

A COMMUNITY COURT GROWS IN BROOKLYN:

A COMPREHENSIVE EVALUATION OF THE RED HOOK COMMUNITY JUSTICE CENTER

Final Report

Executive Summary



Authors:

Cynthia G. Lee, National Center for State Courts
Fred L. Cheesman, II, National Center for State Courts
David B. Rottman, National Center for State Courts (Project Director)
Rachel Swaner, Center for Court Innovation
Suvi Lambson, Center for Court Innovation
Mike Rempel, Center for Court Innovation
Ric Curtis, John Jay College

Contributors:

John Jay College
Avi Bornstein
Anthony Marcus
Sarah Rivera

National Center for State Courts

Jordan Bowman
Scott Graves

This project was supported by Award No. 2009-IJ-CX-0016 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.

Cover image by Gene Sorkin, Youth Programs Office, Red Hook Community Justice Center

Recommended citation:

Lee, C.G., F. Cheesman, D. Rottman, R. Swaner, S. Lambson, M. Rempel & R. Curtis (2013) *A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center*. Williamsburg VA: National Center for State Courts.

September, 2013

**A COMMUNITY COURT GROWS IN BROOKLYN:
A COMPREHENSIVE EVALUATION OF THE RED HOOK COMMUNITY JUSTICE CENTER**

EXECUTIVE SUMMARY

Introduction

In 1993, the first community court was established in the Midtown Manhattan neighborhood of New York City. Nearly two decades later, at least 70 community courts are in operation around the world. Community courts are a type of “problem-solving court” that seek to address crime, public safety, and quality of life problems at the neighborhood level. Unlike other problem-solving courts, such as drug, mental health, or domestic violence courts, community courts do not specialize in one particular problem. Rather, the goal of community courts is to address the multiple problems and needs that contribute to social disorganization in one or more target neighborhoods. For this reason, community courts vary widely in response to varying local needs, conditions, and priorities; but most community courts share several key features:

1. *Individualized Justice:* Community courts base judicial decision-making on access to a wide range of information about defendants.
2. *Expanded Sentencing Options:* Community courts have available an enhanced range of community and social service diversion and sentencing options, some of which are co-located at the court and some of which involve referrals to community-based providers; conversely, community courts seek a corresponding reduction in conventional sentences such as jail, fines, and time served.
3. *Varying Mandate Length:* Community courts develop a multi-track system, in which a (typically small) proportion of defendants receives medium- or long-term judicially supervised treatment for drug addiction, mental illness, or other problems, while the majority of defendants receive short-term social or community service sanctions, typically five days or less in length.
4. *Offender Accountability:* Community courts emphasize immediacy in the commencement of community or social service mandates and strict enforcement of these mandates through the imposition of further sanctions in response to noncompliance.
5. *Community Engagement:* Community courts establish a dialogue with community institutions and residents, including obtaining community input in identifying target problems and developing programs.
6. *Community Impacts:* Community courts seek community-level outcomes, such as reductions in neighborhood crime or repairing conditions of disorder through community service.

In 2009, the National Institute of Justice funded the first comprehensive independent evaluation of the Red Hook Community Justice Center, a multijurisdictional community court located in the physically and socially isolated neighborhood of Red Hook, Brooklyn. The Justice Center is a well-established community court that has served as a model for other community courts around the world since its opening in 2000. Conducted by the National Center for State Courts in partnership with the Center for Court Innovation and the John Jay College of Criminal Justice, this evaluation represents a rigorous multi-method investigation into the impact of the Justice Center on crime, incarceration, and costs; the mechanisms by which the Justice Center produces these impacts; and the ways that policymakers and court planners in other jurisdictions can adapt the Justice Center’s model to their own communities.

