

Lessons from Community Courts

Strategies on Criminal Justice
Reform from a Defense Attorney

by Brett Taylor



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Introduction: Idealism Confronts Reality

I first met Robert in New York City in 1993. I was his public defender on a drug possession case. He was one of a seemingly countless sea of drug-addicted people caught up in the criminal justice system in Brooklyn back in the early 1990s. Due to New York’s harsh drug laws and Robert’s previous drug-related convictions, he was facing a minimum of two to four years in prison for possessing about a half-dozen \$10 bags of heroin. He was barely 24 but looked much older as a result of years of drug use. After several court appearances, we were able to get a plea to a sentence of one year in jail, of which he would only serve about eight months. Robert was excited to take the deal and we both considered the resolution of the case a success.

Growing up in a blue-collar town, I encountered many people like Robert—people who got into trouble with the law as kids on minor offenses and began cycling in and out of the justice system. I saw how ineffective the justice system was in many cases. Instead of breaking the cycle of addiction and criminal behavior, the justice system was either too harsh or too lenient; some would receive the proverbial slap on the wrist while others wound up with stiff penalties. Judicial decisions sometimes appeared to be arbitrary and inconsistent.

When I made it to law school, I decided, like many other idealistic future lawyers, that I was not going to repeat those mistakes. I was going to protect people's rights and keep the justice system working like the textbooks said it was supposed to operate.

Unfortunately, I lost my idealism pretty quickly.

My experience was typical of many public defenders. I found myself in a state court system juggling a large caseload, dealing with multiple cases in multiple courtrooms each and every day. Nearly every case was plea-bargained and many times little to no formal investigation of the case occurred. At arraignments decisions were made in minutes, but the repercussions on the defendant often lasted a lifetime.

And what happened to those big, glorious cases in which I imagined I'd be righting the justice system's wrongs? I learned that the reality is that most cases in state court systems are low-level, non-violent cases that are almost always resolved with plea-bargained sentences ranging from "time served" to a few months in jail. Defendants often ask for these deals since they know that the trial process can take many months and pleading out their case allows them to get out of jail quicker—and for those suffering from substance use disorder, a quicker return to getting high.

Robert was a typical case for me. Drug courts were in their infancy back then, and receiving social service-related sentences was not the norm in criminal court, especially for low-level offenders. What was the norm was harsh collateral consequences from plea bargains. A conviction often impacted jobs, housing, the right to drive, or the ability to receive student loans.

I found it frustrating to work on cases where my clients' problems—like problematic use of drugs and alcohol and mental illness—were obvious but were never addressed by the court.

Red Hook Community Justice Center

When I heard that an experimental project called a community court was set to open in Red Hook, Brooklyn, in the Spring of 2000, I asked to be assigned there.

Many colleagues asked why I would want an assignment that would consist primarily of misdemeanor charges and not trying cases before a jury. The answer was pretty obvious to me: the new court promised better outcomes for my clients, ones that went beyond adjudication and punishment to offer my clients tools to help them lead healthier, safer, and law-abiding lives. I knew the impact of these outcomes would go far beyond my clients: if you improve the life of one person, you're also improving the lives of that person's family and ultimately their community. These were the very things that I, as an idealistic law student, hoped to achieve when I entered law school.

The Red Hook experiment was inspired by the example of the Midtown Community Court, which opened in Manhattan in 1993 as the first community court in the U.S. Like the Midtown Court, the Red Hook Community Justice Center wanted whenever possible to replace short-term jail sentences with community restitution assignments and mandated participation in social services.¹

In the past, a client who pleaded guilty in New York City's centralized court system to charges like trespass and simple possession of drugs usually received three days in jail. In the new Red Hook court, however, he was given the opportunity by the judge hearing the case to spend a day with a court-supervised group of defendants cleaning a local park and two days participating in short-term drug counseling.

Obviously, two days of counseling won't change a life—but it's more meaningful than sitting in jail. During those two days of counseling, a client might muster the incentive to continue treatment on his or

her own (an option the court encourages and facilitates for anyone interested). Whereas the only thing two days in jail ever did for my clients was let them rest up so when they returned to the street they could keep doing whatever they were doing that got them in trouble in the first place.

