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## Community Control: Criminality, Community Social Organization, Cultural Organization, Deviant Opportunities, Directs Controls

### ► Control Theory

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## Community Courts

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### Overview

A community court, often called a neighborhood or community justice center, is a neighborhood-focused court that applies a problem-solving approach to local crime and safety concerns. Emphasizing improved outcomes for offenders (e.g., lower recidivism) and for communities (e.g., safer neighborhoods), community courts strive to prevent crime by addressing its underlying causes (Berman and Feinblatt 2005; Rottman and Casey 1999). Most community courts handle low-level criminal cases arising in a set of target neighborhoods. Some community courts are multi-jurisdictional, handling housing disputes, juvenile delinquency matters, or other case types in the family court system as well. Community courts are typically located in a separate courthouse situated within the targeted neighborhoods, although some community courts do operate out of a centralized “downtown” court.

In 1993, the first community court was started in Manhattan, New York City. It was opened to address quality-of-life crimes such as prostitution, illegal vending, vandalism, and minor drug possession in the central business district of Midtown, which included Times Square, then the home of much low-level crime. Since then, over 60 community court projects have opened worldwide. In the United States alone, there about 40,

while there are at least 17 in South Africa, 13 in England and Wales, and one each in Australia and Canada (Henry and Kralstein 2011). These courts seek to bring a neighborhood-focused, problem-solving approach to local crime, social disorder, and safety concerns, focusing on alternatives to jail and fines, instead giving sanctions such as community service, social service, and treatment for drug addiction.

This entry outlines the principles and theories of community courts and summarizes the current research regarding the effectiveness of community courts on expanding sentencing options, improving compliance rates for court mandates, lowering recidivism, and reducing costs. As will be discussed in further detail, the evaluation literature shows that community courts do indeed dispense more types of sanctions (e.g., community and social services) than regular courts; though jail is still used, it is mostly as a resentencing option. Mandate completion rates have shown to be higher than in more traditional courts, though more research may be needed in this area. Findings on differences in recidivism rates have been mixed; while some studies have shown lower recidivism rates for community court participants, other studies have failed to show an effect, which may in part be due to small sample size or no true comparison group. Finally, studies have shown mixed results on cost savings as well.

## Background Description

One of the main components of community courts is the use of alternative sanctions, the goals of which are twofold: first, to pay back the community that may have been harmed by the offense through visible community service work projects in the neighborhood, such as cleaning local parks and painting over graffiti. Second, social services such as drug treatment and job training are assigned to link defendants with programs that address the problems that may have played a role in leading them to commit crimes. This combination of accountability and help seeks to reduce chronic offending. In order to

understand local problems and priorities, community court staff also commonly venture out into local neighborhoods, attending community meetings and serving as a convener and problem-solver between criminal justice agencies (e.g., police, prosecutors, or probation) and the citizens they serve.

However, there is no one concrete model for community courts, which makes it difficult to develop one standard definition. But as Berman (2010) outlined, community courts are usually guided by the following six key principles that differentiate them from more traditional courts:

1. *Enhanced Information* – Community courts seek to make as much information as possible available about the individual defendant and the community context of the crime at the defendant's first court appearance. This allows for improved decision-making by judges, attorneys, and other justice officials, enabling them to match the defendant to appropriate sanctions and services.
2. *Community Engagement* – Community courts seek to assign offenders to community service projects in places where neighbors can see what they're doing, welcome observers and visitors, make information about courtroom activities easily accessible to the public, and involve the community in addressing crime-related problems.
3. *Collaboration* – Government agencies, social service agencies, and other community organizations work together under a single roof, where the physical proximity facilitates closer and more coordinated working relationships.
4. *Individualized Justice* – Community courts link defendants to individually tailored, community-based sanctions such as community service, job or educational training, and drug treatment.
5. *Accountability* – Community courts insist on regular and strict compliance monitoring, with clear consequences for noncompliance. Additionally, community courts often escort offenders immediately to the place where they will receive their community or social service assignment, greatly increasing the likelihood that they will comply with their

sanction. These mechanisms work to improve the accountability of the offenders.

6. **Outcomes** – Data collection and analysis are important tools at community courts. Data help to answer questions related to case processing (how many and how quickly), status and compliance, as well as to perceptions of the court, procedural fairness, and local quality of life.

Expanding on the sixth point above, community courts usually follow one or more of the following theories of change for attempting to achieve these outcomes, as outlined by Lee et al. (2013).

