

SPECIAL ISSUE ARTICLE

Characterizing community courts

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Abstract

Community courts (CCs) provide a therapeutic diversion for repeat low-level offenders. This article explores the characteristics of two Israeli CCs using the Criminal Law Taxonomy (CLT), an instrument developed by the authors for assessing process-, stakeholder-, substance-, and outcomes-related characteristics of criminal justice mechanisms. Through court-hearing observations and a process of multi-rater coding of cases, the article analyzes the courtroom dynamics according to a set of 13 measurable parameters. The process was conceived as a vehicle for promoting the model goals: it was highly offender-oriented and involved a needs-based terminology while allowing for restrained expression of emotion. However, the process included no victim-offender dialogue and offender supporters and community representatives were only partially involved. The findings provide information about the program's implementation integrity; they also offer a basis for comparison with the characteristics of other justice mechanisms. While focusing on an Israeli program, the issues the article addresses reflect practices and controversies that are salient in many jurisdictions worldwide.

1 | INTRODUCTION

The past two decades have seen the emergence of a range of approaches designed to improve, adjust, or reform the existing criminal justice system in many Western countries. These approaches are derived from social movements and ideologies such as alternative dispute resolution, therapeutic jurisprudence, community justice and victims' rights, creating a justice continuum which consists of non-adversarial, collaborative, therapeutic, and problem solving-oriented mechanisms (King, Freiberg, Batagol, & Hyams, 2014). Some of these mechanisms seek to provide alternatives to detention or incarceration by redirecting individuals from justice involvement to behavioral health programs and services. Others suggest recovery-oriented, court-based models that include specialty treatment programs.

Perhaps the most notable development in this direction is of problem-solving courts. The first problem-solving court was established in Florida in 1989 (DeMatteo, Filone, & LaDuke, 2011). Today, there are more than 4,000 problem-solving courts across the United States, and many more in the United Kingdom, Australia, New Zealand, Canada, and other countries. Different variants of problem-solving courts operate based on shared underlying assumptions, but differ in the problems they address, in their target populations, and in the toolkits they use (Berman & Feinblatt, 2015). The most common variant of problem-solving courts is the drug court; others are domestic violence, mental health, veteran, prostitution, and community courts (DeMatteo, Filone, & LaDuke, 2011).

As established variants of the problem-solving court model (Kaiser & Holtfreter, 2016), community courts (CCs) are designed to address the root problems that lead to repeat offending and offer a rehabilitative alternative to jail. In addition to rehabilitating offenders and reduce reoffending, however, CCs also seek to enhance public confidence in law-enforcement authorities, strengthen individuals' sense of procedural justice, and improve the welfare of communities (Malkin, 2003).

Two CCs have been operating in Israel since 2014, one in Be'er-Sheva, the other in Ramle. The courts were established as an experimental program by Ashalim, a partnership between the Israeli government and the Joint Distribution Committee (a non-profit organization), and they largely follow the American CC model, with adaptations designed to better suit the cultural, political, and social landscape in Israel. Consequently, the Israeli CCs have been operating according to guidelines that were drafted by the steering committee into an "operational model" (Beinisch & Cohen, 2014). The authors have been selected to conduct a formative study of these courts, and the present article is a first report of the findings, focusing on the courtroom dynamics. During the period of the study, the government has recently decided to establish additional CCs in every district in Israel.

To examine the operation of the two Israeli CCs, this article seeks to answer two research questions: what are the central features characterizing the courtroom dynamics of the two Israeli CCs; and to what extent do these features reflect model fidelity. Little is known about the connection between "model fidelity" (the adherence to the principles of a program) and "model effectiveness" (the success of the program in achieving its stated goals) (Miller & Miller, 2015), but some studies have already begun to demonstrate that strong model fidelity can predict effectiveness (Duwe & Clark, 2015).

To answer these questions, the study used the Criminal Law Taxonomy (CLT), an instrument developed by the authors elsewhere, for assessing process-, stakeholder-, substance-, and outcomes-related characteristics of criminal justice mechanisms (Dancig-Rosenberg & Gal, 2014). Data were collected through coded observations. Analysis of the data provides a uniquely detailed portrait of the daily operation of the Israeli CCs' courtroom. This description was then compared against the Israeli operational model, the CC model worldwide, and with the more general problem-solving model. While the larger research project involved other data collection methods, such as interviews, archival analysis and ethnographic observations of team meetings and special community events, the current article reports only on the findings that result from the coded court observations.

2 | PROBLEM-SOLVING COURTS

Problem-solving courts provide a trial instance designed to seek holistic solutions for the underlying problems of offenders, which led them to break the law in the first place, and to address the needs of victims and communities suffering from high crime rates (Beinisch & Cohen, 2014). Problem-solving courts were established as a response to the "revolving door" phenomenon, in which criminal defendants appear repeatedly before the justice system because of its inability to stop them from committing crimes (Berman & Feinblatt, 2015). Repeat offending typically leads to increased penalties, which in turn increase the defendants' detachment from normative society and strengthen their criminal affiliations. The failure to reduce repeat offending harms offenders, their families, their victims, and communities, and burdens the already overloaded criminal justice system and incarceration institutions.

Problem-solving courts go beyond the judicial routine of hearing cases and sentencing. The process begins with a guilty plea, followed by the involvement of an interdisciplinary team led by the judge and including social workers, community workers, coordinators, and representatives of the defense and prosecution (Casey & Rottman, 2000; Miller, 2004). Problem-solving courts offer ongoing and holistic assistance for defendants, combined with continued judicial supervision (Berman & Fox, 2005). Judges often assume a parental role, integrating empathy and caring with the authority of the court (Portillo, Rudes, Viglione, & Nelson, 2013). The rehabilitative plans are tailored to each defendant's specific needs and context (Berman & Feinblatt, 2015; Cohen, 2017).

Scholars have criticized problem-solving courts for multiple reasons. Some have argued that they function as an apparatus of individuating structural social problems, through their focus on clinical treatment of offenders and neglect of the broader racial-, gender-, and socioeconomic-based inequalities (Miller, 2009; Shdaimah, 2010; Spinak, 2010). Others have expressed concern about undermining due process by practicing “penal-welfarist techniques” on the poor (Miller, 2009; Thompson, 2002). Another critique has raised the problem of making social services contingent upon entering the criminal justice system, and upon legal coercion in particular (Burns, 2010; Thompson, 2002). Finally, some scholars have suggested that problem-solving courts have become a mechanism for regulating behaviors that had previously been considered beyond the mandate of law enforcement, such as victimless and minor infractions (Thompson, 2002).

Notwithstanding these critiques, studies have indicated that problem-solving courts can be effective in reducing recidivism rates (Huddleston, Marlowe, & Casebolt, 2008; Lowenkamp, Holsinger, & Latessa, 2005) and increasing trust in law enforcement agencies (Berman & Fox, 2005; Wolf, 2009). In light of the critiques, however, there is a need to thoroughly examine the way in which problem-solving courts operate and to compare their daily operations with their stated goals and working principles. The present study addresses this need with respect to community courts.