Robert Returns

As luck would have it, a couple years after I started working in Red Hook, I ended up representing Robert again. It was 10 years after our first meeting.

He'd been picked up for another drug possession case and had been in and out of jail many times since our first encounter. We remembered each other. He said he was expecting something in the six-month range as a sentence and was unprepared for what the offer turned out to be: long-term drug treatment. Although he had been in and out of jail for more than a decade, Robert had never been given an opportunity to enter treatment. After we discussed all his options, Robert chose to enter treatment for a year rather than seek out a shorter jail sentence. If successful, charges would be dismissed by the prosecutor. What a difference a decade makes and what a difference the community court sentencing options were for Robert. A successful outcome was now measured in real opportunity for change rather than the shortest possible jail sentence.

Today there are more than three dozen community courts across the U.S. that have adopted the model exemplified by the Red Hook Community Justice Center. I have since moved on to work at the Center for Court Innovation, which helped develop the community courts in Midtown and Red Hook and several other community courts in New York in collaboration with the New York State Unified Court System. As part of the technical assistance team at the Center for Court Innovation, I have helped spread the word about the Red Hook Community Justice Center's approach to justice, which has been shown through a recent evaluation by the National Center for State Courts to contribute to reductions in recidivism and neighborhood crime.²

What I've seen and learned firsthand—and what a growing body of research confirms—is that many of the practices that community courts have developed

and honed can improve outcomes for offenders, victims, communities, and court systems. This is good news in and of itself; but even better news is the fact that mainstream courts are beginning to adopt these approaches. This means that whether or not a jurisdiction opts to create its own separate community court, its court system can still benefit from community court concepts.

For instance, an administrative judge in Newark, N.J., told me that he was initially reluctant to start calendaring cases for compliance hearings, fearing they would further clog already overburdened calendars but he came to see the long-term benefits, including a reduction in the number of warrants issued. And if a defendant is out on a warrant, the judge reasoned, there was the distinct chance he or she was getting into more trouble, harming the community and making work for the justice system.

Key Community Court Lessons

In the pages that follow, I highlight key community court takeaways that any court system can apply to lower-level cases to improve outcomes for communities, victims, and offenders alike.

1. Using Assessment and Screening Tools

One powerful way that community courts attempt to solve problems is by connecting offenders to services. To make informed sentencing decisions and match offenders to appropriate interventions, community courts have incorporated screening and assessment tools to evaluate defendants' individual needs.

I've found that many people are confused about the difference between an assessment tool and a screening tool, so let me define them.

- A screening tool is a set of questions designed to evaluate an offender's risks and needs fairly quickly. It usually takes no more than 10 or 15 minutes and is administered early in the justice system process. If a screening tool indicates that the defendant is at high risk for further offending, it's important to dig a little deeper. That's where an assessment tool comes in.
- An assessment tool is a more thorough set of questions administered before an offender is matched to a particular course of treatment or service.

Taken together, screenings and assessments provide court staff, defense attorneys, prosecutors, and judges with specific information about risk levels for different behaviors—specifically, the risk of failing to appear or the risk of re-offending.

In community courts, cases are often adjudicated at arraignment, so immediate screening and assessment

are essential. Even when a case is adjourned, community courts often mandate services in lieu of bail as an effective way to ensure that the defendant returns to court. Defendants are often more willing to engage in services immediately following an arrest rather than months later when a final sentence is issued.³

The best thing about using screening and assessment tools is that courts can accurately target their responses. For instance, someone arrested on a drug charge might not be a problematic user of drugs. Requiring that defendant to participate in drug treatment would be a waste of resources.

We've learned from experience and research that screening and assessment tools should be validated for accuracy. Validated tools help eliminate subjective bias. They can tell court staff who needs treatment most and who is at highest risk of offending, thus ensuring that scarce resources are reserved for those who need them most. (Check out 'Evidence-Based Strategies for Working with Offenders,' for more information on using validated tools.⁴)

Most validated assessment tools used by courts today were developed for felony offenders. Community courts around the country have identified a need for new and more flexible validated tools, especially ones customized for courtrooms handling a high volume of misdemeanor cases.

