

## A COMMUNITY COURT GROWS IN BROOKLYN:

### A COMPREHENSIVE EVALUATION OF THE RED HOOK COMMUNITY JUSTICE CENTER

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#### Final Report



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*A Community Court Grows in Brooklyn*

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## CHAPTER 1. THEORETICAL FOUNDATIONS AND STUDY CONTEXT

In April 2000, a new courthouse opened its doors in a vacant schoolhouse in the Red Hook neighborhood of Brooklyn. Over the course of the five previous decades, Red Hook had declined from a vibrant, working-class waterfront community into a notorious hotbed of drug-related violence, cut off from the rest of Brooklyn by an elevated highway and a lack of public transportation. Following in the footsteps of the nation's first community court, established in Manhattan seven years earlier, the Red Hook Community Justice Center aimed to help transform the neighborhood by cleaning up misdemeanor crime and offering defendants treatment for the drug addictions and other social dislocations believed to fuel their criminal behavior. The Justice Center would also handle juvenile delinquency cases, hear landlord-tenant disputes, and provide a wide variety of youth and community programs open to all residents. The ultimate goal was to create a court that "would both respond constructively when crime occurs and work to prevent crime before it takes place," halting the "revolving door" of the traditional criminal justice system. "By bringing justice back to neighborhoods and by playing a variety of non-traditional roles," Justice Center planners asserted, "community courts foster stronger relationships between courts and communities and restore public confidence in the justice system" (Midtown Community Court undated, 1).

More than a decade later, the Red Hook Community Justice Center (RHCJC) is a prominent fixture in the Red Hook neighborhood. The Justice Center is the product of an ongoing partnership among the New York State Unified Court System, the Center for Court Innovation, the Kings County District Attorney's Office, the Legal Aid Society of New York, and a number of other governmental and nonprofit organizations. As a demonstration project, it is also arguably the best-known community court in the world, welcoming visitors from as far away as South Africa, Australia, and Japan and serving as a model for other community courts across the nation and the globe.

In 2010, the National Institute of Justice funded the first comprehensive independent evaluation of the Red Hook Community Justice Center. Conducted by the National Center for State Courts in partnership with the Center for Court Innovation and the John Jay College of Criminal Justice, this evaluation represents a rigorous multi-method investigation into the impact of the Justice Center on crime, incarceration, and costs; the mechanisms by which the Justice Center produces any such results; and how policymakers and court planners in other jurisdictions can adapt the Justice Center's vision of the community court model to suit the unique needs of their own communities. The evaluation consists of four major components: a process evaluation that documents the planning and operations of the Red Hook Community Justice Center and investigates whether the program was implemented in accordance with its design; an ethnographic analysis that examines community and offender perceptions of the Justice Center; an impact evaluation that analyzes the Justice Center's impact on sentencing, recidivism, and arrest rates; and a cost-efficiency analysis that quantifies the Justice Center's costs and benefits in monetary terms.

### A. COMMUNITY COURTS AND THE PROBLEM-SOLVING COURTS MOVEMENT

Community courts such as the Red Hook Community Justice Center are part of the broader problem-solving courts movement that has taken root across the nation over the past two and a half decades. The basic premise behind the problem-solving court model is the idea that instead of merely adjudicating legal questions or punishing criminal behavior after the fact, courts should seek to prevent crime by directly addressing its underlying causes (Berman and Feinblatt 2005; Rottman and Casey 1999). The nation's first problem-solving court was the Miami-Dade County Drug Court, established in Florida in 1989. This new type of court replaced prison and other traditional sanctions for drug-addicted offenders with judicially supervised treatment. Over time, a number of variants on the drug court model emerged, including mental health courts, veterans' courts, homelessness courts, domestic violence courts, and community courts. By 2010, the National Drug Court Institute estimated that more than 3,600 problem-solving courts were in operation across the United States (Huddleston and Marlowe 2011, 37).

The concept of the community court first emerged in the United States with the establishment of the Midtown Community Court in Midtown Manhattan in 1993. Two key influences on the development of the community court model were the "broken windows" theory of crime and the related concept of community policing. According to the broken windows theory, visible conditions of disorder in a neighborhood—such as broken windows that are never repaired or misdemeanors that go unprosecuted—serve as a signal that the community does not enforce social norms, inviting further misdemeanor activity that eventually leads to more serious crimes (Kelling and Wilson 1982). In accordance with the broken windows theory, community courts typically focus on cleaning up minor "quality of life" crimes such as graffiti, turnstile jumping, prostitution, and public intoxication on the assumption that this will lead to reductions in other types of crime as well. Building upon the broken windows theory, the community policing model seeks to take police officers out of their patrol cars and integrate them into the fabric of the community, where they can better exercise both formal and informal control over conditions of disorder (Manning 1984, 208). In a similar fashion, the community court model aims to relocate the production of justice out of large centralized courts and into the local community.

Among the many types of problem-solving courts that exist today, community courts are perhaps the least amenable to a standardized definition. As the name suggests, the most basic premise of the community court model is that the court should be both an integral part of the community and an agent of transformation in it. Although individual community courts embody this vision in ways as varied as the communities in which they are located, most share a few core features. There have been several attempts to identify the key elements and practices common to community courts that differentiate them from traditional courts processing misdemeanor offenses. One such effort resulted in a list of 11 elements:

1. Dual commitment to changing the lives of individual offenders and the quality of life in communities;
2. Increased court time and resources devoted to "minor" misdemeanors;
3. Community service and other alternative sanctions replace jail and fines;

4. Offender compliance with sentence conditions strictly monitored;
5. Noncompliance with sentence conditions strictly sanctioned;
6. Treatment and services as a component of sanctions;
7. Access to a comprehensive package of treatment and social services through a mix of government and nonprofit agencies;
8. Extensive inventory of information on defendants gathered through expanded intake interviews and access to other criminal justice databases;
9. Immediacy in the commencement of community service and treatment programs;
10. Community service work crews or improvement projects posted as the products of community service; and
11. One or more mechanisms that provide ongoing communication with the community (Casey and Rottman 2005, 37).

An alternative synthesis of common community court principles and practices is based on a review of the main features of the community courts operating in mid-2010, both in the United States and internationally. In this formulation, the six dimensions are:

1. Enhanced information,
2. Community engagement,
3. Collaboration with outside agencies and groups,
4. Individualized justice shaped by the use of risk and needs assessments,
5. Defendant accountability, and
6. Outcomes that are measured and analyzed (Lang 2011, 2-3).