3 | COMMUNITY COURTS

Community courts were established in the United States to address crime-related problems in local communities, enhance the sense of security and wellbeing among residents (Clear & Karp, 1998; Kaye, 1997), and enhance the public trust in the court system and support for it (Casey & Rottman, 2000; Frazer, 2006). Unlike other problem-solving court models, CCs do not target offenders with specific mental health, substance use or behavioral problems. Instead, they target offense types that the local community considers to be particularly disturbing or that can be prevented through intense community involvement. Based on offenders' plea of guilt, CCs strive to offer alternative, community-based and therapeutic sanctions in lieu of incarceration through the use of deferred adjudication (Hakuta, Soroushian, & Kralstein, 2008). Community courts apply a mixture of therapeutic jurisprudence, problem-solving, and community justice principles.

3.1 | Therapeutic jurisprudence

Therapeutic jurisprudence (TJ) stresses the fact that judges are potent therapeutic agents and therefore should be aware of the ways in which their behaviors affect the wellbeing and rehabilitative prospects of the defendants (Winick, 2003). Based on this notion, CC judges are expected to use TJ practices derived from mental health professions, such as speaking directly with defendants, using active listening techniques, expressing empathy and support for defendants as they fulfil their rehabilitative plan, involving family members in the hearings, presenting the rehabilitative plan as a contract between the judge and the defendant, and using “sticks” and “carrots” to motivate defendants along the process (Jones, 2012; Petrucci, 2002).

3.2 | Problem-solving

As part of the problem-solving court model, CCs use problem-solving principles, implemented by an interdisciplinary team that provides and oversees custom-tailored treatment programs for defendants. The problem-solving orientation of the CCs gives the court staff “the information and sentencing options they need to provide more individualized justice to defendants” (Berman & Fox, 2005).

3.3 | Community justice

Inspired by the community justice movement and addressing the lack of public trust, CCs aim to bring change at the systemic level, beyond the rehabilitation of individual offenders (Clear & Karp, 1998). They address the crisis of faith in institutional authorities and seek to build institutional legitimacy through closer community ties (Berman & Fox, 2005). CCs focus on crimes affecting the quality of life and sense of safety of local residents, including drug-related offenses, property and violence crimes, and other offenses resulting from neighborhood disputes and disturbances. Each court is designed according to the needs of the local community. The community is considered as a victimized stakeholder, entitled to restitution and reparation, and at the same time as a key player responsible for preventing further crime and providing rehabilitative services for offenders (Berman & Fox, 2005). Therefore, offenders tried in CCs, as part of their rehabilitative plans, are required to conduct community service and reparation, and to attend community-based mental health, addiction, career-planning, or education programs. Local voluntary, government, and municipal organizations are involved in the CCs, providing information, advice, and direct services, and are partners in identifying problems and constructing the overarching policy of the court (Clear & Karp, 1998).

4 | THE ISRAELI EXPERIENCE: THE FIRST TWO COMMUNITY COURTS

The Israeli criminal justice system has been affected by the same global trends that led to reforms in Western legal systems, albeit more recently. In 2001, the Crime Victims' Rights Act was enacted, for the first time granting crime victims procedural rights (Horovitz & Weigend, 2011; Yanay & Gal, 2010). Restorative justice processes have been operated even earlier by private and government agencies, reflecting the perception that offender and victim rehabilitation are tightly linked. In 2012, the Youth Law (Trial, Punishment and Modes of Treatment) was amended to include youth diversion programs as a default option in appropriate cases, expanding the use of restorative justice processes significantly in cases involving offending youths.

The problem-solving approach penetrated the Israeli justice system in 2004, when an experimental drug court was established in the Tel-Aviv Magistrates' Court (Perlman, 2015). A further development in the rehabilitative trend occurred in 2012, through a new act authorizing the police prosecution to suspend a criminal charge following a conditional plea by the accused. Conditional pleas may include various rehabilitative, reparative, and restitutive plans. Once the plan is completed by the accused, the charge is repealed [Sec. 67A(b) of the Criminal Procedure Act (Consolidated Version), 1982]. Significant support for these trends was provided recently by the Public Committee for Considering Penal Policy and Offender Rehabilitation, headed by Supreme Court Justice (Ret.) Dalia Dorner (2015). The report warned against adopting severe punishment policies, and recommended examining community-based rehabilitative alternatives to imprisonment and expanding the use of CCs.

In December 2014, the first CC was established in Be'er-Sheva, one of the largest poor cities in Israel (population of 203,600; Israeli Central Bureau of Statistics, 2016). Be'er-Sheva and its surroundings are populated by a large Bedouin community and by a community of Jews of Ethiopian origin, two groups with above average rates of poverty, unemployment, morbidity, and criminality. A second CC was established in September 2015 in Ramle (population of 73,686), a city with a mixed Jewish-Arab population and relatively high levels of crime (Israeli Central Bureau of Statistics, 2016). Be'er-Sheva and Ramle were selected as suitable sites for the first CCs because of their characteristics as urban centers for highly heterogeneous populations suffering from a range of social problems, on the one hand, and motivated local communities to address these problems on the other.

Ashalim, a department of JDC-Israel, working in partnership with the Israeli government, promotes innovative programs and services for children and youths at risk and their families. Ashalim took the lead in developing an Israeli CC model inspired by the Red Hook Community Justice Center model, in Brooklyn, NY. The opening of the CCs followed a long process of recruiting partners from government and the local communities, and of developing a working model. Most politicians and administrators supported the project and the selected locations, although many were skeptical at the beginning. But as the CCs began to operate, the members of the steering committee, representing the

Ministry of Welfare, the Ministry of Justice, the Israel Police, the Public Defense Office, and the Ramle and Be'er-Sheva municipalities, demonstrated strong commitment as they continued to refine the working model through ongoing dialogue.

The CCs were established within the local magistrates' courts, which are the trial instance for low-level offenses. A designated team was created for each court, consisting of a retired judge, a court coordinator, a community social worker, and representatives of the public prosecution, the police prosecution, the public defense office and the probation office. Working in close collaboration, these professionals use a teamwork approach to address the range of rehabilitative goals holistically. The courts use the local communities as potent resources in the rehabilitation process. By contrast with the American model, the Israeli CC model relies heavily on the existing national and local health and social services available for every citizen by law. However, the collaboration between the CCs and the communities they serve facilitates an extensive range of resources for the benefit of the participants, including volunteers, local charities, and municipal services. At each municipality a local steering committee meets regularly to discuss the court operation and the collaboration with the local community and its services. The purpose of the two CCs was defined as follows: "to address the root causes that lead low-level repeat offenders to commit crimes, to enhance their trust in state authorities, and to strengthen their ties with local communities" (Beinisch & Cohen, 2014). Offering a uniquely intense and long-term intervention package, the CCs integrate principles of other problem-solving court models, beyond those of the American CC model. They address five areas of rehabilitation for each participant: health, welfare, employment, support networks, and adjusting to a law-abiding way of life. The integration of these five areas as rehabilitative goals demonstrates the communitarian approach that the Israeli CCs seek to promote: an approach that considers the social, familial and professional ties of the individual as inherent to their wellbeing and functioning. The CCs handle approximately 100 cases per year each.