To fill that gap, the Center for Court Innovation is developing a brief risk-need screening tool: the Criminal Court Assessment Tool, designed to help judges, attorneys, and others make more informed decisions about the use of alternatives to detention and incarceration in high-volume criminal justice settings (e.g., a short screener for arraignment settings and a somewhat longer tool for assessment post-diversion). This tool is a valid predictor for general offender populations and is the first tool piloted and

validated for use with a misdemeanor population. This project addresses a significant gap in the field since misdemeanor offenders constitute about 70 to 80 percent of cases in urban courts.

The Center has been testing this tool, with the support of the Bureau of Justice Assistance, with misdemeanor populations in Brooklyn, the Bronx, and Manhattan. With this tool in hand, staff in any court will be able to identify which offenders are low-risk, and which have social service needs.

Community courts are also helping develop tools adapted to particular populations. The Red Hook Community Justice Center, for example, has added a trauma scale to its regular screening tool. The tool identifies those coping with both substance use disorder and trauma and allows Red Hook staff to match them to service providers best equipped to treat them. The South Tucson Community Court is developing a tool for addicted offenders living in a border area. Other tools are being created specifically for mentally ill populations.

2. Monitoring and Enforcing Court Orders

When I've asked about compliance monitoring, more than one judge has said to me, "I've already told them what to do; they should just do it!"

Community courts take a different approach. They recognize that courts have unique leverage to ensure that orders are carried out—and they've learned to use that leverage in ways that don't make unreasonable demands on either court resources or defendants.

The main monitoring tool community courts use is compliance hearings, in which participants are periodically required to return to court to provide updates on their compliance. Sometimes they meet only with court staff; sometimes they appear before the judge. Either way, community courts require that

service providers supply the court with accurate and timely compliance information so that they can hold defendants accountable.

Compliance hearings don't need to take a lot of time. Research has shown that their power isn't in their length but in something called the "black robe" effect. This refers to the power of the judge. With just a few words of encouragement (for those doing well) or an expression of disappointment (for those doing poorly), judges tend to have an outsized impact on the offender's behavior.⁵

This research confirmed my own first-hand impressions as a defense attorney working in the Red Hook Community Justice Center. It was clear to me that my clients felt more satisfied with their court experience when the judge and other court staff remembered them and showed that they cared about their fate. In fact, I always made a point of praising my clients who followed court orders and did well in treatment and offered whatever encouragement and help I could to those who were struggling.

Recently, a former client of mine stopped me on the street. I didn't recognize him at first but he told me how much he appreciated the pats on the back when he appeared in court. He told me that he looked forward to those pats on the back and it helped encourage him to continue with his treatment. He thanked me for saving his life and I told him that he had saved his own life, that those of us in the court system merely pointed him in the right direction.

Judge Victoria Pratt, who presides over Newark Community Solutions, a community court in New Jersey, says former court participants will sometimes return to court voluntarily just to say hello and let her know how things are going. Former clients in Red Hook frequently walk in to show staff a paycheck, a diploma, or to report on other positive news in their lives.

Many judges have told me that compliance hearings have an energizing effect on their work and job satisfaction. When a judge sees a defendant only once, he is little more than a docket number. But when the judge sees a defendant over a period of months, watching him eventually succeed at fulfilling his requirements (even if he has a few backslides along the way), the judge can feel that she is finally having an impact on someone's life.

A couple of years ago, Washington, D.C. re-organized its misdemeanor calendars to implement the community court model in all seven Metropolitan Police Department districts. As a result, more D.C. judges have experienced presiding over a community court, and many have asked if they can stay longer in their community court assignments because they find their interactions with participants so rewarding.

3. Using Sanctions and Rewards

The judge can do more than offer mere words of praise or disapproval. He or she can also issue more tangible rewards. Some might offer a round of applause in the courtroom. Judge Alex Calabrese in Red Hook will ask a defendant who is doing well to approach the bench so he can offer a handshake. Other community courts motivate defendants by giving away items ranging from coupons to local restaurants to movie tickets to a piece of candy from the courtroom candy bowl.