The Red Hook Community Justice Center Model

Housed in a renovated schoolhouse near the Brooklyn waterfront miles away from Brooklyn’s centralized criminal courthouse, the Red Hook Community Justice Center is the product of an ongoing partnership among the New York State Unified Court System, the Center for Court Innovation, the Kings County (Brooklyn) District Attorney’s Office, the Legal Aid Society of New York, the City of New York, and other governmental and nonprofit organizations. The Justice Center handles misdemeanors, summonses for non-traffic violations, and juvenile delinquency cases that originate in Red Hook and several surrounding neighborhoods. By focusing on minor offending in particular, the Justice Center seeks to test elements of the “broken windows” theory, which posits that taking low-level crime seriously can help to deter more serious criminal behavior. The Justice Center also hears landlord-tenant cases involving residents of public housing projects in Red Hook; and operates community and youth programs aimed at improving the quality of life for Red Hook residents.

The primary stated goals of the project are to reduce crime and improve quality of life in the Red Hook neighborhood. The Red Hook model is designed to achieve these goals through three separate but interrelated mechanisms: *deterrence*, *intervention*, and enhanced *legitimacy* of the justice system.

1. *Deterrence*: The certainty of meaningful punishment is designed to deter criminal behavior. The Justice Center aims to increase the proportion of low-level offenders who receive community and social service sentences and to decrease the proportion of offenders who “walk” without meaningful consequences for their actions. The Justice Center also uses enhanced monitoring and follow-up sanctions for noncompliance by individual defendants and uses youth and community outreach programs to address conditions of disorder in the Red Hook neighborhood, further deterring crime.
2. *Intervention*: For juveniles and a small proportion of adult defendants, the Justice Center provides judicially supervised treatment for drug abuse and other underlying criminogenic needs. The Justice Center also provides voluntary social services to walk-in clients and offers programs such as youth court, internships, and arts programs that are designed to provide Red Hook youth with opportunities for positive development.

3. *Legitimacy*: The Justice Center seeks to secure voluntary compliance by making decisions through a process perceived as procedurally just. Procedural justice is present when people perceive they have experienced a decision-maker or decision-making institution that accords them respect, is neutral, offers an opportunity to participate, and has trustworthy motives. Perceptions of procedural justice lead to a belief that the decision-maker has a moral claim on compliance—in other words, the decision-maker has legitimacy. The desire to be seen as legitimate underlies the Justice Center’s housing court operation, youth and community programs, and extensive cultivation of close ties to residents and community institutions. These steps are intended to strengthen residents’ affective ties to the community and commitment to obey the law.

Research Questions

The evaluation employs a variety of qualitative and quantitative research methods to address the following questions:

1. *Model Fidelity*: Was the Justice Center implemented according to plan?
2. *Community Perceptions*: What knowledge and perceptions do offenders and community residents have of the Justice Center?
3. *Quantifiable Changes*: What differences did the Justice Center make on sanctioning, recidivism among adult and juvenile offenders, and arrest rates in the catchment area?
4. *Cost Savings*: How do the costs and benefits of processing adult criminal cases at the Justice Center compare with the costs and benefits of traditional case processing?
5. *Mechanisms of Change*: Through what mechanisms (deterrence, intervention, and/or legitimacy) did the Justice Center achieve any reductions in recidivism and arrests?

Research Methods and Data

Process Evaluation: To examine how the Justice Center was implemented, the research team relied on a diverse range of data sources, including 52 structured group and individual interviews with court staff and stakeholders carried out over five site visits; observation of courtroom activities and staff meetings; extensive document review; and analysis of case-level data, including all adult criminal cases and some juvenile delinquency cases processed at the Justice Center from 2000 through 2009.

Ethnographic Analysis: Conducted in 2010, the analysis featured extensive street and courtroom observations; a door-to-door survey of 107 Red Hook residents; and offender interviews using Respondent-Driven Sampling methods with 100 Red Hook and 100 Sunset Park residents, all of whom had prior cases heard at the Justice Center, the downtown criminal court, or both.