Referral to the CC is not automatic. A pre-arraignment hearing judge at the Be'er-Sheva or Ramle Magistrates' Court identifies a case as potentially suitable for the CC and refers the parties to a brief probation office evaluation ("initial inquiry"). The criteria for referral are based on the types of problems that are at the basis of the criminal act. The following categories have been identified as suitable: substance use, cognitive and emotional disabilities, non-lethal domestic violence, neighbor disputes, violence, general social disconnection, and neglect. In fact, many of the Israeli CC participants are offenders with specific mental health, substance use or behavioral problems. Generally speaking, the offenses dealt with by the Israeli CCs are, on average, more serious than those dealt with by most US-based CCs and hence the intervention is typically more intense and longer. Young adults who are repeat offenders were identified as particularly suitable for the model, and a precondition for referral is that the prosecution would request a short incarceration should the file reach the mainstream court. All types of misdemeanors and felonies heard in the magistrates' courts can generally be referred to the CC, with the exceptions of white-collar crimes, organized crime, hate crimes, sexual assault, firearm crimes, large-scale drug trafficking, national security crimes, and negligent homicide. Based on these criteria, the judicial courts' research unit estimated that approximately 75% of the cases handled in magistrates' courts are suitable for referral to CCs (Beinisch & Cohen, 2014).

Although referral to initial inquiry by the probation officer does not require the parties' consent, once the judge receives a positive statement that a certain defendant is suitable for the program, referral to the CC may be ordered only with the consent of the defense and the prosecutor (either the police or the public prosecution office, depending on the level of the offense). Once referred to the CC, the participants begin a structured process that starts with an initial court hearing in which the judge explains the nature of the process and highlights the importance of their commitment. Then, during the first phase a probation officer prepares an in-depth evaluation and a treatment plan addressing the five areas of rehabilitation, which becomes the basis for a plea bargain. Once the participant has been stabilized during the second phase (in terms of physical and mental health, substance use and daily needs), the participant pleads guilty and begins with the treatment plan. Upon successful completion, the court adjudicates, typically without an additional sentence. Those who fail to complete the treatment plan are exempted from the program and adjudicated according to the standard criminal principles, typically with a jail sentence.

5 | METHODOLOGY

5.1 | The research instrument: CLT

Our central research instrument for characterizing the Israeli CCs courtroom dynamics and for assessing their model fidelity is CLT, which we developed elsewhere (Dancig-Rosenberg & Gal, 2014), and later validated (Gal, Dancig-Rosenberg, & Enosh, unpublished). The CLT is a methodology for analyzing diverse justice mechanisms based on a set of 17 characteristics (titled as parameters in the CLT), each one presented on a scale. The parameters are grouped into four clusters: the process-related parameters, including elements that describe the format, structure, and procedural characteristics of each mechanism; stakeholder-related parameters that focus on the participants and the nature of their involvement in the various justice mechanisms (i.e., lay-centered vs. professional-centered, victim-oriented vs. not victim-oriented); substance-related parameters, concerning the core values at the heart of each mechanism (i.e., needs-based terminology vs. rights-based terminology, emotional discourse vs. no emotional discourse); and outcome-related parameters, which describe justice mechanisms based on their designated outcomes (i.e., future- vs. past-oriented, without vs. with retributive requital) (Table 1). The CLT is used in a process of multi-rater coding of cases.

Although the CLT is not specifically designed as a model-fidelity instrument for the CC model, it includes parameters that can measure elements of these principles, and can therefore be used for assessing the level of integrity in which the model was implemented, in addition to providing a general overview of the characteristics of the CCs' courtroom dynamics. Table 2 summarizes the links between the CLT characteristics and the CC concepts and principles identified in the global literature as well as in the Israeli model.

TABLE 1 Criminal law taxonomy (Dancig-Rosenberg & Gal, 2014)

Process-related parameters									
1	Lack of victim-offender dialog	1	2	3	4	5	6	7	Victim-offender dialog
2	Formal	1	2	3	4	5	6	7	Flexible
3	Hierarchical	1	2	3	4	5	6	7	Non-hierarchical
4	Coercive	1	2	3	4	5	6	7	Voluntary
Stakeholder-related parameters									
5	Professional-centered	1	2	3	4	5	6	7	Lay-centered
6	Not victim-oriented	1	2	3	4	5	6	7	Victim-oriented
7	Not offender-oriented	1	2	3	4	5	6	7	Offender-oriented
8	Exclusive	1	2	3	4	5	6	7	Inclusive
9	State-managed	1	2	3	4	5	6	7	Community-managed
Substance-related parameters									
10	Rights-based terminology	1	2	3	4	5	6	7	Needs-based terminology
11	No emotional discourse	1	2	3	4	5	6	7	Emotional discourse
12	Process as obstacle	1	2	3	4	5	6	7	Process as vehicle
13	Libertarian	1	2	3	4	5	6	7	Communitarian
Outcome-related parameters									
14	Past-oriented	1	2	3	4	5	6	7	Future-oriented
15	Retributive requital	1	2	3	4	5	6	7	Restorative requital
16	Incapacitative	1	2	3	4	5	6	7	Rehabilitative
17	Conflict resolution	1	2	3	4	5	6	7	Justice making

TABLE 2 Criminal law taxonomy (CLT) and desired community court (CC) characteristics

CLT characteristics	CC characteristics	Source
1. Victim-offender dialogue	With only a few exceptions, the literature on CC is silent about victim-offender dialogue	Fagan & Malkin, 2002
2. Flexibility	A generally informal court setting that allows for frequent judicial dialog with defendants in the courtroom and greater flexibility in procedures and practice	Beinisch & Cohen, 2014; Jones, 2012; Petrucci, 2002; Portillo, Rudes, Viglione, & Nelson, 2013; Winick, 2003;
3. Non-hierarchy	The judge is a team leader and the prosecutor, defense and other professionals collaborate as a team; some hierarchy is maintained to ensure compliance	Beinisch & Cohen, 2014; Jones, 2012; Petrucci, 2002; Portillo, Rudes, Viglione, & Nelson, 2013; Winick, 2003;
4. Voluntariness	Avoidance of coercion; referral is upon consent	Beinisch & Cohen, 2014; Winick, 2003
5. Laymen centered	Active involvement of community members, mainly behind the scenes	Beinisch & Cohen, 2014; Clear & Karp, 1998; Fagan & Malkin, 2002; King, 2006; Malkin, 2003;
6. Victim orientation	With only a few exceptions the literature on CC is silent about the centrality of the victim	Fagan & Malkin, 2002
7. Offender orientation	Emphasis on continued relationship and in-depth familiarity with the circumstances of each defendant, to facilitate individual treatment and custom-tailored solutions	Beinisch & Cohen, 2014; Berman & Fox, 2005; Casey & Rottman, 2000; Nolan, 2003; Portillo, Rudes, Viglione, & Nelson, 2013
8. Inclusiveness	Judges are encouraged to invite family members and other supporters to the process	Fagan & Malkin, 2002
9. Community leadership	Reliance on local residents' perceptions of what the court needs to address and what solutions should be available to defendants.	Beinisch & Cohen, 2014; Clear & Karp, 1998; Fagan & Malkin, 2002; King, 2006; Malkin, 2003
10. Needs discourse	Offenders admit their crime and often waive their right to appeal; hearings focus on their rehabilitative and reintegrative needs	Beinisch & Cohen, 2014; Casey & Rottman, 2000; Fagan & Malkin, 2002; Nolan, 2003
11. Emotional discourse	A court environment that enables adequate expression of such emotions as empathy, caring, understanding, frustration, and disappointment by the judge, court personnel, and participants	Casey & Rottman, 2000; Jones, 2012; Petrucci, 2002
12. Process as enabling	Constructive use of "carrots" and "sticks" during the follow-up judicial supervision, to motivate offenders	Beinisch & Cohen, 2014; Casey & Rottman, 2000; Jones, 2012; Petrucci, 2002; Portillo, Rudes, Viglione, & Nelson, 2013
13. Communitarian	Efforts to strengthen offenders' social and family ties; interventions go beyond individual, clinical needs.	Beinisch & Cohen, 2014; Berman & Fox, 2005; Clear & Karp, 1998; Fagan & Malkin, 2002
14. Future oriented	Promotion of reintegration rather than stigma	Beinisch & Cohen, 2014; Hakuta, Soroushian, & Kralstein, 2008
15. Restorative requital	Reparation of harm to community through community work	Beinisch & Cohen, 2014; Berman & Fox, 2005; Fagan & Malkin, 2002