The judge can also issue sanctions. For instance, he or she can require defendants to return to court more frequently or submit to more drug testing or lengthen their amount of treatment. Jail sanctions are also an option but many judges prefer to use community-based sanctions if possible.

I've heard plenty of people scoff at the idea of applauding a defendant, but they often change their mind when they see the effect that kind of affirmation

has. Many people coming through the courts have never been recognized for their successes or achievements. When they get praise from a judge or hear a roomful of applause, their faces light up with an ear-to-ear smile.

Community courts have also learned the importance of being flexible. A court may require someone with a warrant history to come back the next day to show he signed up right away for services, whereas it might give someone without a warrant history a week to prove his compliance. For example, initially, due to his record and never having done treatment, my client Robert had frequent compliance-monitoring court dates. As his attendance became more reliable, and as he stayed sober, the time between updates increased.

Community courts also test strategies for keeping defendants engaged. Sometimes it isn't possible to find an appropriate treatment program right away. But to wait too long increases the chance the defendant will fail to comply. Staff at the Orange County Community Court sometimes have the defendant participate in community restitution projects while waiting to start drug treatment—this is done to keep defendants engaged and to prepare them for the new routines he or she will follow once they begin treatment.

Yes, it takes a little extra time to conduct compliance hearings. But it pays dividends in the long run when courts don't have to issue warrants, law enforcement doesn't have to track down AWOL defendants, and the defendants don't commit new crimes. In other words, rigorous monitoring might require the defendant to visit the court a few more times than normal, but if that increases the likelihood that a significant number of defendants will be successful with their mandates and not reoffend, it can save resources over the long haul.

4. Promoting Information Technology

Community courts have promoted the use of technology to improve decision-making. Technology planners

created a special information system for the Midtown Community Court to make it easy for the judge and court staff to track defendants. The Midtown Court's software was so innovative that it won Microsoft's Windows World Open in 1995.

How does technology improve decision-making? The key is the first initial in that acronym, IT. The "I" stands for information. Information that's reliable, relevant, and up-to-date is essential for judges to make the wisest decisions they can.

Many of the problem-solving courts in New York State now use technology that builds on the prototype created for the Midtown Court, and courts far and wide—including in Cook County, Illinois, New Orleans, and San Francisco—have adapted similar systems to their needs. The technology allows all players involved in a case—judge, prosecutor, defense attorney, clerk, court staff, and on-site social service partners—to access and update information so that files stay current. Privacy settings can be created to limit who can see and update the files.

With Robert, his case manager regularly updated information about his progress in treatment in the court computer system. I could access his information from my office, but only the case manager and court clerk could input or change anything in the file. Having access to that information helps all the players in the justice system do their jobs better and more efficiently.

Technology allows court staff to record the results of drug screens and track compliance so that when a defendant stands before the judge, the judge knows immediately his or her status. I remember once in Red Hook, a defendant with a long criminal record was participating in drug treatment. The program said he'd refused to have his urine tested for drugs, but the defendant claimed he'd complied with all the program's requests. When the judge accessed the latest information through his computer terminal—which is within arm's reach on the bench—he found that the defendant had, in

fact, been in consistent compliance and had never missed a test since the start of his case. When the defendant realized that the judge was giving him the benefit of the doubt—based on concrete, up-to-date information—it was like a cloud lifted. The defendant’s demeanor visibly changed, and he went from being agitated and angry to feeling positive about the program and upbeat about his ability to finish.

With a computer terminal on the bench, many judges find it easier to keep personal notes. This allows them to individualize their responses to defendants and follow up on news and information gleaned during an offender’s previous appearance. Defendants are often stunned when a judge asks them about milestones in their lives—a job interview, a child’s birthday party, a move to a new apartment. This kind of personal interaction makes a defendant feel like the court cares about them as a person and in turn promotes procedural justice.

Sophisticated data collection systems also make it easier to measure outcomes and track results. Some of the questions a data system can answer are obvious: How many defendants are currently in treatment? How many are in compliance? How many have successfully completed treatment? But they can also answer more complicated questions: Which demographic group fares best in certain kinds of treatment? Which kinds of rewards and sanctions produce the best results? Answers to these questions can help everyone—including judge, prosecutor, and defense attorney—to fashion the most effective sentences and procedures.