Sanctioning and Recidivism Analysis: Samples of about 1,500 cases each were drawn from cases disposed in 2008 at the Justice Center and downtown criminal courts. The data set included re-arrests over at least a two-year window. The juvenile delinquency analysis compared 102 cases processed at the Justice Center and arising from arrests between 2006 and 2008 and a comparison group processed in the Kings County Family Court during the same time period. Both analyses used propensity score adjustments to correct for differences in the original,

baseline samples attributable to offense or offender characteristics. Analyses included Kaplan-Meier and Cox multivariate survival methods.

Arrest Trends: Monthly arrests per precinct within or adjacent to the Justice Center’s catchment area were examined to determine if the opening of the Justice Center was associated with a change in subsequent arrest trends in the catchment area. Red Hook area were different from those observed in adjacent police precincts.

Cost-Efficiency Evaluation: The costs to taxpayers were compared with the monetary value of some of the program’s benefits, including community restitution provided through community service and reductions in victimization due to decreased recidivism among adult misdemeanor defendants. Data sources included the Justice Center’s operating budget, impact evaluation data, and standard estimates of victimization costs.

Overview of Findings

Fidelity to the Program Plan

- *General Fidelity:* The Justice Center has been implemented largely in accordance with its program theory and project plan. The Justice Center secured the resources and staff needed to support its reliance on alternative sanctions, including an in-house clinic and arrangements for drug and other treatment services to be provided by local treatment providers. (See Table A for some of the short-term social services sanctions available to the Justice Center judge). The Justice Center’s multi-jurisdictional nature, as well as many of its youth and community programs, evolved in direct response to concerns articulated in focus groups during the planning process, reflecting a stated intention to learn of and implement community priorities.

Table A. Classes Taught as Social Service Sanctions at RHCJC

<u>Class</u>	<u>Length</u>
Treatment Readiness Program (TRP)	2 hours
TRP: Spanish	1½ hours
Marijuana Group	2 hours
Anger Management Group	1½ hours
Anger Management: Spanish	2 hours
Life Skills	2 hours
<u>Conflict Resolution Workshop</u>	<u>1 hour</u>

- *Caseload:* The Justice Center processes a variety of misdemeanor and summons cases from the catchment area. There are some departures from original caseload expectations, however. For example, one-third of the defendants arrested in the catchment area on weekdays never make it to the Justice Center as intended and instead have their cases heard at the downtown Kings County Criminal Court. As a result, these local offenders do not receive the benefit of the policies and resources unique to the Justice Center.

Community Perceptions

- *Community Engagement:* Community outreach initiatives, such as leading efforts to reclaim nearby Coffey Park from drug dealers and implementing a court-sponsored baseball league, are aimed at building community institutions and strengthening residents' affective ties to the community and normative commitment to obey the law. Other programs, such as youth court, youth art programs, and internships, are intended to provide local youth with positive development opportunities. Based on interviews with local residents and community leaders, the Justice Center's efforts at community engagement were highly successful. Public housing residents in Red Hook tend to be particularly familiar with the Justice Center and its programs, whereas knowledge and experience of the Justice Center were somewhat weaker in the areas of Red Hook dominated by private housing and further attenuated in the outlying neighborhoods of the catchment area. Red Hook residents perceive the Justice Center not as an outpost of city government, but as a homegrown community institution.
- *The Role of Housing Court:* The Justice Center's jurisdiction over landlord-tenant disputes became a key element in the court's ability to meet its objectives. Although the housing court's caseload is low, the ethnographic analysis underscored the importance of the judge's involvement in housing cases—especially his highly visible practice of personally inspecting conditions in Red Hook's public housing—in creating the perception that the Justice Center is committed to protecting residents' rights.