(Continues)

TABLE 2 (Continued)

CLT characteristics	CC characteristics	Source
16. Rehabilitative	Designed to avoid incarceration and promote desistance	Beinisch & Cohen, 2014; Berman & Fox, 2005; Hakuta, Soroushian, & Kralstein, 2008; Portillo, Rudes, Viglione, & Nelson, 2013
17. Justice making/conflict resolution	Promotion of social justice through utilization of problem-solving techniques	Beinisch & Cohen, 2014; Berman & Fox, 2005; Fagan & Malkin, 2002; Nolan, 2003

5.2 | The research design

Quantitative observations were conducted by four observers concurrently at each court-based program, to achieve multi-rater coding. The coding sheets were based on the CLT (Table 1), where each parameter was rated on a scale ranging from 1 to 7, as recommended in such contexts (Krosnick & Presser, 2010). Observations were conducted between March and September 2016 for a total of approximately 250 hours. After completing the rating process, data were entered into an Excel file and transformed into an SPSS v. 21 data file for statistical analysis. We first checked the data for outliers. Next, we computed an inter-rater agreement (IRA) score for each parameter of each case, using r_{WG} , an index for comparison between the observed variance in ratings and the variance of a null distribution (i.e., a theoretically specified distribution representing no agreement) that was proposed by James, Demaree, and Wolf (1984, 1993). We measured the average r_{WG} across parameters (per case), and an average r_{WG} across cases (per parameter). Finally, we computed average rating scores across coders, for each parameter of each case.

6 | FINDINGS

6.1 | Inter-rater agreement

As shown in Table 3, IRA scores ranged between very strong and moderate, with only parameter 4 (the level of voluntariness of the process) producing weak inter-rater agreement.¹ In other words, when coding approximately 70 cases in two community courts, four raters were in agreement regarding 12 of the 13 parameters, focusing on the process at acceptable levels. The IRA levels of the remaining four parameters, focusing on the outcomes (numbers 14–17) could not be measured because of the small number of cases that were finalized during the observation period.

There are several possible explanations for the weak IRA achieved in coding the level of voluntariness. This parameter suggests that processes may be characterized as relatively coercive, meaning that offenders may not choose whether or not to participate in the process, or as relatively voluntary, in which case offenders have some level of freedom to decide whether or not to start and to stay in the program (Dancig-Rosenberg & Gal, 2014). In a program that is operated for the sake of defendants, the meaning of voluntariness is questionable. Although offenders are free to decide at any point that they wish to withdraw from the CC, once they make such decision they are automatically referred to the mainstream court and to possible incarceration. It is possible that some of the coders, in some cases, emphasized the fact that offenders were regularly asked whether or not they were willing to stay in the program, whereas other coders, in some cases, took note of the fact that offenders were threatened by the possibility of being referred to the mainstream criminal court, and therefore continued with the program despite reservations. Because of the weak IRA concerning this parameter, we excluded it from the analysis of CC characteristics.

¹Agreement means absolute consensus, and any variance in coder ratings is assumed to be an error variance between judges (LeBreton & Senter, 2008). Higher r_{WG} values indicate greater IRA, with an estimate of 1 indicating perfect agreement, and one of 0 indicating random coding. LeBreton and Senter (2008) provided commonly cited cutoffs for qualitative ratings of agreement, based on the logic presented by Nunnally and Bernstein (1994). According to their cutoff ratings, IRA levels of 0.00–0.30 indicate lack of agreement, 0.31–0.50 weak agreement, 0.51–0.70 moderate agreement, 0.71–0.90 strong agreement, and 0.91–1.00 very strong agreement.

TABLE 3 Measuring inter-rater agreement (IRA) through r_{WG} (means across cases, in each court)

Parameter no.	r_{WG} Ramle		r_{WG} Be'er-Sheva		r_{WG} all cases	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
1	0.98 (0.06)	44	0.99 (0.02)	33	0.99 (0.05)	77
2	0.64 (0.34)	41	0.59 (0.34)	31	0.62 (0.34)	72
3	0.74 (0.29)	44	0.70 (0.32)	33	0.72 (0.30)	77
4	0.41 (0.41)	39	0.18 (0.61)	30	0.31 (0.52)	69
5	0.62 (0.37)	43	0.39 (0.52)	30	0.53 (0.45)	73
6	0.88 (0.29)	43	0.93 (0.25)	33	0.90 (0.27)	76
7	0.66 (0.32)	43	0.71 (0.25)	32	0.68 (0.29)	75
8	0.55 (0.36)	42	0.52 (0.31)	20	0.54 (0.34)	62
9	0.88 (0.28)	43	0.92 (0.10)	33	0.90 (0.22)	76
10	0.71 (0.28)	40	0.69 (0.29)	33	0.70 (0.28)	73
11	0.68 (0.29)	39	0.65 (0.28)	31	0.66 (0.29)	70
12	0.66 (0.33)	40	0.68 (0.42)	28	0.67 (0.37)	68
13	0.57 (0.49)	34	0.54 (0.36)	13	0.56 (0.46)	47
14	0.72 (0.31)	2	0.94	1	0.79 (0.25)	3
15	0.60 (0.24)	2	0.77	1	0.66 (0.19)	3
16	0.84 (0.13)	2	0.77	1	0.82 (0.10)	3
17	0.51 (0.37)	2	0.44	1	0.49 (0.26)	3

7 | AVERAGE CODING: CHARACTERISTICS OF THE COURTROOM DYNAMICS AT THE CC

Table 4 outlines our findings regarding process-, stakeholder-, and substance-related characteristics of the Israeli CC model, as well as the characteristics of each of the two courts.