Based upon these two formulations along with additional considerations identified during previous evaluation research on community courts, the evaluation team identified the following as the main distinguishing features of a community court:

1. Individualized Justice: Judicial decision-making characterized by access to a wide range of information about defendants and by a focus on achieving individualized rather than standardized treatment of offenders.

2. **Expanded Sentencing Options:** Availability of an enhanced range of sentencing and diversion options that draw heavily on locally-based government and nonprofit providers, with a corresponding reduction in the use of jail time and fines as options.
3. **Varying Mandate Length:** Development of a system in which a (typically small) proportion of defendants may receive medium-term treatment for drug addiction or other problems under court supervision, while the majority of defendants receive short-term social service or community service sanctions, typically five days or less in length.
4. **Offender Accountability:** An emphasis on immediacy in the commencement of non-custodial sanctions as well as the strict enforcement of these sanctions.
5. **Community Engagement:** Establishment of processes through which community input can be factored into decision-making by community court leaders.
6. **Community Impacts:** Definitions of success in which community outcomes, such as reductions in crime or community restitution through community service, are among the measured evaluation criteria.

This evaluation explores the ways in which each of these features manifests itself at the Red Hook Community Justice Center, and how these features contribute to the Justice Center's core mission of reducing crime in its catchment area.

## **B. RED HOOK COMMUNITY JUSTICE CENTER PROGRAM THEORY**

As stated by the project planners, the Justice Center's primary goals are to reduce crime and improve quality of life in the Red Hook neighborhood. "Program theory" refers to the expectations on how the RHCJC would achieve these goals. The Red Hook Community Justice Center combines a broken-windows focus on deterring minor crime with intensive community involvement and a drug-court-style program of judicially supervised drug treatment. The Red Hook version of the community court model aims to reduce crime through three separate but interrelated mechanisms: deterrence, intervention, and enhanced legitimacy of the justice system.<sup>1</sup> First, the certainty of meaningful punishment—including follow-up sanctions in response to a defendant's noncompliance with the original court order—is designed to deter criminal behavior. Second, for juveniles and a small proportion of adult defendants, the Justice Center provides judicial supervision for community-based treatment of drug abuse and other underlying criminogenic needs in order to reduce the likelihood of future offending. Finally, RHCJC seeks to secure voluntary compliance with the law by enhancing the perceived legitimacy of the justice system through procedural justice in judicial decision-making as well as the cultivation of close ties to the

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<sup>1</sup> This description of the RHCJC program theory is the research team's reconstruction and is based on interviews, articles, and other documentation of the planning process. It is not an official statement of the program theory by the Justice Center's planners or managers.

community. The first two of these mechanisms can be described as instrumental, in that they seek to alter the incentives that individuals face to commit or to desist from crime. In contrast, the third mechanism is a normative one, intended to affect people's sense of obligation to follow the law regardless of the likelihood of punishment (Tyler 2006, 3).

## **1. Deterrence**

Deterrence theory is founded on the assumption that people make rational choices about whether to engage in criminal behavior, weighing the gain they expect to realize from the crime against the expected cost of punishment. The expectation of punishment encompasses the likelihood of being caught and punished as well as the expected severity of the punishment. This means that in order to design an effective deterrent, policymakers must consider three factors: the severity of the punishment, the certainty of punishment, and the celerity with which the punishment is imposed (Marlowe and Kirby 1999; Marlowe et al. 2005; Paternoster and Piquero 1995). The severity of the punishment must be proportional to the benefit the criminal expects to realize from the crime. In other words, more serious punishment is required to deter more serious types of crime. Research indicates that the certainty of punishment is the most important element in the potential criminal's cost-benefit calculus (Nagin and Pogarsky 2001). The prospect of a lengthy jail term will not deter criminal behavior if potential lawbreakers do not think they will be caught, or if they believe that they are likely to walk away without punishment even if apprehended. Celerity, or swiftness, of punishment is also important in reinforcing the connection between crime and punishment in the mind of both the criminal and the public at large (Akers 1997, 16-17). Swift, certain, and meaningful punishment for criminal offenses is intended to deter future criminal behavior on the part of the individual offender (specific deterrence), as well as among the population as a whole (general deterrence).

In accordance with deterrence theory, the Red Hook Community Justice Center intends to replace "walks" (case dispositions that leave offenders with no further obligations) with meaningful sanctions for even the most minor of offenses and to have defendants begin serving social and community service sentences as quickly as possible. Social service sanctions—typically one- or two-session educational programs on topics such as "What to Do When Stopped By the Police" and "Treatment Readiness"—and community service sanctions are typically administered and supervised by Justice Center staff. Offenders register for these programs immediately after exiting the courtroom, and the court's alternative sanctions office follows up with defendants who fail to appear for their assigned sessions. The judge regularly requires defendants to appear in court to demonstrate compliance with all terms of the court's mandate, including completion of social service sanctions, payment of fines and restitution, and completion of administrative tasks related to the defendant's driver's license. In contrast, in mainstream New York City criminal courts, immediate on-site registration for community and social service sanctions is often impossible, monitoring of alternative sanctions may be sporadic, and defendants are not typically required to appear in court to demonstrate compliance.

The broken windows hypothesis is an outgrowth of deterrence theory. Under the broken windows theory, the presence of minor crime and other visible conditions of disorder sends a signal to potential lawbreakers that any crimes they commit are likely to be overlooked. This signal informs the cost-benefit calculation related not only to other minor crimes, but also to more serious offenses. The Justice Center applies broken windows theory through its intensive focus on misdemeanor offenses, its use of community service to repair visible conditions of disorder in the neighborhood, and its organization of community forums and events designed to strengthen community-based forms of informal social control. To a greater degree than most other community courts, RHCJC is concerned with the connection between the types of minor crime that appear on its docket and more serious offenses. By treating misdemeanor offenses seriously, RHCJC also hopes to achieve a reduction in the types of felony offenses that plagued the Red Hook neighborhood during the 1980s and 1990s.

## **2. Intervention**

In contrast to the deterrence model, which aims to rebalance the scales as the potential offender weighs the costs and benefits of breaking the law, the intervention component of the RHCJC program aims to provide participants with the resources and support that they need to bring about positive changes in their behavior, thereby reducing crime in the Red Hook neighborhood. Intervention services include long-term treatment for drug-addicted offenders, court mandates to short-term educational programs, and walk-in services for community members without active court cases.

Judicially supervised treatment for drug addiction is the Justice Center's primary mode of intervention. Many minor crimes such as prostitution and theft are assumed to be committed by drug addicts in pursuit of funds with which to purchase drugs (Gupta et al. 2011, 3-4; Chein and Rosenfield 1957, 53). Other offenses such as public intoxication, driving under the influence, and drug possession are also frequently associated with addiction to alcohol or illegal drugs. By treating the underlying addiction rather than merely punishing the offender for the resulting crime, the Justice Center aims to break the cycle of recurrent criminal behavior caused by drug addiction.