Changes in Sanctioning

- *Sentencing Changes:* The Justice Center immediately and consistently met its objectives of developing a pattern of sentencing dramatically different from what prevails in the downtown courts. Fewer defendants receive jail sentences at Red Hook than in the comparison group. Compared to the downtown criminal court, the Justice Center increased the use of alternative community or social service sentences (78% at Red Hook versus 22% downtown); decrease the use of jail as a sentence (1% versus 15%), and decreased the proportion of misdemeanor defendants who “walk” (receive a sentence such as a fine or time served) without any ongoing obligation (20% versus 63%). The difference in the distribution of sanctions is pronounced (See Table B, next page).
- *Compliance Monitoring and Jail as Secondary Sanction:* The Justice Center closely monitors compliance with alternative sanctions, reserving jail primarily as a “secondary” sanction to be imposed when a defendant fails to fulfill a social or community service mandate. (Defendants who receive a community or social service sentence at the Justice Center are commonly told up front that they will face jail time should they fail to comply.) Although the Justice Center used jail as a primary sentence in only one percent of cases, when including secondary sanctions, Red Hook ultimately sentenced 7% of its defendants to jail compared to 17% in the downtown court. In addition, jail sentences imposed at the Justice Center are, on average, much longer than in the downtown court (64 versus 15 days), leading the Justice Center to increase total jail days on net.

Table B. Final Disposition by Court for Misdemeanor Cases with Arrests in RHCJC Catchment Area, 2008 Dispositions

<u>Disposition</u>	<u>Court</u>	
	<u>RHCJC</u>	<u>Downtown</u>
Convicted/pled guilty	48%	52%
Sentence (% of convictions)		
Jail	7	17
Conditional discharge (CD) with alternative sanction	62	20
Community service	31	10
Social service*	16	10
Both social service and community service*	15	0
Conditional discharge (CD), no conditions	13	36
Time served	5	33
Other (fine, restitution, license suspension)	2	5
Adjourned in contemplation of dismissal (ACD){No Conviction]	32	27
Dismissed	20	22
N	1,564	1,563

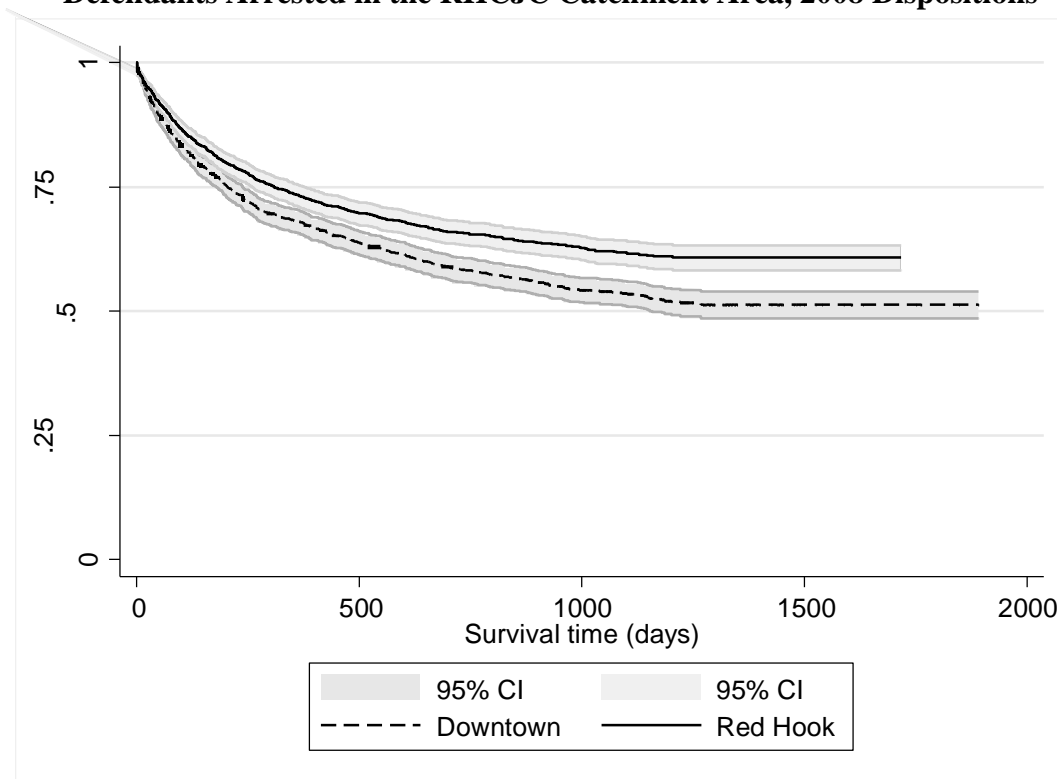
*Social service statistics for downtown calculated on the basis of a sample of 2008 conditional discharges.