7.1 | Process-related characteristics

7.1.1 | Parameter 1: Victim-offender dialogue

The CCs offered no victim-offender dialogue, and the average coding on this parameter was 1. In accordance with the global CC model, which is almost exclusively offender-oriented, the CC process typically did not invite victims to participate and did not encourage or facilitate any dialogue, direct or indirect, between the offender and the victim.

7.1.2 | Parameter 2: Formality

The CC process was characterized as tilting toward formality ($M = 2.9$, $SD = 1.1$). Generally, processes were quite structured, and the judges frequently used repeated patterns of response to offenders' progress or setback. For instance, if offenders failed to attend a treatment without notifying the probation officer in advance, they were asked to write an essay to the court as an act of taking responsibility; when offenders made significant progress, the court team praised them by applauding. At the same time, the CC process did not operate as an assembly line, and occasionally the court team used custom-tailored responses reflecting the changing needs of the offender.

TABLE 4 Average coding for community courts across 17 parameters

Parameter no.	Beer-Sheba Mean score (1–7) (SD)	N	Ramle Mean score (1–7) (SD)	N	All cases Mean score (1–7) (SD)	N	t
1. Victim–offender dialogue	1.03 (0.10)	33	1.11 (0.47)	44	1.07 (0.36)	77	–0.93
2. Formality	3.16 (1.12)	31	2.78 (1.08)	41	2.94 (1.11)	72	1.46
3. Hierarchy	2.62 (0.92)	33	2.14 (0.81)	44	2.34 (0.88)	77	2.46*
4. Coerciveness	3.67 (0.97)	30	3.39 (1.20)	39	3.51 (1.11)	69	1.03
5. Laymen/professional centered	2.41 (0.96)	30	1.98 (0.75)	43	2.16 (0.86)	73	2.12*
6. Victim orientation	1.14 (0.45)	33	1.28 (0.63)	43	1.22 (0.56)	76	–1.05
7. Offender orientation	5.71 (0.80)	32	5.25 (1.21)	43	5.45 (1.07)	75	1.87^
8. Inclusiveness	2.51 (0.98)	20	2.61 (1.11)	42	2.58 (1.06)	62	–0.33
9. State/community leadership	1.42 (0.48)	33	1.31 (0.34)	43	1.36 (0.41)	76	1.18
10. Needs/rights discourse	5.47 (1.03)	33	4.69 (1.19)	40	5.04 (1.18)	73	2.98**
11. Emotional discourse	3.23 (1.47)	31	2.84 (1.57)	39	3.01 (1.53)	70	1.07
12. Process as enabling/limiting	5.71 (0.74)	28	5.30 (1.18)	40	5.47 (1.04)	68	1.74^
13. Liberal /communitarian	2.81 (1.09)	13	2.07 (1.13)	34	2.27 (1.15)	47	2.04*
14. Future/past-oriented	5.75	1	2.88 (0.18)	2	3.83 (1.66)	3	–
15. Retributive /restorative requital	4.75	1	3.00 (1.06)	2	3.58 (1.26)	3	–
16. Incapacitate/rehabilitative	6.25	1	2.38 (1.59)	2	3.67 (2.50)	3	–
17. Justice making/conflict resolution	4.75	1	3.13 (0.88)	2	3.67 (1.13)	3	–
Total average (1–17)	3.17 (1.85)	384	2.81 (1.72)	543	2.96 (1.78)	927	
Total average (1–13)	3.15 (1.85)	380	2.81 (1.73)	535	2.95 (1.78)	915	

^ $p < 0.1$;

* $p < 0.05$;

** $p < 0.01$

7.1.3 | Parameter 3: Hierarchy

The CC process was characterized as generally hierarchical ($M = 2.3$, $SD = 0.88$), that is, participants were treated differently based on their title, profession, and official role in the process. But judges and other professionals spoke directly to offenders, called them by their first names, and at times even exposed their own personal perspectives by sharing private experiences from their own lives with offenders, reducing the clear hierarchical boundaries between offender and judge. For example, in one of the hearings, a young offender told the court that she had recently started in a new job and walked home after the end of her shift – a 4-mile-long walk. The judge was emotionally moved by her tenacity and told her how she used to walk long distances as a young mother.

7.1.4 | Parameter 4: Coerciveness

As explained earlier, this parameter was excluded from the analysis because of the weak IRA it produced.

7.2 | Stakeholder-related characteristics

7.2.1 | Parameter 5: Lay- versus professional-centered

Despite the involvement of volunteers and local organizations, the courtroom dynamics were characterized as mostly professional-centered ($M = 2.2$, $SD = 0.86$) because professionals held exclusive decision-making power. The volunteers appeared to have been perceived as an important resource for support, but they played no decision-making role at the courtroom.

7.2.2 | Parameter 6: Victim orientation

Similarly to the victim-offender dialog parameter, our analysis revealed a lack of victim involvement in the process, producing a low score for victim orientation ($M = 1.2$, $SD = 0.56$). Victims were generally excluded from the process and were mentioned only as a rehabilitative measure to enhance the offenders' comprehension of their actions.

7.2.3 | Parameter 7: Offender orientation

As expected, the CC process was found to be largely offender-oriented ($M = 5.5$, $SD = 1.07$). Processes were focused primarily on the needs of the offenders, custom-tailored, and rehabilitative in their nature. The court team had in-depth familiarity with the circumstances of each participant, and took care of various health, financial, occupational, family, and immigration-related needs of the offenders that arose in the course of the program. For example, an offender with a significant substance use problem told the court that his glasses had been broken, which made it difficult for him to follow the treatment plan; at the next court hearing he appeared with new glasses, which the CC program financed for him.

7.2.4 | Parameter 8: Inclusiveness

Inspired by TJ, the CC process welcomes the presence of family members and supporters at hearings, and considers them to be an important resource in the rehabilitation process of defendants. In our study, however, the courtroom dynamics were coded as only partially inclusive ($M = 2.6$, $SD = 1.06$). Many hearings did not include any family members, and court personnel only seldom shared information with them.

7.2.5 | Parameter 9: State versus community management

Although the CC is a state-managed mechanism, the expectation is for it to be heavily embedded in the local community, with community leaders becoming involved in both its guidance and its daily operation. The courtroom dynamics, however, were characterized as almost exclusively state-managed ($M = 1.4$, $SD = 0.41$). The state agents (the probation officers and the program coordinator) were significantly more dominant at the hearings than were the local representatives, especially the community social worker, in the handling of individual cases.

7.3 | Substance-related characteristics

7.3.1 | Parameter 10: Needs versus rights discourse

The terminology used in the CC hearings was mostly needs-based ($M = 5$, $SD = 1.18$), focusing on the concrete needs or interests of the participants, even when achieving these goals may jeopardize their procedural rights and formal entitlements. This is not surprising, given that the stated goal of this model is to address the underlying needs of offenders, which have led to their criminal behavior.