The Justice Center's intervention services for drug addiction are patterned after the established drug court model. Drug courts use their coercive power to compel defendants' participation in drug treatment through a system of sanctions and rewards. A defendant who fails to attend treatment, shows up late for court, or tests positive for drugs may be required to write an essay, perform community service, attend additional treatment sessions, or spend a weekend in jail. Defendants who repeatedly break the rules are terminated from the program and typically sentenced to jail. Defendants who comply with program requirements receive public recognition from the judge and drug court staff, as well as increases in privileges. In most drug courts, defendants who successfully complete the entire program are rewarded with the dismissal of the original charges. Research on drug courts suggests that judicially supervised drug treatment increases retention in treatment programs as compared to voluntary participation and reduces recidivism as compared to "business as usual" methods of case processing that do not incorporate treatment (Mitchell et al. 2012; Rossman et al. 2011; Gottfredson et al. 2003, 185,188; Belenko

2001, 4,26) Like a drug court, RHCJC provides a small subgroup of adult and juvenile defendants with intensive judicial supervision for a personalized treatment program that may include group outpatient treatment for drug addiction, regular drug testing, and therapy for underlying psychological trauma. Young offenders in drug treatment are also required to attend school or a GED program and to comply with a curfew.

In addition to judicially supervised drug treatment, the Justice Center mandates many defendants to short-term educational programs such as the Treatment Readiness Program (which introduces participants to available drug treatment resources), anger management, and life skills classes. Each of these programs lasts two hours or less. Research demonstrates that drug treatment interventions lasting less than 90 days are generally ineffective (Marlowe 2003). Similarly, effective cognitive behavioral therapy programs for anger management typically last around 16 weeks, with a median of two sessions per week (Lipsey, Landenberger, & Wison 2007). This suggests that the short-term social service interventions offered at Red Hook are not expected to have a direct impact on participants' social service needs; rather, the time that defendants spend in these programs may be regarded as a proportionate sanction that may have some deterrent power. Although these interventions may lead some participants to seek treatment that might have an eventual impact on knowledge, attitudes, and behavior, no data on these long-term outcomes were available.

In addition to court-mandated interventions, the Justice Center offers some intervention services to youth and adult community members without active court cases. Programs such as Youth Court, arts programs, internships, the youth baseball league, and the AmeriCorps programs are designed in part to provide opportunities for both young people and adults to develop strong relationships with peers and mentors, a positive self-image, and concrete skills that will prepare them for success in school and employment, reducing the likelihood that they will commit future crimes.

### **3. Legitimacy**

In addition to altering the risks and rewards associated with crime, RHCJC also seeks to promote law-abiding behavior by enhancing the legitimacy of the justice system among offenders as well as other residents of the catchment area. An authority's legitimacy is its perceived right to dictate behavior. If citizens believe that the justice system is legitimate, they will voluntarily obey the law even if the expected gains from crime outweigh the expected punishment (Tyler 2006, 3-4). The Justice Center uses two mechanisms to establish legitimacy: procedural justice and a close relationship with the local community.

#### ***a. Procedural Justice***

Empirical research consistently demonstrates that people's assessments of their interactions with the legal system (as well as other authority figures) are influenced more by their perceptions of the fairness of the decision-making process than by the outcomes of those processes. In the words of Tom Tyler, the social psychologist most closely associated with procedural justice theory,

“[t]he procedural justice argument is that, on the general level, the key concerns people have about the police and the courts center around whether these authorities treat people fairly, recognize citizen rights, treat people with dignity, and care about people’s concerns” (Tyler, 2001, 216).

First-hand experience of procedural justice has been shown to increase people’s belief in the legitimacy of the judicial system and make them more likely to obey the law in the future (Tyler 2007-2008, 26). If people feel they have been treated fairly, they are more likely to believe that the courts have a moral right to make decisions on disputed matters, and consequently, are more likely to obey those decisions. Procedural justice is present when people perceive that they are experiencing the following in their interaction with judges (Tyler 2004, 443-47):

Respect: People are treated with dignity and their rights are respected.

Neutrality: Honest and impartial decision-makers base their decisions on facts.

Participation: Each party has an opportunity to express his or her viewpoint to the decision-maker

Trustworthiness: Decision-makers appear benevolent, caring, motivated to treat parties fairly, and sincerely concerned about people.

The greater the degree of perceived procedural justice, the more likely it is that defendants and litigants will be satisfied with criminal justice authorities and their decisions, view authorities as legitimate, and defer to or comply with the decisions made by the judge and others in authority. The connection between procedural justice and compliance applies to both minority and majority group members and in both low-stakes and high-stakes situations (Tyler 2006, 105,156-57).

To maximize perceptions of procedural justice, judges are advised to treat individuals with respect, afford all parties the opportunity to be heard, and clearly explain the rationale behind their decisions. Although the judge is the primary contributor to procedural justice, the actions of all justice system personnel, including the police, lawyers, court clerks, court officers and other court staff, may also influence whether people feel that they are being treated fairly (Burke and Leben, 2007; Tyler 2007-2008, 30-31; Rottman 2007).

An implicit commitment to procedural justice has been a cornerstone of the RHCJC program since the earliest stages of planning, despite the apparent lack of explicit discussion of procedural justice principles during the planning process. That commitment extends beyond the interaction between the judge and each litigant to the physical design of the courthouse and the actions of all RHCJC staff members. For example, the court was strategically located between the public housing at the “front” of the neighborhood and the privately owned housing at the “back” in order to create the perception of neutrality. The courthouse’s physical design is intended to promote individual dignity, from the clean, well-lit holding cells without bars, to the lowered bench that places the judge eye to eye with the defendant. All court staff, from the court officers to the judge, assert that they emphasize courtesy and respect in all of their interactions with the public,

and the judge attempts to engage in direct dialogue with the parties during court appearances. On a larger scale, the Community Advisory Board, appearances by the judge and court staff at community meetings, and the regular administration of the Operation Data survey are designed to promote perceptions of procedural justice by giving the community a voice in court policies and initiatives.

### ***b. Community Involvement***

The procedural justice perspective is supported by the group value theory and other identity-based theories holding that people actively seek to identify themselves with groups (Tyler et al. 1997, 184-188). The psychological rewards of group membership are sufficient that people will act for the benefit of the group even when such action conflicts with their own self-interest. Experience of procedural justice motivates compliance with the law partly by affirming the individual's status within the group governed by legal authorities. By treating litigants with respect, listening to their stories, and considering their arguments, authorities send a message that the litigants are valued members of the group—"they provide people with feedback about the quality of their relationship with authorities and institutions" (Tyler 2006, 276).