- *Drug Treatment Mandates:* The Red Hook model envisioned a dual-track system, including both short-term community and social service mandates of about one to five days and longer-term treatment mandates. Approximately five percent of Red Hook defendants receive drug treatment mandates of 30 days or longer. Moreover, the RHCJC drug treatment program is loosely structured and highly individualized, lacking standardized policies. This flexibility has value because it individualizes treatment but that gain should be weighed against the potential perception that similarly situated offenders are being treated differently. In addition, there is a potential that compliance may decrease because offenders do not know exactly what is expected and what the consequences of violations are.
- *Processing of Juvenile Delinquency Cases:* The Justice Center has succeeded in increasing the proportion of juvenile delinquency cases that are diverted from prosecution and addressed without court involvement through the probation department. The Justice Center approach is currently implemented in other New York City family courts as well. Many delinquency cases that are not diverted at the Justice Center, however, are filed in the downtown Kings County Family Court rather than at Red Hook, at the discretion of the juvenile prosecutor and due in part to the lengthy average time to disposition among juvenile delinquency cases that remain at Red Hook. As a result, few youth receive the comprehensive services and monitoring available through the Red Hook Family Court.

Recidivism Among Adult and Juvenile Offenders

- *Impact on Adult Re-Arrests:* Adult misdemeanor offenders processed at the Justice Center are to a statistically significant degree less likely to become recidivists than their counterparts processed downtown. Case processing at the Justice Center reduced the probability of re-arrest within a two-year period by 10 percent, or 4 percentage points (36% v. 40%). The 10 percent reduction in re-offending is comparable to other proven criminal justice interventions, many of which are of longer duration. Survival analysis confirms that case processing at the Justice Center is associated with a robust and sustained decrease in the probability of recidivism in comparison to traditional misdemeanor case processing (See Figure A below). The Red Hook Community Justice Center is the second community court to report clear success in reducing recidivism rates, replicating similar impacts by a multijurisdictional community court in Melbourne, Australia (whose project design was modeled after Red Hook).

- **Figure A. Cumulative Probability of Survival Without Re-arrest by Court for Defendants Arrested in the RHCJC Catchment Area, 2008 Dispositions**



CI = confidence interval

- *Recidivism in Juvenile Delinquency Cases:* Juvenile delinquency respondents whose cases were processed at Red Hook were 20 percent, or 12 percentage points, less likely to be re-arrested within two years than similarly situated juveniles whose delinquency cases were processed in a mainstream family court (48% v. 60%). This difference was not statistically significant, probably due to the small sample size.

Arrest Trends

- *Reduced Local Arrests:* Around the time of the Justice Center's opening, there were sharp decreases in the levels of both felony and misdemeanor arrests in the catchment area precincts. Subsequently, arrest trends in the catchment area remained relatively stable. Similar patterns are not apparent in the adjacent police precincts, where decreases were not observed at the time of the program's implementation, and arrest patterns remained highly variable throughout the observation period. Although the data do not allow us to establish a causal relationship between the Justice Center's opening and the observed changes in catchment area arrest trends, the timing of the changes and the lack of similar phenomena elsewhere in Brooklyn are striking.