### **Procedural Justice and the Social Construction of Legitimacy**

As Tyler (2001) suggested, public trust and confidence in police and courts is not related to performance or outcomes but to how fairly people feel they were treated. The idea of fairness vis-à-vis justice was clearly defined by John Rawls (1971) in his *A Theory of Justice*. He said that perfect procedural justice had two characteristics: (1) an independent criterion for what constitutes a fair or just outcome of the procedure and (2) a procedure that guarantees that the fair outcome will be achieved. Tyler (1990) put forth that citizens generally hold favorable views towards institutions that are perceived as unbiased, while holding negative views of those that are believed to be partisan or discriminatory. Procedural fairness is present when people perceive that they are experiencing the following in their interaction with judges (Tyler 2004: 443–47):

- **Respect:** People are treated with dignity and their rights are respected.
- **Neutrality:** Honest and impartial decision-makers base their decisions on facts.
- **Participation:** Each party has an opportunity to express his or her viewpoint to the decision-maker, and conversely, decision-makers clearly articulate the basis of their decisions in ways that litigants can understand (without jargon).
- **Trustworthiness:** Decision-makers appear benevolent, caring, motivated to treat parties fairly, and sincerely concerned about people.

Research has endeavored to assess the meaning of procedural justice for those who come in contact with the criminal justice system. As Wissler (1995), Lind and Tyler (1998), and Pateroster et al. (1997) have demonstrated, people are more willing to accept decisions when they think criminal justice officials or legal institutions are acting fairly. Similarly, Tyler (1990) has argued that citizens generally hold favorable views towards institutions that are perceived as unbiased, while holding negative views of those that are believed to be partisan or discriminatory. Elsewhere, Tyler (2001) has suggested that public trust and confidence in police and courts is related to how fair people feel they were treated; performance and outcomes are secondary factors.

Research has also attempted to understand the relationship between procedural justice and the public's law-related behavior, as there is growing concern that perceived injustice itself causes criminal behavior (LaFree 1998; Mann 1993; Russell 1998; Tyler 1990). Tyler and Huo (2002) have proffered that when citizens perceive justice system agencies to be fair, they are more likely to comply with the law, legal authorities, and court mandates, increasing institutional confidence. Compliance, Tyler (2004: 307) further explains, is linked to legitimacy – “the property that a rule or an authority has when others feel obligated to defer voluntarily” – and that to the extent that people regard the courts as legitimate, they are more willing to accept the directives of the courts.

To put it another way, legitimacy develops out of the use of fair procedures and the provision of respectful treatment. Procedural justice, then, is the key antecedent to legitimacy, voluntary compliance, and lower recidivism: the greater the legitimacy, the less the likelihood of defiance, hostility, and resistance to laws, legal authorities, and legal institutions.

### **Community Involvement**

In addition to building legitimacy through procedural fairness, community courts seek to strengthen ties to the community so that residents and merchants see themselves as allies of the court and are therefore more likely to reinforce

social norms that the court espouses. When the whole community comes together to reinforce norms that do not accept crime and disorder, neighborhoods will become safer as crime decreases. When community courts actively involve the community in decision-making and give back to the community in some tangible way, there will be improved perceptions of the court. Community courts engage the community in four primary ways:

- **Visible community service:** By sanctioning offenders to community service work in places where neighbors can identify them as offenders and see what they are doing, community members will better understand the court's role in restoring the community that had been harmed. These community service projects usually involve work such as graffiti removal or trash cleanup, serving as a tangible reminder of the offender's membership in and responsibility to the group (see Herrschaft 2012).
- **Giving the community voice:** By regularly asking the community what their needs and concerns are – through neighborhood surveys (see Swaner 2010), advisory boards, and community meetings – community courts are better able to offer programs and services that are relevant and address the desires of local residents and merchants.
- **Collaboration:** Allowing community-based organizations to have space to run programming in the community court building, supporting community events organized by local organizations, and partnering with local groups to offer comprehensive programming and co-sponsoring events helps develop a strong neighborhood identity as well as community-based informal social controls that research links to crime reduction.
- **Voluntary programming:** Community courts offer voluntary programs for all persons living within the court's jurisdiction – regardless of whether or not they have a court case. These programs can include after-school programs for local youth, job training, educational classes, an open computer lab, health and mental health services, and mediation sessions. Offering

these programs helps the court to be seen as an asset to all members of the community, not just a place for those who commit crimes.

### Deterrence

In 1982, Kelling and Wilson's now famous "broken windows" theory was introduced to the criminology world, and it is the theoretical underpinning of many community courts. The basic premise behind this theory is that when the physical and visible conditions of a neighborhood – graffiti, illegal dumping, public intoxication – are not controlled and monitored, it produces more social disorder, and, eventually, these neighborhood problems escalate to more severe crimes. Community courts focus on trying to fix the problems when they are small so that further petty crime and antisocial behavior will be deterred and, hence, will not lead to more severe crimes. In this way, community courts tend to focus on cleaning up minor "quality-of-life" crimes under the assumption that this will lead to reductions in other types of crime as well.