5. Enhancing Procedural Justice

In the mainstream court, judges usually talk to the prosecutor and the defense attorney. Although the judge is usually talking about the offender, she hardly ever talks to the offender. Things are different in community courts. Judges often speak directly to the offender,

asking questions, offering advice, issuing reprimands, and doling out encouragement. This reflects an approach known as procedural justice. Procedural justice has attracted the attention in recent years of both practitioners and researchers. Its key components, according to Yale Professor Tom Tyler, are voice, respect, trust/neutralty, and understanding.⁶

At the Center for Court Innovation, we've interviewed judges about this different way of relating with offenders and virtually all of them say it's an improvement over business as usual. Here's what two judges in California said about this:

Judge 1: ... There is such a thing as a "black robe effect." The mere fact that an authority figure shows ... caring and kindness can have a positive impact that is intangible but still [real].

Judge 2: If the person is doing well, I am going to tell them they are doing well.... It is the first time in their lives anyone ever told them that they were doing well, and it makes a difference.⁷

When we studied what factors shaped defendants' perceptions of fairness, we found that the judge was the most important factor. Defendants who perceived that the judge treated them with respect, helpfulness, and objectivity were more likely to say their experience was fair overall.

Sometimes, procedural justice can take the form of a judge inquiring about a family matter the defendant had mentioned on a previous court date. One client in Red Hook was heard saying in the hallway to his friend, "That judge really cares about you. He asked about my kid's school."

A good example of procedural justice occurred during Robert's case in Red Hook. After a few early struggles, Robert was doing well and had about nine months of his one-year mandate completed. He had received a job offer and asked me to request that the court allow him to complete his treatment in an outpatient setting. The

judge approved his request. Robert successfully completed his treatment, had the case dismissed, and is currently working a fulltime job. This is an example of allowing a defendant to have some input, or voice, on how to resolve a case in a manner that, satisfies the court, the attorneys and the defendant.

Community courts have shown that procedural justice can take place both inside and outside the courtroom. In an effort to communicate concern and care, the San Francisco Community Justice Center has a “Client of the Week” who gets a \$5 Starbucks card as a reward for good attendance and clean drug tests.

By giving the community a voice in shaping restorative sanctions, a community court opens a dialogue with its neighbors. A community advisory board can offer residents an institutionalized mechanism for interacting with the judge and court administrators. By allowing local residents to be heard on matters that impact their neighborhood, it also increases community trust in the justice system.

Community courts have also developed useful strategies for making courthouses more welcoming. For instance, they’ve learned a lot of lessons about signage. All too often, visitors to a courthouse can get lost or feel intimidated. The Red Hook Community Justice Center recently installed new easy-to-read signs to make the building easier to navigate. Clear signage—sometimes in multiple languages, depending on the makeup of the community—goes a long way to improving visitors’ experiences in the halls of justice.

Beyond signs, many community courts encourage everyone on staff to be friendly and welcoming. Judge Alex Calabrese at Red Hook Community Justice Center always says that procedural justice starts at the front door. And it doesn’t end there. I’ve seen court officers give defendants pep talks after their cases are heard. They say things like, “Don’t worry. Things will work out. You’ll be doing fine with this in a couple days.”

People always used to tell me that things are different at Red Hook. They'd say things like, "Court officers are way nicer here." I'm a big believer that simple kindness leads to a huge increase in compliance with court mandates.

The good news for courthouses everywhere is that being nice doesn't cost anything. It's a low-tech, no-cost strategy that increases people's confidence in the justice system.

I've seen officers in many big-city courthouses act brusquely toward both defendants and the public. They might yell, be impatient, tell folks to go elsewhere to have their questions answered. And I understand why: they're busy, tired, unappreciated. That sort of thing can happen to the best of us. But if court officers infuse a bit of procedural justice into their daily routine—take the time to answer questions, offer a smile, make every effort to treat visitors with respect—then people will be friendlier in return, tensions will ease, and everyone will feel that the court system is more fair and legitimate.