7.3.2 | Parameter 11: Emotional discourse

As a variant of the therapeutic court, the CC is presumed to invite offenders, as well as the judge, the defense attorney, and the prosecutor to express their emotions: sorrow and disappointment at low points, happiness and pride on the occasion of success. In our analysis, the CC courtroom discourse was characterized as only moderately emotional ($M = 3$, $SD = 1.53$). During much of the time, hearings were informative, although occasionally there was a clear expression of emotions by either the court personnel or the offenders. In one exceptional case, the Ramle Court judge stepped down from her bench to approach a young offender after listening to his remarkable efforts and progress. "You're an amazing person!" she told him, vigorously hugging him. In another case, also in Ramle, a female offender wishing to be promoted to the next stage in the program, started singing a song she wrote especially for the judge, describing her journey through the treatment plan, her difficulties, her gratitude, and her hope for a better future. There was silence in the courtroom while she sang, and her powerful voice could be heard across the court building.

When she was done, and after a short applause by the other participants and guests, the judge simply dictated to the typist her decision: "The defendant moved the court by her singing, in which she expressed her request to move to Stage 4." None of the court personnel came forward to hug or compliment the defendant on her courageous expression of emotions. There was a clear dissonance between the emotional state of the defendant and the distant reaction of the court, reflecting exactly the average level of emotionality of the CC courtroom.

7.3.3 | Parameter 12: Process as a vehicle versus an obstacle

This parameter refers to the function assigned to the procedural rules typical of each model, such as the rules defining the stages of the process and the authority of the judges to use a range of legal instruments. When such rules enable the achievement of the stated goals of the mechanism, average coding is expected to be high. When the rules limit the freedom of the mechanism to achieve its stated goals, the coding is expected to be low, as for example when the procedure prohibits the use of rehabilitative measures at detention. The courtroom procedures were characterized as largely enabling the pursuit of the goals of the Israeli CCs ($M = 5.5$, $SD = 1.04$), namely, addressing the rehabilitative needs of offenders, increasing their trust in the authorities, and strengthening their community ties. The structured use of regular court hearings made possible judicial supervision and occasional use of "sticks" (such as an increase in the frequency of drug tests) and "carrots" (such as moving faster to the next stage). The structured progress through various stages in the program allowed court personnel to refer defendants to available local and state services, and to supervise their progress.

7.3.4 | Parameter 13: Liberal versus communitarian approach

Despite the expectation for the CC to represent a communitarian approach, which reflects the closely knit ties of individual offenders with their family and social circles, the process was characterized as mostly liberal ($M = 2.3$, $SD = 1.15$). The discourse in the courtroom often emphasized the conflict between the state and the individual or between different individuals, and the centrality of the family and social network was frequently overlooked at the hearings. Nevertheless, other instances reflecting a more communitarian approach emerged occasionally, as, for example, when a graduating offender talked at her graduation ceremony about her experience and approached the other offenders in the courtroom, encouraging them to continue with the program. The judge suggested that she could become a mentor for CC offenders, a suggestion she eagerly accepted. In this case, the discussion extended beyond the individual context and highlighted the potential contribution the offender could make to the community.

7.4 | Cross-court comparison

As shown in Table 4, significant differences were found between the two courts in six parameters, with the Be'er-Sheva court demonstrating higher average coding and thus stronger model fidelity. In parameter 3, the Be'er-Sheva courtroom dynamics were less hierarchical and more "flat" ($M = 2.62$ vs. $M = 2.14$ in Ramle, $p < 0.05$). In parameter 5, Be'er-Shava CC demonstrated more active involvement of laypersons during court hearings ($M = 2.41$ vs. $M = 1.98$, $p < 0.05$). In parameter 7, the hearings at the Be'er-Sheva CC were more offender-oriented than in Ramle ($M = 5.71$ vs. $M = 5.25$, $p < 0.1$). There was more needs-based discourse in the Be'er-Sheva courtroom, as the average coding of parameter 10 demonstrated ($M = 5.47$ vs. $M = 4.69$, $p < 0.01$). The process in the Be'er-Sheva CC was regarded as a vehicle for achieving the court goals more than that in Ramle, according to parameter 12 ($M = 5.71$ vs. $M = 5.30$, $p < 0.1$). Finally, parameter 13 demonstrated a more communitarian approach at the Be'er-Sheva hearings than at Ramle ($M = 2.81$ vs. $M = 2.07$, $p < 0.05$).

These differences can be attributed largely to the fact that the Be'er-Sheva CC is "older" and thus its team has been working together for a longer time and its members are more strongly oriented to the model. Both court teams have gone through similar training with the same trainers and are bound by the same principles. We did not find any reason to believe that there was a specific reason for the Ramle CC court not to follow Be'er-Sheva in the gradual strengthening of model fidelity. Moreover, the fact that the Be'er-Sheva CC was significantly closer to the model

principles highlights the importance of time and experience. Presumably, a similar analysis will yield even better results if conducted again in the future. As more CC courts are operative in Israel it will be possible to examine whether individual styles of CC judges and team members lead to differences across courts, despite the identical training and working principles.

8 | DISCUSSION

Our coding identified three robust characteristics that are expected to appear in the CC model: the process was coded as highly offender-oriented (an average of 5.5 out of 7 on parameter 7); as resorting to a needs-based terminology in a significant way (an average of 5 on parameter 10); and as serving as a vehicle for achieving the program goals (an average of 5.5 on parameter 12). These characteristics are not distinct to CCs, but rather reflect core principles of problem-solving courts in general. As noted in the theoretical background, problem-solving courts aim to address offenders' needs to make them desist from crime, and use ongoing judicial supervision to achieve this goal. It is not surprising, therefore, that the CC process was offender-oriented and needs-based, and that the structured use of regular hearings served as a vehicle for achieving the goals of the court.

In contrast with these findings, our analysis uncovered four characteristics that were unexpected, based on the theoretical model of CCs. The hearings were found to be only moderately inclusive of family members and supporters (with an average of 2.6 on parameter 8); only partially based on emotional discourse (an average of 3 on parameter 11); reflecting a mostly liberal rather than a communitarian approach (an average of 2.3 on parameter 13); and with almost nonexistent community management (an average of 1.4 on parameter 9).

These findings suggest that although Israeli CCs are relatively successful in observing the problem-solving tenets of the model, the community justice and therapeutic jurisprudence principles are more partially reflected in the courtroom hearings. Moreover, although community services were available to CC defendants, community representatives generally did not participate in court hearings and community interests were only seldom referred to by the judges or court personnel during hearings. Indeed, community involvement is probably more salient at the Israeli CC model outside the courtroom, and can potentially be reflected during the regular meetings of the local steering committees (reporting on which is beyond the scope of this paper).

Note, however, that because the larger project involved ethnographic observations of court activities in general, including those conducted outside the courtroom, we can report that the court personnel, participants, and their families did engage in activities outside the courtroom that promoted the greater good of the community, such as planting a new community garden in Ramle and celebrating Passover together with residential care patients in Be'er-Sheva. The communities were also involved in the establishment stages of both courts and were represented in their steering committees.