Focusing on "broken windows" also helps to reinforce that a particular community does not accept crime. Looking at the surrounding environment – whether it is clean or dirty – gives cues to individuals as to the social norms of the community. If it is a place that has broken windows and other visible signs of disorder, this is a signal to potential lawbreakers that any crime they commit is likely to be overlooked. If, on the other hand, it is a place that does not have broken windows, this is a signal that the community does not accept crime, and there would be certain punishment for committing a criminal act, serving as a deterrence to violating social norms. This means that in order to design an effective deterrent, community courts must consider the *certainty* of punishment. Research indicates that the certainty of punishment is the most important element in the potential criminal's decision whether or not to commit a crime (Nagin and Pogarsky 2001). Criminal behavior is not deterred if lawbreakers do not think they will be caught or given meaningful punishment if they are.

Accordingly, community courts replace sentences that lack ongoing obligations of any

kind with meaningful sanctions for even the most minor of offenses. They have an intense focus on misdemeanor offenses that create visible signs of disorder and also focus on sanctioning offenders to community service that repairs those conditions of disorder.

### Intervention

The intervention theory of change assumes that sanctioning offenders to social service interventions will help them address the underlying problems that may have caused them to commit crimes (or have other legal problems) in the first place. For example, drug offenders may have an underlying addiction that causes them to offend. Assigning them to a drug treatment modality such as outpatient/detox or residential treatment may help them overcome the addiction that led them to commit a crime. Other offenses such as public intoxication, driving under the influence, and drug possession also frequently result from addiction to alcohol or drugs. Providing people with appropriate interventions such as short- or long-term treatment, anger management workshops, job training programs, or GED programs may help them break cycles of recurrent criminal behavior caused by social dislocations such as drug addiction, lack of employment opportunities, and educational disadvantages. The same principles animate community court practices when handling non-criminal cases. For instance, landlord-tenant disputes that escalate to a case in housing court may reflect the tenant's need for employment assistance or for help accessing public benefits. Thus, community courts that handle housing matters commonly provide tenants with resources and referrals that may help them meet their payment obligations.

### State of Art

Due in part to the recent proliferation of community courts, there is scant research literature on their impact. Comprehensive impact evaluations have been carried out in only Midtown, Manhattan (Hakuta et al. 2008; Sviridoff et al. 2000a, b, 2001); Hennepin County, MN (Eckberg 2001;

Weidner and Davis 2000); Philadelphia, PA (Cheesman et al. 2009, 2010); Yarra, Australia (Ross et al. 2009); and Red Hook, Brooklyn (Lee et al. 2013). Methodologies applied in these sites included process evaluations; quasi-experimental studies testing impacts on case processing, outcomes, offender compliance, and/or recidivism; cost-benefit analyses; community surveys; and ethnographic observations and interviews with local offenders. The results of these impact evaluations and other smaller-scale evaluations are summarized by key themes below.

### Expanded Sentencing Options

Confirming the central role of diversified sentencing options, a global survey of community courts (Karafin 2008) found that 92 % of community courts routinely mandate defendants to community service, and 84 % mandate defendants to social services, including treatment readiness classes (64 %), individual counseling (64 %), job skills (64 %), life skills (56 %), anger management (52 %), and substance abuse treatment (48 %). Two separate evaluations of the Midtown Community Court – one focusing on its early years and the other on recent impacts – both found that the court made significantly greater use of “alternative” sentences than the centralized Manhattan court. These studies also found that Midtown made less use of jail and less use of “walks,” defined as sentences such as fines or time served that lack any ongoing obligation (Hakuta et al. 2008; Sviridoff et al. 2001).

Yet, despite sentencing a lower percentage of its defendants to jail, both studies found that when Midtown did use jail, the resulting sentences were longer on average. In addition, one evaluation found that Midtown was more likely to impose meaningful jail time as a “secondary sanction” due to noncompliance with what was initially an alternative sentence (Sviridoff et al. 2001). These dynamics meant that Midtown did not ultimately produce a significant net reduction in jail days served by its defendants.

Similar results were found in an evaluation of the Red Hook Community Justice Center (RHCJC) (Lee et al. 2013). Red Hook grants fewer “walks” than the downtown court.