As a defense attorney, I always tried to ensure my clients were treated respectfully in the court process, but it was challenging. In some courthouses, there wasn't always a private place to confer or the time to explain things as thoroughly as I would have liked. At the Red Hook Community Justice Center, the judge gave me as much time as I needed to make sure my client understood what was going on so he or she could make informed decisions.

Procedural justice has a way of infusing even the busiest courthouse with a small-town feel, and that's a good thing.

At Newark Community Solutions in New Jersey, staff has made a point of reaching out to everyone in the building so that they know how the program works, and the services it provides. This has reduced the chance that participants in the community court will get lost and

increased the chance that courthouse staff might refer those in need to the court's many voluntary programs.

In Washington, D.C.'s six community court calendars, procedural justice is becoming a way of life. After an evaluation found a 42 percent reduction in recidivism among community court participants, the entire Superior Court underwent training in procedural justice.

But lessons learned in community courts about procedural justice go well beyond the courthouse. In Spokane, Wash., the police officers have a script they read to the defendants when they issue citations. They tell them all about community court and what it offers and give them the choice of going there or proceeding through the traditional court. One of the first defendants to appear in the Spokane Community Court said he appeared because of how the police officer treated him. He felt he was treated respectfully and in turn he wanted to show respect to the officer by showing up to court. Procedural justice works at every level of the justice system.

Police in Portland, Ore., have been working on a plan to offer people with housing or homelessness issues immediate assistance by voluntarily taking them to a service center ahead of their scheduled court date so they can access services right away.

When a criminal justice official shows signs of respect, the impact can be hugely positive. Judge Toy White of the Ventura Homeless Court is getting people on citation cases—the equivalent to a summons or other non-criminal charge—to engage in drug treatment not with legal leverage but with the power of her words. She will simply tell a problematic user of drugs, "You're going to die if you keep this up." And then her staff will offer assistance connecting to social services. The judge has told me that many defendants respond positively to this and appear to be moved

that a judge cares about them as a person rather than merely looking at them as a defendant.

6. Expanding Sentencing Options

With jails overcrowded and government budgets stretched to their limits, everyone is looking for better, smarter, and more cost-effective sentencing options.

Community courts have been using alternatives to incarceration for decades and are ready to share what they've learned with anyone who will listen. In addition to providing long-term drug treatment for those in Robert's situation, community courts have also made use of shorter interventions.

Community service is an important sentencing option in community courts. Community courts believe community service fulfills several functions by:

- Providing an opportunity for positive engagement between the justice system and the defendant.
- Addressing neighborhood disorder.
- Reconnecting defendants with the community by making them feel as if they had contributed something back to the community.
- Strengthening links between the justice system and potential collaborators.

I learned first-hand that community service can do more than punish when a client said to me that community service was the “first time I felt part of my community again.” Sure, many clients are bored or resentful when they're required to clean a park or paint over graffiti. But many become engaged in the work and proud of what they accomplish. On many occasions I've heard clients insist on finishing a project they had

started, even when the shift was over—asking to stay longer so they can paint the last couple of park benches, for example.

Community courts have learned that this feeling of ownership over the work is more likely to occur when offenders feel the work is meaningful. The Aneth Community Court in the Navajo Nation officially became part of the “adopt-a-highway” program near their community court and now sends community restitution crews to do cleanups there. Court staff and regular community members will work alongside the Aneth Community Court’s clients, which sends a clear and positive message that this isn’t “make work” and that it is important to the community as well.

The Seattle Community Court has done something similar by sending offenders to participate in neighborhood cleanup events. I once spoke to a neighborhood resident who was participating in the cleanup alongside court clients. He told me, “We don’t care what they did, but we’re here to work with them and we’ll tell them, ‘We’ll treat you like a member of our community, and we expect you to act like a member of the community while you’re here.’” The neighborhood volunteers told me that they were very happy with the program and welcomed the extra help.

Community service isn’t just a feel-good exercise. It has the practical side-effect of connecting the offender with agencies where they’re performing the community service. In Washington, D.C., many providers love their connection with the court because they not only get the benefit of a community restitution crew but many of the crew members are potential clients.