Cost-Efficiency Analysis

- Continued operation of the Justice Center is cost-efficient from the viewpoint of taxpayers, based on the data available for the evaluation. For each of the 3,210 adult misdemeanor defendants arraigned at the Justice Center in 2008, taxpayers realized an estimated savings of almost \$4,800 per defendant in avoided victimization costs relative to similar cases processed in a traditional misdemeanor court, resulting in more than \$15 million in total savings in avoided victimization costs. When the other costs and benefits are factored into the calculation, the net benefit for the Justice Center was more than \$6.8 million, with savings exceeding the total costs associated with operating the Justice Center by a factor of nearly 2 to 1, evaluators reported. Although full data on the Justice Center's costs and benefits, as well as cost data for the comparison court in downtown Brooklyn, were not available, it is highly likely that the Justice Center produces a net benefit to society.

Mechanism of Change for Reducing Recidivism and Neighborhood Crime

- *Importance of Procedural Justice and Legitimacy:* Quantitative analysis provided no support for either the theories that the Justice Center reduced recidivism (and possibly neighborhood crime rates) through treatment-based interventions or through improved deterrence strategies. Although we cannot link perceptions of procedural justice to specific case outcomes using a case-level data analysis, based on the findings from the process and ethnographic evaluations, improved perceptions of legitimacy and procedural justice comprise the most plausible alternative explanation. Moreover, the Justice Center's commitment to procedural justice is evident not only in the respectful two-way interaction between the judge and each party appearing before him, but also in its physical design; the conduct of its staff; and the efforts of the judge and other Justice Center staff to become a visible, supportive presence in public housing projects and other parts of the Red Hook community. The Justice Center's leaders and staff have cultivated an organizational culture that values procedural justice.
- *Role of Ethnographic Research in Supporting Study Conclusions:* The ethnographic analysis reveals that offenders interviewed in the community perceive a high level of procedural justice in the Justice Center's decision-making processes. The Justice Center's judge and court staff were frequently described as respectful and genuinely concerned

about defendants' well-being. Interviews with community leaders support this conclusion. Offenders frequently singled out the judge at the Justice Center for praise, describing his compassion, fairness, and willingness in his decisions to mitigate the unfair and disrespectful treatment that offenders routinely believed they had received from local law enforcement at the earlier arrest stage of case processing. During interviews, offenders reported perceiving greater procedural justice at the Justice Center than in the downtown Brooklyn courts. Taken together, the ethnographic findings suggest that improved interpersonal treatment, including a message of compassion, concern, and interest that distinguishes the Justice Center from the downtown court model.

Implications for Policy, Practice, and Research

The ingredients of a successful community court will vary substantially in response to each community's unique needs. The exact recipe that has allowed the Justice Center to flourish in Red Hook may not prove successful in other communities. Nevertheless, this comprehensive evaluation of the Red Hook Community Justice Center provides several important lessons for policymakers and community court planners, as well as for those interested in applying some community court practices in the context of traditional courts. Key findings include:

Community courts produce significant changes in sentences and in strategies to motivate compliance. Consistent with its model, the Justice Center expands the range of sentencing options through the greater use of community or social service sentences than the downtown criminal court. For most defendants, case processing at the Justice Center is characterized by the increased use of alternative sanctions; a decrease in the probability of a "walk" without meaningful consequences; a reduced likelihood of a jail sentence; increased use of secondary jail sentences for initial noncompliance; stricter monitoring and enforcement of the court mandate; and an emphasis on procedural justice in the judge-defendant interaction. Conceivably, many of these changes are achievable either within a community court context or as part of reforms that jurisdictions could choose to implement within centralized court settings.

Community courts pursue individualized justice in multiple ways. Individualized treatment interventions do not appear to be the most significant contributor to a community court's role in reducing recidivism. Alternative social service and treatment sanctions are frequently used, but they are mostly brief (one to five days in length) and standardized. Although individualized mandates tailored to meet defendants' criminogenic needs are often cited as a defining feature of community courts, only around five percent of defendants at Red Hook are mandated to medium-term drug treatment of 30 days or longer, and there is no evidence that this treatment was effective in reducing recidivism. (The impact evaluation included a separate sub-analysis on the medium-term treatment cases that did not detect a positive impact.) On the other hand, individualized justice in the form of respectful, attentive, and personalized interactions with the judge appears to be a central ingredient of the Justice Center's procedural justice effect.