Convicted RHCJC defendants are much less likely than downtown defendants to receive a conditional discharge with no real conditions other than staying out of trouble (15 % of convictions vs. 26 %) or a sentence of time served (3 % of convictions vs. 32 %). Red Hook defendants are also less likely than downtown defendants to have their cases dismissed (17 % of cases vs. 21 %) or to receive an adjournment in contemplation of dismissal (which involves a promise of dismissal within 6 months) (ACD) without community service or social service conditions attached (31 % of ACDs vs. 76 %). Of those defendants who do receive a sanction, however, RHCJC sends a larger share to community service and social service programs and a smaller proportion to jail – largely using jail as a resentence option with those defendants who are initially noncompliant.

Though only 1 % of Red Hook defendants receive jail as an initial sentence, when used as a resentence, the average number of days is longer than downtown (75.1 days, compared with 3.88 days). The net effect of this difference in the use of “secondary jail” sanctions is that fewer RHCJC cases ultimately receive a jail sentence (7 % vs. 17 %), but RHCJC cases ultimately average more time sentenced to jail (4.75 vs. 3.06 days among *all* defendants or 82.3 vs. 39.9 days among just those defendants who receive a jail sentence of any length).

### Compliance with Court Conditions

As compared with the local centralized courts, the Midtown and Hennepin County community courts produced significant increases in offender compliance with community service mandates, from 50 % to 75 % in Midtown (Sviridoff et al. 2000a, b, Sviridoff et al. 2001) and 29–54 % in Hennepin (Weidner and Davis 2000). At the Red Hook Community Justice Center, between 2000 and 2009, 80 % of defendants mandated to community service and 69 % of defendants assigned to social service sanctions other than long-term drug treatment successfully completed their mandates.

At the Neighbourhood Justice Centre (NJC) in Yarra, successful completion of community-based orders (CBOs) over the course of 1 year

(September 2008–August 2009) at the NJC was 75 %, compared to a 65 % successful completion rate for all CBOs statewide. For community service by offenders, the completion rate for assigned hours is marginally higher than the state average (88 % vs. 85 %), and each NJC offender performs an average of 105 h of unpaid work compared with 68 h for Victorian offenders in general (Ross et al. 2009).

An evaluation of the East of the River Community Court (ERCC) in Washington, D.C., found that between 2007 and 2009, 60 % of defendants who stayed on the ERCC calendar successfully completed the ERCC program (Westat 2012).

### Effects on Recidivism

An evaluation of the Midtown Community Court failed to detect an effect on reoffending by individual offenders but did detect a drop in prostitution and illegal vending crime in the Midtown neighborhood, perhaps due to a displacement effect (Sviridoff et al. 2001). A study of recidivism of misdemeanants convicted in the Philadelphia Community Court (Allen and Schulman 2009) was conducted on offenders who completed all of the conditions of their sentence in 2007, reporting an overall 9 % recidivism rate, with lower rates reported for offenders that were required to complete a program. Cases removed from the Philadelphia Community Court before completing all of the terms of their sentence reported a higher 17 % recidivism rate. No recidivism data on a counterfactual comparison group, however, was conducted in that study.

Two evaluations, respectively of the Seattle (WA) and Liverpool (England) community courts, showed mixed results. In Seattle, there was not a significant difference in the probability of rearrest, but there was a smaller average number of rearrests among those processed in the community court than among those processed in a centralized court during a pre-implementation period (Nugent-Borakove 2009). Similarly, in Liverpool, there was not an impact on the reconviction rate, but the community court produced a small reduction in the total number of reoffenses (falling just short of statistical significance; see Jolliffe and Farrington 2009).

A recidivism study for the community court in Yarra showed that offenders sentenced by the Neighbourhood Justice Centre who received services at the center showed a lower rate of reoffending than a comparison sample of offenders sentenced at other courts (34 % vs. 41 %). However, this estimate was based on a relatively small sample of cases (100) and the difference between the NJC and comparison group was not statistically significant. In addition it was not possible to take into account any variations in the risk of reoffending associated with the NJC and comparison offenders (Ross et al. 2009).

At the East of the River Community Court, a survival analysis showed that recidivism was significantly lower among the ERCC diversion program and treatment court defendants than among the Metropolitan Police Department 5th District defendants. However, these findings only included data from the D.C. CourtView online records system. Analyses were conducted on the recidivism rates of only those defendants that participated in an ERCC diversion program compared to a matched group of defendants arrested in the MPD 5th District. Reoffending was 60 % lower among ERCC defendants than among MPD 5th District defendants 360 days after the case filing date. During the second follow-up period, recidivism was 42 % lower among ERCC defendants than among MPD 5th District defendants 360 days after the trigger case disposition date (Westat 2012).