The Hartford Community Court sometimes sends defendants to perform restitution at an urban horse stable and one of the workers performed so well that the stable hired her as a permanent employee.

Vancouver’s Downtown Community Court sends clients to work at treatment centers that, according to

their screening and assessment tools, are a good match if the client chooses to pursue services voluntarily.

Another community court judge even allows continued attendance at a treatment program to be counted as community service on certain cases.

Community courts will also incorporate treatment directly into a sentence. With appropriate assessment tools, they can determine clients' needs and require them to participate in services that can help them address obstacles—like a problematic use of drugs or mental health issues—to a law-abiding life.

Community courts have learned that having access to on-site experts to help connect defendants to services as soon as possible after the point of arrest is the best recipe for long-term success in treating chronic addiction issues.

Mainstream courts can also learn something from community courts about cultivating realistic expectations. After working with thousands of clients, community courts have a realistic grasp on what mandates can accomplish. Despite all the great things I've described, community courts expect that many offenders will eventually recidivate and return to court, so they plan for it.

Because mandates in a community court are usually short (they need to be proportionate to the low-level nature of the offenses), court staff try to think long-term. They know they can't address all of a client's problems in a single intervention; after all, no one is going to solve 20 years of problematic drug use in a two-hour counseling session. So community courts try to find ways to deepen the interventions each time a client returns to court.

At the Red Hook Community Justice Center, for example, a first intervention might include getting the client an identification card. That way, if the person returns to court again on a new charge, it will be easier to link him or her to services.

7. Engaging the Community

Community courts emphasize working collaboratively with the community, arguing that the justice system is stronger, fairer, and more effective when the community is invested in what happens inside the courthouse.

But engaging with the community is a useful strategy for all justice players, including conventional courts. Courts are one of the pillars of our democracy and only function well when their activities are transparent, their buildings welcoming, and their activities respected.

It is not enough to point out that courthouses are public. That fact doesn't address the distrust or lack of interest that so many communities direct toward their courts. If you think about it, how many members of the public really know what goes on inside a courtroom (other than what they see on TV)? When people get jury duty notices, do they race to the courthouse to participate or do they tend to do anything they can to avoid service? When people are called as witnesses to crimes, especially in low-income, high-crime neighborhoods, are they eager to take the stand or do many prefer to keep their mouths shut and their stories to themselves?

Too often I've attended community meetings around the country where people will say things like, "I don't know what the courts do." Or they'll complain that a particular criminal who was arrested one day is back on the street the next—which is a reasonable concern but shows a lack of understanding about how court systems work. This lack of understanding contributes to diminished confidence in the justice system.

Community courts have learned how to reverse some of these attitudes by building trust. One way they do this is by sending court representatives, including judges, to community meetings to listen to people's concerns and explain court operations. In Red Hook, Judge Calabrese might explain why someone is still on the street following an arrest, this way: "Just because you see

him on the street doesn't mean he isn't complying with court sentencing, dealing with issues, and that we aren't watching him carefully."

Community courts also go out of their way to communicate outcomes, including social service and treatment success stories. For over a decade, the Hartford Community Court has been publishing newsletters that document the results of community service work and how many hours of labor defendants have performed in the community. The newsletters are archived on the court's website, serving as a resource for anyone who wants to learn more about the court.

Community courts also use their powers to solve problems. When a community court judge asks representatives of organizations and agencies to attend a meeting, people usually show up. This convening power allows the community court to play a role in coordinating multi-agency solutions to neighborhood problems. In the Brownsville neighborhood of Brooklyn, N.Y., garbage had collected at one spot for more than 15 years, creating a mound more than 10 feet high and 20 feet long. Staff of the Brownsville Community Justice Center identified the problem by regularly meeting with local residents and business owners to ask them about their concerns. The Justice Center staff brought together all the relevant players—the owner of the lot, the city's Sanitation Department, the Police Department, New York City's public housing authority, homeless advocates (a mentally-ill person was living among the debris), and concerned citizens—and were able to coordinate a removal of the trash, a total of 7 tons.

