

Improving the Response to Misdemeanors by Adopting Community Court Practices

A comprehensive report by the National Center for State Courts concludes that criminal courts throughout the country could adopt practices honed in community courts—such as new assessment tools, enhanced monitoring of court orders, information technology, procedural justice efforts, and expanded sentencing options—to improve the handling of misdemeanor cases.

The report, *A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center*,¹ was created with support from the National Institute of Justice. It found that the Brooklyn-based Justice Center increased the use of alternative sentences with 78 percent of offenders receiving community service or social service sanctions, compared with 22 percent among comparable cases processed at the regular criminal courthouse in Brooklyn. The Justice Center also reduced the number of defendants receiving jail sentences by 35 percent and reduced recidivism among adult offenders by 10 percent and among juvenile defendants by 20 percent. As a result of the reduction in recidivism, the study credited the Justice Center with \$15 million in avoided victimization costs.

What follows is excerpted from the report.

Lessons for ‘Any Misdemeanor Court’

“In our review of the defining features of community courts, many also emerged as good practices that can be adopted by any misdemeanor court. Five such possibilities include the use of assessment tools, monitoring and enforcement of

court orders, the use of information technology, procedural justice, and expanded sentencing options.

1. Use of Assessment Tools

Community courts typically gather more information about offenders than do traditional criminal courts, especially during pre-arraignment interviews by pretrial services personnel and social service screenings by court staff. This allows the community court judge to make more informed decisions in selecting alternative sanctions. Traditional courts can increase the amount of information available to judges by expanding pretrial services questionnaires and conducting additional pre-arraignment screening of defendants who appear to have social service needs.

2. Monitoring and Enforcing Court Orders

The Red Hook Community Justice Center, like other community courts, takes steps to maximize the likelihood that offenders will comply with court orders. With alternative sanctions like community service, monitoring begins at the point at which offenders are given an order

1. 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. Available at <http://bit.ly/RHeval2013>.

to report to the office that will give them their specific community service assignment. Community courts often escort offenders from the courtroom to the community service office. Once community service is started, attendance is rigorously monitored. Non-attendance is quickly identified and sanctioned. Central courthouses face challenges in enforcing community service and other alternative sanctions. While a community court is typically located in a standalone building, other criminal courts are located in buildings containing multiple courtrooms that all refer offenders to a central community service assignment office. In a large courthouse, clear and official procedures for monitoring and enforcing alternative sanctions have the potential to increase compliance rates.

3. Use of Information Technology

Specially designed case processing information systems are one reason that community courts can effectively make the level of monitoring and enforcement more stringent than in most misdemeanor courts. Central courthouses can review those systems and make incremental changes to their existing case processing software to make it more effective or, when opportunities arise, implement features from community court information systems into their own updated system.

4. Procedural Justice

Procedural justice is a social psychological theory and an associated set of practices that explains whether decision-recipients comply with decisions made by a decision-maker. Community courts appear to provide a type of court venue that is conducive to achieving procedural justice effects. The principles of procedural justice, however, are at play in any interaction between a decision-maker and a decision-recipient. A community court is not required for experimentation with ways in which to maximize the contribution that procedural justice can make to offender behavior. Indeed, procedural justice has been called the ‘organizing theory for which 21st Century court

reform has been waiting’ with broad application in all aspects of court policy and operations.

Community court judges can serve as models for the types of interactions between a judge and offenders that improve offender satisfaction with the court and willingness to comply with its orders. Video recordings showing community court judges on the bench are one way in which judges within the centralized court system can make self-assessments of their style of communication on the bench and consider how closely that style conforms to the principles of procedural justice. Self-improvement efforts based on procedural justice principles are already underway in courts around the country. By viewing video recordings of effective community court judges and then comparing and evaluating recordings of their own interactions with defendants, judges can gauge the degree to which they are effective in applying procedural justice principles.

5. Expanding Sentencing Options

Traditional misdemeanor courts can benefit from replacing sentences without real consequences or that involve incarceration with a greater reliance on alternative sanctions. There is already a trend in which mainstream courts make greater use of community service. While expanding the range of sentences imposed is a worthwhile step, any advantage will depend primarily on adopting a strict policy on non-compliance with alternative sanctions.

Mechanisms for Transferring Practices

Potential mechanisms for encouraging the transfer of community court practices to mainstream courts include rotation of staff between locations, programs that bring other judges and court staff to the community court to observe new practices that could be implemented at the main courthouse, as well as active participation on the part of the community court judge in meetings of the main court’s judiciary.”

The Center for Court Innovation offers no-cost assistance to the field as the Bureau of Justice Assistance’s provider of Problem-Solving Justice Training and Technical Assistance. For help implementing community court practices, contact the Center at expertassistance@courttinnovation.org.