In procedural justice terms, the Justice Center's community and youth programming is designed to demonstrate that the court shares the values of the community (Jackson et al. 2012). The Justice Center also seeks to strengthen citizens' affective ties to the community through youth and community programming, public outreach, and community service sanctions. In addition to providing development opportunities for individual participants, youth and community programs such as a youth baseball league are designed to enhance community ties by bringing the neighborhood together. The court's involvement with community organizations such as the Red Hook Initiative, Added Value community farm, the Friends of Coffey Park, the Groundswell mural program, and the Falconworks theater company, as well as its support of community events like movie nights on Valentino Pier, is also intended to help strengthen neighborhood identity and informal social controls (Sampson and Raudenbush 2001). Furthermore, the community service sanctions frequently handed down at RHCJC are not intended merely to serve as a deterrent or a source of labor to cover graffiti and clean up trash: community service is also designed as a way for the offender to repay the community for the harm he has inflicted upon it, serving as a tangible reminder of the offender's membership in and responsibility to the group (Herrschaft 2012).

Finally, through its intensive focus on the Red Hook neighborhood, the Justice Center seeks to redefine the "group" or "community" to which residents belong as the neighborhood itself, rather than Brooklyn, New York City, or society at large. Although this strategy has the potential to enhance the court's legitimacy within the confines of Red Hook, it carries a corresponding risk of alienating residents of other catchment area neighborhoods and precincts, potentially decreasing the court's legitimacy among this segment of its constituency.

## C. RESEARCH LITERATURE ON COMMUNITY COURTS

Community courts are a relative newcomer to the criminal justice landscape. Ten years after the 1993 debut of the Midtown Community Court, 21 community courts were in operation; today there are 37 such courts in the United States and 33 in other countries (17 in South Africa, 13 in the United Kingdom, two in Canada, and one in Australia) (Karafin 2008; Lang 2011). Several of these courts have undergone comprehensive evaluations. These include the community courts in Midtown Manhattan (Hakuta et al. 2008; Sviridoff et al. 2000, 2001), Hennepin County, Minnesota (Eckberg 2001; Weidner and Davis 2000), Philadelphia (Cheesman et al. 2009; Cheesman et al. 2010), and the City of Yarra in Melbourne, Australia (Ross et al. 2009). Methodologies applied in these studies included process evaluations (all four sites), quasi-experimental studies of impacts on case processing, outcomes, offender compliance, and/or recidivism (all four), cost-benefit analyses (Midtown, Hennepin County, and Melbourne), community surveys (Midtown and Hennepin), and ethnographic observations and interviews with local offenders (Midtown, Philadelphia, and Melbourne).

More limited process evaluations without comparison groups have been conducted in Hartford, Connecticut (The Justice Education Center 2002), North Liverpool, England (McKenna 2007), and Salford, England (Brown and Payne 2007). In addition, several sites have commissioned “special topic” studies. In Red Hook (Frazer 2006) and the Harlem neighborhood of New York City (Abuwala and Farole 2008), studies with comparison groups focused on the important question of whether litigant perceptions of procedural justice are higher in community courts than in their traditional counterparts. In Red Hook itself (Custer et al. 2008; Moore 2004), the Harlem neighborhood of New York City (Custer et al. 2008), and North Liverpool, England (Llewellyn-Thomas and Prior 2007), community surveys have been undertaken to measure perceptions of neighborhood problems and attitudes towards local justice agencies, including the police, prosecutors, and courts.

The Columbia Center for Violence Research and Prevention undertook a broader effort to evaluate the Red Hook Community Justice Center two years after its implementation, but that work was never completed. The study did, however, result in two articles reflecting on the general ambitions and challenges of any neighborhood-based court, drawing upon interviews with RHCJC staff and offenders (Fagan and Malkin 2003; Malkin 2003).

Two literature reviews undertaken by the Center for Court Innovation synthesize the conclusions from the extant body of research on community courts (Kralstein 2005; Kralstein and Henry 2011). Findings most relevant to the present evaluation include:

### **1. Expanded Sentencing Options**

Confirming the central role of diversified sentencing options, a global survey of 25 community courts found that 92 percent routinely mandate defendants to community service, and 84 percent mandate defendants to social services, including treatment readiness classes (64 percent), individual counseling (64 percent), job skills (64 percent), life skills (56 percent), anger

management (52 percent), and substance abuse treatment (48 percent) (Karafin 2008). Two separate evaluations of the Midtown Community Court—one focusing on its early years and the other on recent impacts—both found that the court made significantly greater use of alternative sentences than the centralized Manhattan court. These studies also found that Midtown made less use than the comparison court of both jail and “walks,” defined as sentences such as time already served that lack any ongoing obligation (Hakuta et al. 2008; Sviridoff et al. 2001). Yet both studies found that, despite sentencing a lower percentage of its defendants to jail, when the Midtown Community Court did use jail, the average sentence was longer. In addition, one evaluation found that Midtown was more likely to impose meaningful jail time as a “secondary sanction” due to noncompliance with what was initially an alternative sentence (Sviridoff et al. 2001). These dynamics meant that Midtown did not ultimately produce a significant reduction in the aggregate number of jail days its defendants served. These findings have not been replicated in studies of other community courts

## **2. Compliance with Alternative Sanctions**

As compared with the nearest centralized courts, the Midtown and Hennepin County community courts produced significant increases in offender compliance with community service mandates, from 50 percent to 75 percent in Midtown (Sviridoff et al. 2000, 2001) and 29 percent to 54 percent in Hennepin (Weidner and Davis 2000).

## **3. Community Perceptions**

Community courts purport to address community-specific needs and concerns, yet the literature has focused primarily on how community courts affect individual defendants and litigants rather than on the success or limitations of their community engagement efforts. A few studies, however, have attempted to measure broader public perceptions of community courts. The first evaluation of the Midtown Community Court included a survey of residents in the surrounding neighborhoods (Sviridoff et al. 2002). Few residents (20 percent) were aware of the court’s existence; of these, 7 percent characterized themselves as “very familiar,” 49 percent as “somewhat familiar,” and 44 percent as “not at all familiar” with the court. A North Liverpool study concluded that efforts to inform the community of court activities were effective. Data from three community attitude surveys, conducted between 2005 and 2007, found that awareness grew from one in five residents knowing of the community court to nearly one-third (32%). Yet this increased knowledge of the court’s existence did not translate into a detectable increase in public confidence in justice (McKenna 2007). Evaluations of community courts in Salford, England (Brown and Payne 2007) and Seattle (Mahoney and Carlson 2007) recommended further strengthening ties to the communities served. None of these studies, however, adopted the type of systematic random block sampling methodology used for the community survey in the current evaluation.