The weak community management we observed may have to do with the general lack of inclusiveness of family members and supporters at court hearings, despite model aspirations of welcoming supporters. Inclusiveness is a principle derived from problem-solving. When supporters are included in the court discussion, defendants are more likely to follow their treatment plan because their supporters understand and are involved in the decision and in its implementation (Wexler, 2015). At the same time, inclusiveness is also derived from a community justice approach. When the defendants' circles of support are welcomed into the courtroom and considered as sources of information, assistance, and advice, community involvement and trust in the court are enhanced. Consequently, "state justice" comes closer to "community justice."

Closely related is the finding about the largely liberal approach toward defendants. Although the court aspires to consider defendants within their social and familial networks, the low average coding suggests that the community ties of defendants were seldom recognized at court hearings. Note that this parameter produced only moderate inter-rater agreement, and that it was coded only in a relatively small number of cases ($r_{WG} = 0.56$, $N = 47$). Additionally, a communitarian approach is presumably easier to implement "behind the scenes" at the CC model, during the

construction of the treatment plan, service provision, and morning and local steering committees' meetings outside the courtroom. Caution should be exercised, therefore, before concluding that the communitarian aspiration of the Israeli CC model has failed. Rather, we suggest that this finding identifies a challenge of implementing a communitarian approach during court hearings. Because classic criminal law theory emphasizes individual responsibility (or personal rehabilitation), and given that the Israeli project is still in its formative stage, the courtroom discourse at the CCs is still bound by these deeply embedded liberal notions. The familial, social, professional, and local ties only slowly and gradually find their way into the formal courtroom discussion.

Emotional discourse also appeared at a surprisingly low level, with an average of 3 points. Inspired by TJ, the CC model embraces the expression of empathy, support, and appreciation (Casey & Rottman, 2000) by judges and other court personnel, as well as by participants. But the Israeli CCs implemented the openness to emotions only partially during courtroom hearings. Although many defendants expressed authentic emotions, such as gratitude, remorse, excitement, and frustration, the court personnel were often more reserved in their reaction to such expressions.

The two characteristics that received the lowest coding were the dialogue between victims and offenders (parameter 1, with an average of 1) and victim orientation (parameter 6, with an average of 1.2). A partial explanation of this finding is that many of the crimes tried at CCs are victimless, or at least it is not possible to identify an individual and direct victim (e.g., in public nuisance offenses). But even when a direct victim is involved, CCs are generally focused on rehabilitating offenders. With occasional exceptions, the victims are typically not involved in the court proceedings. The low scores in these parameters do not suggest low implementation integrity, as the CC model does not emphasize victim orientation or victim-offender dialogue. Rather, they point to differences between the CC model and other non-adversarial models, which are more victim-oriented, such as restorative justice.

8.1 | Study limitations

The findings of the study have been affected by the current formative stage of Israeli CCs. Lacking a longitudinal perspective, the study could not assess the outcome-related parameters of the CC model. It is reasonable to assume that with maturation of the model, many daily practices will evolve and change. Indeed, the fact that the Be'er-Sheva court produced stronger model fidelity coding for six characteristics demonstrates the importance of maturation through time, without ignoring other potential reasons for the coding differences. Nevertheless, the study was necessary at this point in time because the Israeli government decided to expand the model to other districts. The preliminary findings of the present study can provide useful information for the steering committee, as it drafts operational working principles.

The study focused on the dynamics within the court hearings and excluded court-related activities outside the courtroom, such as preparatory team meetings, local steering committees' activities, social events, and community projects for the participants. As the community court process as a whole is based on both in- and out-of-court components, it is possible that this focus distorted the findings, in particular with those characteristics that are harder to implement during a criminal trial, such as the communitarian approach. Follow-up reports will complement the current findings with additional information about out-of-court model characteristics.

9 | CONCLUSIONS

The findings suggest that the Israeli CCs follow many of the working principles of CCs, and in particular those reflecting a therapeutic jurisprudence and problem-solving approach. They maintain a level of formality that ensures compliance (Casey & Rottman, 2000). Their strong offender orientation and frequent use of needs-based terminology facilitate an ongoing and respectful relationship with defendants, with emphasis on custom-tailored rehabilitative solutions (King, 2006). Their structural use of regular monitoring hearings and the central role assigned to probation officers reflected in the "process as a vehicle" characteristic, demonstrate their rehabilitative strength. In contrast with

these characteristics, the low level of emotional discourse, community management and expression of communitarian understandings reflected departures from the community justice tenet of the CC model.

The contribution of the study is three-fold. First, the findings reveal an unprecedented level of detail about the characteristics of a problem-solving court model that is operational worldwide. Policy-makers can benefit from this information when considering the model as an alternative to mainstream courts and when comparing it with other alternative mechanisms across the justice continuum. For example, if policy-makers seek to promote the status of crime victims, it is possible that following these findings they will consider developing other, more victim-oriented mechanisms, such as restorative justice. If policy-makers are interested in strengthening jail diversion interventions that are designed to target offenders' needs within the criminal justice system, they can use these findings as a basis for expanding the operation of CCs. Focusing on implementation integrity, the current study demonstrates that the Israeli CCs implement a strong offender-oriented and needs-based approach in their daily operation as stated in their operational model. As there is evidence that strong model fidelity can predict effectiveness (Duwe & Clark, 2015), we can cautiously assume at this early stage that the Israeli CCs are likely to be successful in rehabilitating offenders. Other studies that are under way will provide similar information, with a comparable level of detail, about the model characteristics of restorative justice, drug courts, and pre-adjudication hearings.

Second, the current study contributes useful insights for the self-assessment of program managers. As the model is expanding and maturing from its experimental and formative stage, the findings can assist in drafting the operational principles of the court and in fine-tuning its practices. For example, program managers may decide, based on the findings, to add a procedural component of formal consultation with the community social worker at each court hearing, in order to enhance the implementation of the predetermined model principles concerning community involvement.

Finally, the findings can provide new and interesting insights for CC managers outside Israel about the unique traits of CCs, the challenges they face, and their unique strengths. Despite local differences, CCs worldwide share a similar DNA; a high-resolution analysis of one specific CC program can shed light on the nature of the model itself.

ACKNOWLEDGMENTS

The study was funded by Ashalim-JDC (grant no. 204169). We are grateful to Daniella Beinisch and Shlomi Cohen from Ashalim for supporting the project and for contributing significant insights and guidance throughout the research. We thank Gali Pilovski-Menkes for exquisite research coordination and Shefaa Abu-Jabal, Tamar Ben-Dror, Yarin Segev and Talia Yehuda for outstanding research assistance. We are also grateful to Judge Shmuel Melamed from the Tel Aviv Magistrate Court and Tel Aviv Community Court for helpful comments. Both authors contributed equally to this paper.