A quasi-experimental evaluation of the Red Hook Community Justice Center showed that over a 1 year period, RHCJC defendants appeared less likely to be rearrested than the downtown sample (28 % vs. 31 %) and were also arrested fewer times on average (0.57 vs. 0.66). Over a 2 year period, differences between the RHCJC and the downtown court were somewhat greater. RHCJC defendants were significantly less likely than downtown defendants to be rearrested (36 % vs. 40 %) and averaged significantly fewer rearrests (0.95 vs. 1.16). An additional survival analysis demonstrated that the lower rate of recidivism for RHCJC defendants persisted over more than a 4 year maximum tracking period (Lee et al. 2013).

### Cost Savings

Evaluations in Midtown, Hennepin, Yarra, and Red Hook included cost studies, but their findings differed. In Midtown, the evaluation identified approximately \$1.3 million in annual savings based on a reduction in pre-arraignment detention time, reduced jail sentences on shoplifting cases (jail time was not reduced on other cases), and reduced prostitution arrests in the Midtown neighborhood (Sviridoff et al. 2001). The evaluation of the Neighbourhood Justice Center in Yarra also found that the court saved money; for every Australian dollar invested, the expected return was AUS\$1.09–1.23. For the activities included in the NJC evaluation to return a positive net benefit, a change in reoffending behavior needs to be maintained for just over 4 years (Ross et al. 2009). The evaluation of the Red Hook Community Justice Center included a cost-efficiency analysis that found that the community court was cost-effective relative to the downtown court, but its cost-efficiency is reduced when it serves a small number of defendants (Lee et al. 2013). The Hennepin study, on the other hand, found that the community court was more expensive than regular case processing (Weidner and Davis 2000).

### Possible Controversies

While many of the evaluations have shown positive results, it is important to understand some of the critiques that have been made of community courts.

First, community courts involve criminal justice agents and social service professionals working together in a coordinated way to best serve the offender and the community. But as Berman (2010) discussed, the guiding philosophies of criminal justice agencies and social service providers often differ in significant ways. Whereas law enforcement officials tend to promote harsher sanctions for defendants when they fail to comply, social workers, who have a better understanding of mental health and addiction, believe in giving second chances when an offender relapses.

This tension plays out in other ways as well. While community court judges have greater

sanctions at their disposal, this also gives them control over assigning social service interventions to offenders. While judges are seen as being experts in law and the administration of justice, they may not have the social work training necessary to know which mental health interventions are most appropriate – and for how long – to meet offenders’ needs. Community courts, then, may inappropriately extend the reach of the court into people’s lives, transforming the judge into a powerful figure that transcends that of a traditional judge.

Moreover, while some social service sanctions seek to address the underlying problems that caused someone to commit a crime, many times larger socioeconomic factors – not individual pathology – are what contribute to crime. While community courts may offer job training or resume-building workshops, when there is a bad economy and a lack of available jobs, such social service sanctions will not be effective prevention measures.

Another critique is that one of the underlying program theories of community courts – “broken windows” – itself is flawed. This theory links disorder and crime prevention by using coercive social control to manage social disorder. However, just because disorder and crime are correlated, it does not mean that one causes the other. Moreover, research has shown that the link between the two is very weak. Broken window policing policy, then, tends to unfairly criminalize the poor, minorities, and homeless, and, as Malkin (2003) points out, “quality of life policing is not necessarily what residents envision as a response to their quality of life concerns” (1585).

Finally, money may be a source of controversy. Community courts may be competing with community-based social service agencies and other local organizations for limited public and private resources. Given their potentially higher level of political and cultural capital, community courts may be taking funding away from community groups who may be better suited to efficiently and effectively run the programming (see Malkin 2003). Community courts also require an initial influx of money to start-up – money to open a new building or renovate an existing one, hire new staff, and obtain necessary technology. Additionally, there are significant

costs to run the social service programs that are essential to community courts. Critics might suggest that most of the key elements of community courts could be done more efficiently and with lower case management, staffing, and program costs within a centralized courthouse than a new, separate court.

## Related Entries

- ▶ [Drug Courts](#)
- ▶ [Mental Health Courts](#)
- ▶ [Problem-Solving Courts](#)
- ▶ [Reentry Courts](#)
- ▶ [Therapeutic Jurisprudence](#)

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## Community Organization

### ► [Neighborhood Effects and Social Networks](#)

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## Community Policing

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## Synonyms

[Community-oriented policing](#); [Neighborhood policing](#); [Personalized policing](#); [Proximity policing](#)