## **4. Litigant Perceptions**

Several studies have sought to examine litigant perceptions of fairness in community courts. Most offenders at the Hartford Community Court believed that their sentence was fair (73 percent),

the prosecutor was fair (76 percent), and the judge treated them with respect (91 percent) (Justice Education Center 2002, 63). Based upon qualitative interviews, another study reported that offenders processed at RHCJC generally admired the court's judge and viewed their experience more positively than their experiences in other courts (Malkin 2003). However, in the absence of a rigorous and representative methodology for recruiting subjects for interviews, and in the absence of a comparison group, it is difficult to weigh the conclusions of or reach reliable generalizations based upon these studies.

One study focused on the question of procedural justice at Red Hook did include a comparison group composed of defendants processed in a local centralized court (Frazer 2006). This study found that Red Hook defendants were more likely to perceive the court process as fair, but the proportion of defendants perceiving the centralized court as fair was also high. At Red Hook, positive perceptions of the judge appeared to influence overall perceptions of the court process. A separate study, which also used a comparison group, found that parties whose cases were processed in a community-based housing court in Harlem were more likely to perceive the court process as comprehensible and fair, and more likely to hold favorable views of the judge, than parties whose cases were handled by a traditional housing court (Abuwala and Farole 2008). It should be noted that both of these studies relied on convenience sampling methods rather than the quasi-experimental design used in research conducted on drug treatment courts that reached similar conclusions.<sup>2</sup>

## **5. Impacts on Recidivism and Neighborhood Crime**

Evaluations of community courts' impact on recidivism and overall crime rates have produced mixed results. The first evaluation of the Midtown Community Court failed to detect an effect on re-offending by individual offenders but did detect a drop in prostitution and illegal vending crime in the entire Midtown neighborhood, likely due in part to simultaneous economic development activity in Midtown and in part to a displacement effect in which crime moves to a different neighborhood experiencing less aggressive enforcement (Sviridoff et al. 2001). An evaluation of a community court in Seattle, Washington found that there was not a significant difference in the probability of re-arrest, but there was a smaller average number of re-arrests among those processed in the community court than among those processed in a centralized court during a pre-implementation period (Nugent-Borakove 2009). Similarly, an evaluation of the community court in Liverpool, England showed that the community court had no impact on the re-conviction rate, but did produce a small reduction in the total number of re-offenses that fell just short of statistical significance (Jolliffe and Farrington 2009). On the other hand, an evaluation of

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<sup>2</sup> For example, an evaluation of the Baltimore Drug Treatment court concluded that "the [Drug Treatment Court] program, especially the judicial hearings, contributes to an offender's perception of fairness and due process, thereby increasing his or her willingness to fulfill his or her part of the negotiated DTC agreement" (Gottfredson et al. 2007:28). Similarly, NIJ's Multi-Site Adult Drug Court Evaluation found that drug court participants across 23 sites were more likely than a matched comparison sample of defendants in traditional criminal courts to perceive their treatment by the judge as fair; this study also found that these more positive perceptions of the judge was an influential factor explaining why the drug court sample was less likely than the comparison sample either to commit further crimes or to use drugs during the follow-up period (Rossman et al. 2011).

the Neighborhood Justice Center (NJC), which serves the Yarra neighborhood in Melbourne, Australia, detected a statistically significant reduction in recidivism, from a re-arrest rate of 41 percent within 18 months among offenders processed in nearby comparison courts to a re-arrest rate of 34 percent within 18 months among those processed by the NJC (Ross et al. 2009).

## **6. Cost Savings**

Cost-benefit analyses of the Midtown, Melbourne, and Hennepin community courts produced a range of findings. In Midtown, the evaluation identified approximately \$1.3 million in annual savings based on a reduction in pre-arraignment detention time, reduced jail sentences on shoplifting cases (jail time was not reduced on other cases), and a decrease in prostitution arrests in the Midtown neighborhood (Sviridoff et al. 2001). The evaluation of the Neighbourhood Justice Center in Melbourne also found that the court saved money: for every Australian dollar invested, the expected return was AUS\$1.09 to \$1.23 (Ross et al. 2009). The Hennepin study, on the other hand, found that initial processing of criminal cases in the community court was more expensive than standard case processing, but was unable to quantify potential benefits that might eventually accrue in the long term (Weidner and Davis 2000).

## CHAPTER 2. EVALUATION DATA AND METHODS

This evaluation employs four different forms of analysis: a process evaluation that documents the planning and operations of the Red Hook Community Justice Center and investigates whether the program was implemented in accordance with its design; an ethnographic analysis that examines community and offender perceptions of the Justice Center; an impact evaluation that analyzes the Justice Center's impact on sentencing, recidivism, and arrest rates; and a cost-efficiency analysis that quantifies the Justice Center's costs and benefits in monetary terms. The evaluation draws on a variety of qualitative and quantitative data sources, including survey and interview data, annual reports and other RHCJC operational documents, case processing and arrest records for individual defendants, and aggregate data on arrests in the catchment area and surrounding precincts.

### A. QUALITATIVE DATA

Sources of qualitative data relied upon in the process evaluation include:

- 52 structured qualitative group and individual interviews, each lasting between 60 and 90 minutes, with stakeholders, including court staff, attorneys, police commanders, community leaders, and community partners, carried out during site visits in January 2010, May 2010, November 2010, June 2011, and December 2011;
- Observation of courtroom activities and staff meetings;
- Written documentation of the project planning process;
- News reports and journal articles;
- Center for Court Innovation publications; and
- Operational documents provided by CCI and the Justice Center.

### B. QUANTITATIVE DATA

#### 1. Case Processing Data

Some aggregate statistics on case processing at the Justice Center were taken from the Justice Center's quarterly and annual statistical reports. Defendant-level records of adult criminal cases arraigned at the Justice Center from 2000 through 2009 were provided by the New York State Division of Criminal Justice Services (DCJS), the New York City Criminal Justice Agency (CJA), the Division of Technology of the New York State Unified Court System, and the Justice Center itself. The Justice Center's juvenile clinic also provided available case-level data on

services received by juvenile delinquency respondents whose cases were processed in the Justice Center’s family court part in 2009 and 2010.<sup>3</sup>

## **2. Comparison Data**

To understand how sanctioning practices and recidivism outcomes at the Justice Center differ from those in a traditional misdemeanor court, we collected data on comparable groups of adult criminal and juvenile delinquency cases processed at the Justice Center and at the Kings County Criminal Court and the Kings County Family Court in downtown Brooklyn. Data elements included each defendant’s demographic background (age, sex, race/ethnicity), criminal history, precinct of arrest, current charges, arraignment and disposition dates, type of disposition, sanctions imposed, and subsequent arrest history.