A multijurisdictional court may have unexpected benefits, despite limitations in case coordination across jurisdictions. A distinctive feature of the Red Hook Community Justice Center is its multijurisdictional nature. The coordination originally envisioned among multiple cases involving the same individual or family has not been realized in practice, and adult criminal cases dominate the court's docket both conceptually and logistically. Despite the

challenges inherent in handling a variety of disparate case types, the Justice Center's handling of housing disputes between the New York City Housing Authority and tenants of public housing has helped the court to build legitimacy and strengthen its ties to the community. In another neighborhood without a history of problematic relations between tenants and a single institutional landlord, housing court might be less relevant to a community court's broader mission. The impact analysis suggests that the Justice Center may be effective in reducing recidivism among juvenile delinquency respondents cases that it does serve; but the juvenile delinquency caseload is extremely small at present, made more so by discretionary decisions to refer many such cases to the downtown family court once they are filed. When deciding upon what types of cases should fall within a community court's jurisdiction, policymakers and planners should carefully consider the community's unique needs; the support of key stakeholders associated with each jurisdiction; and the ability of a single judge to handle multiple types of cases governed by different bodies of substantive law along with different procedural requirements.

Community engagement is a defining feature of a community court. The Justice Center has succeeded in integrating itself into the fabric of the Red Hook Community to such a degree that residents perceive it as a homegrown community resource rather than an outpost of city government. To establish such close ties to the community, a court must do much more than establish an advisory council of local residents or send offenders sentenced to community service out to paint over graffiti. During the planning process, the Justice Center's planners sought out the perspective of all segments of the community—not just influential community leaders—in a series of focus groups. Before the court began hearing cases, the Youth Court and the Red Hook Public Safety Corps were established as concrete responses to two areas of community concerns: jobs and a lack of positive development opportunities for youth. The court's handling of housing disputes between residents of public housing and the New York City's Housing Authority helped to establish the court's reputation as a resource for solving community problems. Numerous other community and youth programs, from the court's involvement in cleaning up a nearby park to its summer internship program for youth, further integrate the court into the fabric of the community.

Procedural justice is essential. Taken together, the process, ethnographic, and impact evaluations suggest that procedural justice is the most plausible explanation for the reductions in recidivism observed at the Justice Center. It is essential that a community court judge demonstrates respect for individuals, makes impartial decisions on the basis of facts, allows participants a sense that they had a meaningful voice in the proceedings, acts in a trustworthy manner, and conveys true compassion and concern. Design features of the courtroom and courthouse, such as lowering the bench so the judge is at eye level with the defendant, can contribute to perceptions of procedural fairness. Perceptions of procedural justice can also be enhanced by establishing an organizational culture of procedural fairness that extends from the judge and court managers to the administrative staff and court officers. Such an organizational culture can also help to facilitate cooperation among the various governmental, nonprofit, and community entities that contribute to the everyday functioning of a community court. More broadly, the principles of procedural justice are not dependent upon the infrastructure of a community court, and can be successfully implemented in any court setting.

Conclusion

This comprehensive multi-method evaluation of the Red Hook Community Justice Center demonstrates that the community court model can indeed reduce crime and help to strengthen neighborhoods. The Justice Center experience provides valuable insight on the importance of procedural justice and genuine community engagement to the successful implementation of a community court. More broadly, this evaluation adds to the body of evidence supporting the argument that the practice of procedural justice in interactions with individual representatives of the justice system, as well as broader efforts to increase the perceived legitimacy of laws and legal institutions, comprise highly effective criminal justice policies.