and resident's willingness to pay or have tax dollars reallocated for such a court. Conducted four and a half years after the court opened, the survey found high levels of satisfaction with the Midtown neighborhood (92 percent). In addition, the majority of residents (57 percent) believed that the neighborhood had grown safer in the past year. Residents defined the primary quality-of-life problems in the neighborhood at that time as involving trash, panhandling and public drug consumption; prostitution and unlicensed vending were relatively low on the list.

Although familiarity with the Midtown Court was low (20 percent), over half of the respondents saw the following components of the project as very important: neighborhood location; increased judicial access to information to support decision-making; close monitoring of community service compliance; community service sentencing; and defendant access to treatment/services.

Based on a description of the court's core components and of the additional cost per case added by the project, 24 percent of respondents said that the benefits of the court outweighed its costs; 51 percent said its benefits equaled its costs; and 25 percent said its costs outweighed its benefits. The more satisfied respondents were with their neighborhoods, the more likely they were to answer that the benefits of the court outweigh or equal its costs.

The survey also explored whether residents would be either willing to pay additional taxes or to have tax dollars reallocated to support a community court. The majority of respondents (64 percent) reported that they were willing to pay additional taxes. Willingness to pay additional taxes was negatively related to how much extra respondents were asked to pay. Multivariate analysis of willingness to pay demonstrated that it was influenced by respondents' income, gender, the amount they were asked to pay, their length of residence in the neighborhood and the perceived importance of improved accountability at the court.

Overall, the survey demonstrated that local respondents saw the benefits of the Midtown Court as equal to or greater than its costs and supported public funding for comparable projects. Yet the analysis provided little insight into which specific components of the project, apart from increased accountability, generate public willingness to pay for the community court model.

Costs and Benefits

The second phase of the evaluation included a study of the costs and benefits associated with the Midtown Community Court. The primary objectives of the study were to be comprehensive in identifying costs and benefits but to be conservative in assigning a dollar value to specific costs or benefits. This meant acknowledging that there were a variety of intangible benefits for which costs could not be calculated. It also meant treating the services and staff at the Midtown Court provided by private and public agencies as costs even if they represent in-kind contributions. The rationale is that those resources could have been used for other purposes. The court effectively shifted those costs to public and private agencies through in-kind donation and other subsidies, a process that other community courts have emulated.

Cost Issues and Estimates The analysis considered two main costs. The first kind of cost was the add-on costs needed to fund and support the innovative features of the Midtown Court. Four kinds of “add-on” costs were considered and their dollar value estimated. These included measurable add-on costs personnel, equipment, non-personnel related overhead and capital costs. Most of the extra costs support either a larger contingent of traditional courtroom staff or new staff positions created by the planners of the Midtown Court. The second kind of cost involved lost economies of scale to the court system and other criminal justice agencies needed to operate a satellite arraignment part in Manhattan.

Although it was not possible to measure the costs of some lost economies of scale and/or opportunity costs for Manhattan criminal justice agencies involved in the project, some alternative cost estimates were prepared using different assumptions about how much of the funding provided by the Unified Court System served non-traditional purposes. This resulted in a range of estimated annual add-on costs of between \$1,854,000 and \$2,210,000, which correspond to additional costs per arraignment of \$126 and \$150, respectively.

Benefit Issues and Estimates The analysis identified two main types of benefit—tangible and intangible. Tangible benefits included cost savings to the criminal justice system such as reduced arrest-to-arraignment time, reduced adjournments, reduced use of jail space, and other system savings. Tangible benefits also included the value of the clean-up work performed by community service crews in Midtown. Intangible and, therefore, unmeasurable benefits included improvements to the quality of life; economies of scale through “one-stop” service delivery; demonstration of effective court practices and technologies; contributions to the redevelopment of Times Square; and enhanced quality of judicial decision-making.

In terms of tangible benefits, only the value of specified criminal justice system cost savings and of community service work could be estimated. The low estimate was \$1,153,000 annually and the high estimate was \$1,236,000. Many intangible benefits, identified by key informants, could not be assigned dollar values. This included the improvement in community conditions that were seen as partially attributable to the court and the dollar value of the demonstration effects of the Midtown Court that led to system innovation (e.g., technology, resource coordination) elsewhere.

The study sought to identify the kinds of costs and benefits associated with a community court based on the Midtown model and to develop rough estimates of the magnitude of those costs and benefits. Yet the evidence and methods available could not determine with precision whether the value of benefits exceeded costs during the demonstration period of the Midtown Community Court. Although the estimated measurable annual cost savings to the Manhattan criminal justice system was equivalent to two-thirds of the estimated “add-on” costs, there are gaps in our ability to delineate the dollar value of the add-on costs of the Midtown Court, of lost economies of scale and of both tangible and intangible benefits of the court.

Relevance of the Research to New Community Courts

For jurisdictions attempting to adapt the community court model to local circumstances, the Midtown Community Court represents a significant departure from traditional ways of organizing misdemeanor courts. It springs from a belief that 1) traditional misdemeanor courts in large urban jurisdictions rarely take low-level crime seriously and 2) offenders and community members alike see few consequences for non-compliance with court orders.

Community courts attempt to create a unified team approach to case processing. Instead of being overwhelmed by “turf” issues, personnel throughout the courthouse take part in the broad-based effort to ensure rigorous monitoring of offenders’ compliance with the conditions imposed by the court and to link troubled defendants to appropriate services. As a result, traditional roles often expand beyond job descriptions. Together, the mission-driven focus and relatively small scale of the community court model can have a palpable effect on the culture of the courthouse.

The past and current experiences of community courts have broad implications for court reform. The Midtown Court has sparked an interest in exploring how courts can relate to communities. As one of many factors that contributed to the transformation of Midtown Manhattan over the past several years, the Midtown Community Court contributed to the efficacy of other simultaneous community improvement initiatives and positioned the court as a key player in on-going efforts to respond to neighborhood problems.

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