Community courts can also help generate enthusiasm for solving problems. The homelessness problem in Spokane, Wash. wasn't getting a lot of attention until the community court came along. They convened a group to brainstorm solutions. Over time, members of the planning team offered to tackle an aspect of homelessness. For example, one organization offered

to coordinate job training; another offered to bring free lunches to court days. Slowly, the group raised awareness about homelessness. Now, rather than think of homelessness as a problem to ignore or tolerate, there are concerted community efforts underway to tackle it.

There are numerous ways that community courts actively assess community concerns. The Midtown Community Court hosts a monthly panel where representatives of government agencies (police, transit, education, for example) and local organizations (including providers of mental health services, shelters, faith groups, and civic groups) discuss their concerns and brainstorm solutions. Sometimes the problems are more obvious. After the devastating flooding in low-lying areas of Brooklyn caused by hurricane Sandy, the Red Hook Community Justice Center played an active role in coordinating relief efforts. Although this isn't a traditional responsibility of a courthouse, it went a long way toward building good will for the justice system—not to mention that it may have contributed to the remarkable absence of crime during those weeks of distress and hardship.

Conclusion

The last time I ran into Robert was at an outdoor community event about four years after his case had been dismissed. We both smiled upon seeing each other, and he told me he was still working the same job, and had his own place. He said to me a bit excitedly, “You need to tell people about that court. It saved my life. They need to have more courts like that.” As he walked away I couldn’t help but think about how many Roberts are still languishing in the criminal justice system.

Some critics of community courts say that helping people with substance use disorder, mental health issues, and other social service needs is not the job of courts and should be handled by other entities. In a perfect world, I would agree. However, in the reality of the world today, people with social service needs continue to end up in the courts. Court systems across the country have realized that if defendants with social service needs are not given treatment options, those defendants will be stuck in the revolving door of justice and continue to clog the court system.

By employing some of the tools and practices outlined in this paper, courts can help those cycling in and out of the court system to achieve stability and become contributing members of society. In other words, people like Robert.

Although it may not comport with the vision of success that many defense attorneys had upon entering this work, I can tell you that nothing beats seeing a sober, healthy person approach you on the street and hearing, “Thank you for helping me get my life back on track.”

Endnotes

1. Residents of the neighborhood played a role in planning the Justice Center and have continued to be involved.
2. C.G. Lee et al., *A Comprehensive Evaluation of the Red Hook Community Justice Center* (Williamsburg, VA: National Center for State Courts, 2013).
3. G. Leigh, A. C. Ogborne, and P. Cleland, 'Factors Associated with Patient Dropout from an Outpatient Alcoholism Treatment Service,' *Journal of Studies on Alcohol* 44:4 (1984): 359-362; M. Rempel et al., *The New York State Adult Drug Court Evaluation: Policies, Participants, and Impacts* (New York, NY: Center for Court Innovation, 2003).
4. This document can be downloaded at <http://www.courtinnovation.org/research/evidence-based-strategies-working-offenders>.
5. S.B. Rossman, et al., series editors, *NIJ's Multi-Site Adult Drug Court Evaluation* (Washington, D.C.: The Urban Institute, 2013); P. Holcomb et al., *In Their Own Voices: The Hopes and Struggles of Responsible Fatherhood Program Participants in the Parents and Children Together Evaluation* (Washington, D.C.: U.S. Department of Health and Human Services, 2015).
6. Voice: Offenders have an opportunity to be heard, either directly or through their attorney. Respect: Offenders are treated with dignity and respect. Trust/neutrality: Offenders perceive decision-makers as neutral and competent and their decisions as unbiased and accurate. Understanding: Offenders understand decisions, including the reasons for those decisions, and understand any future responsibilities they have to comply with court orders. See, Tom Tyler, 'Procedural Justice and the Courts,' *American Judges Association Court Review* 44:1&2, available at <http://aja.ncsc.dni.us/courtrv/cr44-1/CR44-1-2Tyler.pdf>.
7. Donald Farole et al., *Collaborative Justice in Conventional Courts (Phase One): Opportunities and Barriers* (2004), available at <http://www.courtinnovation.org/sites/default/files/collaborativejustice.pdf>.

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