### *a. Criminal Court*

To evaluate the impact of any intervention, it is necessary to select a comparison group that represents the counterfactual (see Morgan and Winship 2007). Specifically, we seek to understand how cases now processed at the Justice Center would otherwise have been processed at the downtown Brooklyn Criminal Court, and how recidivism outcomes would have differed. Because random assignment of cases to each court was not feasible, the evaluation must employ a quasi-experimental design. (Rossi and Freeman 1993). Because the Justice Center operates only on weekdays, those defendants arrested in the catchment area outside the Justice Center’s operating hours are routed to Kings County Criminal Court in downtown Brooklyn for arraignment. These defendants provided a natural comparison group. To minimize the differences between the Red Hook and downtown samples, we required cases from both courts to be processed during the same period of time and with arrests in the same three police precincts that feed the Red Hook court. Having identified our samples, we implemented propensity score adjustment techniques to ensure comparability on key baseline characteristics, including demographics (age, race, and sex), criminal history, and current charges.

#### *i. Sampling Frame*

Our research sample included 3,247 cases, 1,576 processed at the Red Hook Community Justice Center and 1,671 processed in Kings County Criminal Court in downtown Brooklyn. These defendants were all arraigned on misdemeanor criminal charges with a final case disposition in 2008.<sup>4</sup> All defendants were arrested within the Red Hook geographic catchment area, which comprises three of Brooklyn’s 23 police precincts: the 76th precinct, which covers the Red Hook neighborhood, and the 72nd and 78th precincts, which cover surrounding neighborhoods. The two samples differed primarily as to the time of arrest. The downtown defendants were mostly arrested from 12:00 p.m. Friday through 12:00 p.m. Sunday, when the Justice Center does not accept

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<sup>3</sup> Identifying information was removed from all case-level data used in this evaluation.

<sup>4</sup> The year 2008 was selected to allow a minimum follow-up period of two years, plus sufficient time to compile the final data set from multiple sources prior to data analysis.

defendants for arraignment; most RHCJC defendants were arrested during the remainder of the week. Some defendants in the downtown sample were arrested during other hours as well, when according to policy they should have been sent to Red Hook. For example, at their discretion, police officers are often believed to refer cases to the downtown court instead of Red Hook throughout Sunday afternoon and evening. As documented in the process evaluation, a proportion of defendants arrested on weekdays are also arraigned downtown instead of at Red Hook, as a result of routing errors or other factors.

Before arriving at our final sample, we eliminated exactly 500 cases that were adjourned downtown for disposition following an initial appearance at Red Hook. Nearly all of these cases were rerouted downtown after arraignment because the defendant was detained in jail or unable to make bail. Because it is impractical for detained defendants to be produced at the Justice Center for subsequent court appearances, their cases must be transferred to the centralized criminal courthouse in downtown Brooklyn. These cases were deemed to be inappropriate for inclusion in either the Red Hook group or the comparison group because they were not processed exclusively in either court, and because these cases tended to involve more severe charges or higher-risk defendants than those retained at Red Hook.

We also excluded 328 eligible cases for which we could not obtain a recidivism records match in data provided by the New York State Division of Criminal Justice Services (DCJS). The vast majority of these cases were traffic offenses for which the defendant was not fingerprinted and therefore was not assigned an identification number that would enable matching across databases.<sup>5</sup> To avoid violating standard assumptions of independence in our statistical analyses, we required the final sample to include a maximum of one case per individual defendant. When the same defendant had multiple eligible cases, our final sample included the first, based on arrest date. We eliminated 542 cases, but obviously did not lose any defendants, for this reason. Finally, both samples were limited to misdemeanor arraignments.

#### *ii. Propensity Score Adjustment*

To mitigate any selection bias, we implemented a standard propensity score adjustment (see Luellen, Shadish, and Clark 2005; Rosenbaum and Rubin 1983, 1984; Rubin 1973). Selection bias may arise if two groups of defendants being compared differ with respect to baseline characteristics—such as demographics, criminal history, or current charges—that affect the outcome being studied—here, the sanction and the likelihood of recidivism. For example, if defendants receiving the intervention being studied (here, Red Hook defendants) tend to have less serious criminal histories than those in the comparison group (here, downtown defendants), the intervention may appear to be more effective in reducing recidivism than it actually is. Propensity score techniques allow researchers to compensate for any such differences between the two samples, removing the associated bias in estimates of the program’s impact.

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<sup>5</sup> This means that the results of the recidivism analysis cannot be generalized to Red Hook’s traffic cases, which comprise slightly more than 15 percent of its misdemeanor caseload.

A propensity score is a number ranging from zero to one that is assigned to each case, reflecting the predicted probability that the case falls into one or another of two possible samples—in this study, the Red Hook sample as opposed to the downtown sample. Propensity scores can derive from a large number of individual baseline characteristics, representing these characteristics’ combined effect in leading some cases to be more statistically likely than others to be in one sample or the other. Once propensity scores are assigned, statistical adjustments can be implemented.

Propensity score modeling for the adult criminal court analysis is detailed in Appendix A. Table 1 compares the baseline characteristics for Red Hook and downtown defendants before and after propensity score adjustment.<sup>6</sup> During propensity score analysis, 12 Red Hook cases and 108 downtown cases were deleted due to missing data, initial arrests prior to 2006, or lack of common support,<sup>7</sup> leaving a final sample size of 1,564 Red Hook cases and 1,563 downtown cases. Before adjustment, there were small but statistically significant differences between the Red Hook and downtown samples as to precinct of arrest, age, race/ethnicity, criminal history, arrest year, and arraignment charge; after propensity score adjustment, no significant differences remain.

**Table 1: Background Characteristics of Defendants Arrested in RHCJC Catchment Area, 2008 Dispositions**

Red Hook Status	Original		Adjusted	
	Red Hook	Downtown	Red Hook	Downtown
Number of Cases	1576	1671	1564	1563
Precinct	***			
Precinct 72	55%	55%	55%	56%
Precinct 76	25%	27%	25%	25%
Precinct 78	21%	18%	19%	19%
Age	32.3**	32.8	32.6	32.4
Female	18%	18%	18%	18%
Race/Ethnicity	**			
White	19%	17%	17%	17%
Black/African-American	22%	25%	24%	24%
Hispanic / Latino	54%	53%	53%	53%
Asian	5%*	7%	6%	6%
# prior arrests	4.12***	5.76	4.85	4.89
Any prior arrest	47%*	56%	51%	51%

<sup>6</sup> Because there was not a sufficient number of cases in the downtown sample to permit propensity score matching, a covariate adjustment was used. See Appendix A for details.