REFERENCES

- Beinisch, D., & Cohen, S. (2014). Community courts: Program and operational model (Jerusalem: Ashalim-joint Israel). [Heb.]
- Berman, G., & Feinblatt, J. (2015). *Good courts: The case for problem-solving justice* (Vol. 8) Quid Pro Books.
- Berman, G., & Fox, A. (2005). Justice in red hook. *Justice System Journal*, 26(1), 77–90.
- Burns, S. L. (2010). The future of problem-solving courts: Inside the courts and beyond. *University of Maryland Law Journal of race, religion, gender & class*, 10(1), 73–88.
- Casey, P., & Rottman, D. B. (2000). Therapeutic jurisprudence in the courts. *Behavioral Sciences & the Law*, 18(4), 445–457.
- Central Bureau of Statistics (2016). Israel in figures 2016. Retrieved from Israel Central Bureau of Statistics: http://www.cbs.gov.il/www/publications/isr_in_n16e.pdf
- Clear, T. R., & Karp, D. R. (1998). The community justice movement. In D. R. Karp (Ed.), *Community justice: An emerging field* (pp. 3–28). Maryland: Rowman & Littlefield Publishers.
- Cohen, A. J. forthcoming,(2017). Trauma and the welfare state: A genealogy of prostitution courts in New York city. *Texas Law Review*.
- Dancig-Rosenberg, H., & Gal, T. (2014). Criminal law multitasking. *Lewis & Clark Law Review*, 18, 893–933.

- DeMatteo, D., Filone, S., & LaDuke, C. (2011). Methodological, ethical, and legal considerations in drug court research. *Behavioral Sciences & the Law, 29*, 806–820.
- Duwe, G., & Clark, V. (2015). Importance of program integrity. *Criminology & Public Policy, 14*(2), 301–328.
- Fagan, J., & Malkin, V. (2002). Theorizing community justice through community courts. *Fordham Urban Law Journal, 30*(3), 897–953.
- Frazier, M. S. (2006). *The impact of the community court model on defendant perceptions of fairness*. New York: Center for Court Innovation.
- Hakuta, J., Soroushian, V., & Kralstein, D. (2008). Do community courts transform the justice response to misdemeanor crime? *Testing the impact of the midtown community court New York, NY*: Center for Court Innovation.
- Horowitz, A., & Weigend, T. (2011). Human dignity and victims' rights in the German and Israeli criminal process. *Israel Law Review, 44*, 263–300.
- Huddleston, C. W., Marlowe, D. B., & Casebolt, R. (2008). *Painting the current picture: A national report card on drug courts and other problem solving court programs in the United States*. Alexandria, VA: National Drug Court Institute.
- James, L. R., Demaree, R. G., & Wolf, G. (1984). Estimating within-group interrater reliability with and without response bias. *Journal of Applied Psychology, 69*(1), 85–98.
- James, L. R., Demaree, R. G., & Wolf, G. (1993). r_{WG} : An assessment of within-group interrater agreement. *Journal of Applied Psychology, 78*(2), 306–309.
- Jones, M. D. (2012). Mainstreaming therapeutic jurisprudence into the traditional courts: Suggestions for judges and practitioners. *Phoenix Law Review, 5*(4), 753–775.
- Kaiser, K. A., & Holtfreter, K. (2016). An integrated theory of specialized court programs: Using procedural justice and therapeutic jurisprudence to promote offender compliance and rehabilitation. *Criminal Justice and Behavior, 43*(1), 45–62.
- Kaye, J. S. (1997). Changing courts in changing times: The need for a fresh look at how courts are run. *Hastings Law Journal, 48*, 851–866.
- King, M. (2006). The therapeutic dimension of judging: The example of sentencing. *Journal of Judicial Administration, 16*, 92–95.
- King, M., Freiberg, A., Batagol, B., & Hyams, R. (2014). *Non-adversarial justice*. Leichhardt, Australia: Federation Press.
- Krosnick, J. A., & Presser, S. (2010). Question and questionnaire design. *Handbook of Survey Research, 2*(3), 263–314.
- LeBreton, J. M., & Senter, J. L. (2008). Answers to 20 questions about interrater reliability and interrater agreement. *Organizational Research Methods, 11*, 815–852.
- Lowenkamp, C. T., Holsinger, A. M., & Latessa, E. J. (2005). Are drug courts effective: A meta-analytic review. *Journal of Community Corrections, 15*(1), 5–11.
- Malkin, V. (2003). Community courts and the process of accountability: Consensus and conflict at the red hook community justice center. *American Criminal Law Review, 40*, 1573–1594.
- Miller, E. J. (2004). Embracing addiction: Drug courts and the false promise of judicial interventionism. *Ohio State Law Journal, 65*, 1479–1579.
- Miller, E. J. (2009). Drugs, courts, and the new penology. *Stanford Law & Policy Review, 20*, 417–461.
- Miller, J. M., & Miller, H. V. (2015). Rethinking program fidelity for criminal justice. *Criminology & Public Policy, 14*(2), 339–349.
- Nolan, J. L. (2003). Redefining criminal courts: Problem-solving and the meaning of justice. *American Criminal Law Review, 40*(4), 1541–1566.
- Nunnally, J. C., & Bernstein, I. H. (1994). *Psychometric theory* (3rd ed.). New York, NY: McGraw-Hill.
- Perlman, K. (2015). *Dispute resolution: Applying non-adversarial and therapeutic justice*. Jerusalem: Bursi Press [Heb.]
- Petrucci, C. J. (2002). Respect as a component in the judge-defendant interaction in a specialized domestic violence court that utilizes therapeutic jurisprudence. *Criminal Law Bulletin, 38*, 263–295.
- Portillo, S., Rudes, D. S., Viglione, J., & Nelson, M. (2013). Front-stage stars and backstage producers: The role of judges in problem-solving courts. *Victims & Offenders, 8*(1), 1–22.
- Public Committee for Considering Penal Policy and Offender Rehabilitation (2015). Report. [Heb.] Retrieved from the Israeli Ministry of Justice: <http://www.justice.gov.il/Units/SanegoriaZiborit/News/Documents/dorner%20report.pdf>
- Shdaimah, C. (2010). Taking a stand in a not-so-perfect world: What's a critical supporter of problem-solving courts to do? *University of Maryland Law Journal of Race, Religion, Gender & Class, 10*(1), 89–112.
- Spinak, J. M. (2010). A conversation about problem-solving courts: Take 2. *University of Maryland Law Journal of Race, Religion, Gender & Class, 10*(1), 113–136.

- Thompson, A. C. (2002). Courting disorder: Some thoughts on community courts. *Washington University Journal of Law & Policy*, 10, 63–100.
- Wexler, D. B. (2015). Guiding court conversation along pathways conducive to rehabilitation: Integrating procedural justice and therapeutic jurisprudence. *Arizona Legal Studies: Discussion Paper no. 15-33*.
- Winick, B. J. (2003). Therapeutic jurisprudence and problem solving courts. *Fordham Urban Law Journal*, 30, 1056–1103.
- Wolf, R. V. (2009). Race, bias and problem-solving courts. *National Black Law Journal*, 21, 27–52.
- Yanay, U., & Gal, T. (2010). Lobbying for rights. In S. G. Shoham, P. Knepper, & M. Kett (Eds.), *International Handbook of Victimology* (pp. 373–396). Florida: CRC Press.

How to cite this article: Gal T, Dancig-Rosenberg H. Characterizing community courts. *Behav Sci Law*. 2017;1–17. <https://doi.org/10.1002/bsl.2310>