<sup>7</sup> Cases lacking common support include downtown cases with propensity scores lower than the lowest propensity score found in the Red Hook sample, and those in the Red Hook sample with propensity scores higher than the highest propensity score found in the downtown sample—in other words, those cases in each group that are most dissimilar to cases in the other group.

# felony arrests	1.56***	2.36	1.90	1.94
Any felony arrest	33%***	44%	38%	38%
# misdemeanor arrests	2.56***	3.40	2.96	2.96
Any misdemeanor arrest	43%***	49%	46%	46%
# violent felony arrests	0.49***	0.73	0.59	0.6

Red Hook Status	Original		Adjusted	
	Red Hook	Downtown	Red Hook	Downtown
Any prior probation revocation	7%***	9%	7%	8%
Any prior parole revocation	5%***	9%	6%	7%
Arrest year	***			
2007	20%	24%	21%	20%
2008	80%	76%	79%	80%
<u>Arraignment Charges</u>				
Arraignment charge type	***			
Drug charge	19%	19%	21%	20%
Marijuana charge	16%	10%	14%	14%
DWI charge	2%	10%	5%	5%
Crime against person charge	27%	23%	26%	25%
Petit larceny	5%	3%	4%	4%
Other property charge	8%	9%	8%	9%
Prostitution charge	2%	2%	1%	2%
Other public order charge	15%	17%	16%	16%
Other	5%	8%	7%	6%
Domestic violence case	6%***	11%	9%	9%

### ***b. Family Court***

As in the criminal court analysis, our goal was to understand how cases processed at the Red Hook Family Court would have otherwise been processed at the downtown family court, and how recidivism outcomes would have differed. Because random assignment to courts was not feasible, we adopted a quasi-experimental design. To minimize differences between the Red Hook and downtown case samples, we required respondents from both courts to be arrested on similar charges and to have their cases processed during the same period of time. To ensure comparability on key baseline characteristics, including demographics (age, race, and sex), criminal history, and current charges, we implemented propensity score matching techniques.

#### *i. Sampling Frame*

Our research sample included 595 cases, 102 processed in the Red Hook Family Court and 493 processed in Kings County Family Court in downtown Brooklyn. These youth were all arrested from 2006 through 2008.<sup>8</sup> In contrast with the criminal court analysis, we were unable to isolate a comparison group composed of cases limited to the Red Hook geographic catchment area, so the comparison group was drawn from youth arrested throughout Brooklyn. Because the Red Hook family court, unlike the Red Hook criminal court, processes some felony cases through disposition, each group includes some respondents arraigned on felony charges. Appendix B describes the sampling and data collection process in detail.

*ii. Propensity Score Matching*

To reduce selection bias in the comparison group, we used propensity score matching. Because the downtown sample was nearly five times as large as the Red Hook sample, we were able to implement one-to-one matching on the basis of propensity scores, and did not need to use a covariate adjustment as with the adult criminal court data. The final samples included 102 Red Hook Family Court and 102 matched downtown family court cases. Table 2 compares the baseline characteristics of youth in the original and matched samples. Prior to matching, there were statistically significant differences between the Red Hook and downtown samples with respect to race, criminal history, and arraignment charge; matching eliminated these differences.

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<sup>8</sup> The years 2006 through 2008 were selected to provide a sufficient number of Red Hook cases while allowing a minimum follow-up period of two years, along with sufficient time to compile the final data set from multiple sources prior to data analysis.

**Table 2. Baseline Characteristics for Juvenile Delinquency Respondents, Original and Matched Samples**

	Sample:		Matched		
	Red Hook Status:	Original	RH	Downtown	
Number of Cases		102	493	102	102
<b>DEMOGRAPHICS</b>					
Female		25%	22%	25%	23%
Age					
Mean age		14.27	14.27	14.27	14.26
Age categories					
	12	4%	4%	4%	1%
	13	13%	13%	13%	20%
	14	35%	28%	35%	31%
	15	58%	51%	48%	48%
Race		**			
Black		56%	74%	56%	57%
Hispanic		34%	18%	34%	33%
White/Other		10%	8%	10%	10%
<b>CRIMINAL HISTORY</b>					
Prior Arrests		0.37***	0.89	0.37	0.38
Prior Arrest?		24%***	46%	24%	23%
Prior Felony Arrests		0.19***	0.47	0.19	0.02
Prior Felony Arrest?		15%***	29%	15%	17%
Prior Misdemeanor Arrests		0.19***	0.41	0.19	0.19
Prior Misdemeanor Arrest?		15%***	29%	15%	13%
<b>CURRENT CRIMINAL CASE</b>					
Arrest Charge		**			
Assault		33%	30%	33%	31%
Robbery		14%	32%	14%	15%
Other property related		29%	17%	29%	28%
Drugs or Marijuana		12%	10%	12%	10%
Weapons		8%	7%	8%	10%
Other		4%	3%	4%	7%
Arrest Severity					
Felony?		23%***	43%	23%	21%

### 3. Arrest Data

To aid in understanding the Justice Center’s impact on the overall level of crime in the catchment area, we obtained monthly counts of felony and misdemeanor arrests in each of the three catchment area police precincts (the 76th, 72nd, and 78th precincts). For comparison, we also obtained monthly counts of felony and misdemeanor arrests in each of five Brooklyn precincts adjacent to the catchment area (the 66th, 68th, 70th, 71st, and 84th precincts). Each data series covers the period January 1998 through December 2009.

### C. ETHNOGRAPHIC DATA

In order to incorporate the perspectives of community members and offenders regarding the Justice Center’s work into the evaluation, a team of anthropologists from the John Jay College of Criminal Justice conducted a door-to-door survey of neighborhood residents, detailed interviews of offenders, and direct observation on the streets of Brooklyn as well as in the courtrooms of the Red Hook Community Justice Center and the Kings County Criminal Court.

In the spring and summer of 2010, a team of John Jay students and faculty administered a survey to 107 residents of the Red Hook neighborhood. Ten closed-ended and five open-ended questions asked residents about their knowledge of and opinions about the Red Hook Community Justice Center, their usage of Justice Center services, and how the community had changed over the previous decade. To ensure that all segments of the Red Hook community were represented, door-to-door and intercept interviews were conducted over three blocks of private housing in the “back” of the neighborhood and two blocks of public housing in the “front” of the neighborhood, supplemented by intercept interviews of passersby on Van Brunt Street, a gentrifying business thoroughfare near the waterfront.

In October and November of 2010, the ethnographers set out to use the technique of Respondent Driven Sampling (RDS) to recruit 100 misdemeanor offenders from Red Hook and another 100 from the adjacent Sunset Park neighborhood (Abdul-Quader et al. 2006; Robinson et al. 2006; Heckathorn 1997, 2002; Heckathorn et al. 2002). RDS is a methodology for recruiting statistically representative samples of hard-to-reach groups, such as criminal offenders, by taking advantage of intragroup social connections to build a sample pool (Abdul-Quader, et al. 2006; Heckathorn 1997, 2002; Heckathorn, et al. 2002; Robinson, et al. 2006). In each location, the process began with three self-described misdemeanor offenders who were recruited in the community by the ethnographic team. Each of these “seeds” was interviewed, compensated \$20 for the interview, and given three numbered coupons with instructions to pass them along to friends and associates who had also committed a misdemeanor offense within the past three years.<sup>9</sup> For each coupon redeemed by an eligible research subject, the recruiter was compensated \$10. Each subject was compensated \$20 for the interview and given three coupons to use in recruiting the next wave of participants. Subjects were recruited in this fashion until the desired sample size was

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<sup>9</sup> To preserve their anonymity, subjects were identified only by number and asked to orally waive written documentation of informed consent to participate in the research.

reached in each location. Because the sample size was reached after a relatively small number of waves of recruitment, and because there was evidence that participants were recruiting other subjects from the community at large rather than from their own networks, it was not possible to perform some types of analysis of the sample composition (e.g., measures of homophily) that are typically used with RDS samples (Heckathorn 2002).

The 115-item interview questionnaire asked offenders about their involvement with the criminal justice system, their experiences with the police, and their perceptions of and experiences with the Justice Center and the traditional criminal court in downtown Brooklyn. The Red Hook interviews were conducted over a period of five days in a community room in Coffey Park, located between the Red Hook Houses and the Justice Center building; the space was donated by the New York City Department of Parks and Recreation. The Sunset Park interviews took place over the course of three days in the community room of the Community Board 7 building in Sunset Park. The sampling of offenders from two distinct neighborhoods within the Justice Center's catchment area made it possible to investigate whether offender perceptions of the Justice Center vary between the court's immediate environs and the outlying neighborhoods of the catchment area.

Finally, members of the ethnographic team logged dozens of hours of field observation in catchment area neighborhoods, the Red Hook courtroom, and misdemeanor courtrooms in downtown Brooklyn. Field notes were recorded in the form of "thick description," which incorporates detailed description of human behaviors as well as their context.

## CHAPTER 3. PLANNING THE RED HOOK COMMUNITY JUSTICE CENTER

### A. A NEIGHBORHOOD IN CRISIS

The South Brooklyn neighborhood of Red Hook was first settled by the Dutch in 1636, who named their village “Roode Hoek” after the red clay soil and the shape of the peninsula that juts out into the Upper Bay. In the 1850s, Red Hook became one of the busiest ports in the United States (Waterfront Museum 2011). For more than a century, it remained a thriving working-class neighborhood populated by Irish-American and Italian-American dockworkers and their families. Warehouses and other industrial buildings shared space with modest brick row houses (Farbstein 2004, 129). In 1938, New York City built its first high-rise public housing development to house the families of Red Hook’s longshoremen. The 27 brown brick buildings of the Red Hook Houses contained 2,545 apartments and were equipped with modern conveniences such as self-operating elevators, electric refrigerators, gas ranges, central heating, and basement laundry rooms (Lin 2009; Bleyer 2006). Three more buildings consisting of 346 apartments were added in 1955 (Bleyer 2006).

The construction of the Gowanus Expressway in 1946 severed the Red Hook neighborhood from the rest of Brooklyn, and the discontinuation of trolley service in the 1950s created further isolation. In the 1960s, the advent of container shipping attracted the shipping industry away from Red Hook to the ports of New Jersey. As jobs and businesses left Red Hook for more accessible locations, residents followed (New York City Department of Parks and Recreation 2011). Between the 1950s and 1990, the population fell by nearly half, from more than 20,000 to less than 11,000. By the 1990 Census, the population had become predominantly Black and Hispanic, and the Red Hook Houses—still the largest housing project in Brooklyn and the second largest in New York City—had come to dominate the neighborhood, housing 70 percent of the neighborhood’s residents. The median income was \$9,500, less than one-third the median for New York City as a whole, and over 30 percent of the neighborhood’s working-age men were unemployed. More than 78 percent of Red Hook’s children were being raised by a single parent or a non-parent, and just six percent of adults aged 25 and older possessed college degrees (Berman and Fox 2005, 79). Over the years, the elevated highway, a methadone clinic, a waste transfer station, and a long-standing lack of maintenance in the Red Hook Houses fostered a profound distrust of government on the part of Red Hook residents (Berman and Fox 2005, 77). As one community leader put it, “Red Hook is a little small island all by itself.”

Red Hook had also become a hotbed of crime. Drug dealers had taken over Coffey Park and the Red Hook Houses, littering the ground with crack vials and broken bottles. Shootouts between rival drug dealers were so common that residents were afraid to venture outside even in daylight hours (Berman and Feinblatt 2005, 76-79). In a 1988 *Life* magazine cover story, a resident of the Red Hook Houses likened the area to the Wild West: “There is a shooting every night and sometimes two.... It’s like Dodge City” (Barnes and Colt 1988, 100). In December of 1992, Red Hook again captured national headlines when Patrick Daly, the beloved principal of Public School 15, was killed in the crossfire between two rival groups of drug dealers as he searched the Red Hook Houses for a missing student (Fried 1993; McFadden 1992).

**Figure 1. Map of Brooklyn, New York**



## **B. THE CALL FOR A COMMUNITY COURT IN RED HOOK**

Daly's murder focused a spotlight on the violence in Red Hook at a moment when local and national interest in problem-solving courts was gaining critical momentum. At the time of the shooting, planning was already well underway for the nation's first community court in Midtown Manhattan. The Midtown Community Court was intended to address low-level "quality-of-life" crime and other visible signs of disorder, such as graffiti and litter, in Times Square and the nearby residential neighborhoods of Clinton and Chelsea. Defendants arrested in the court's catchment area for offenses such as prostitution, shoplifting, minor drug possession, and disorderly conduct would be brought to a neighborhood courthouse, rather than the centralized downtown facility, for arraignment. Defendants who pleaded guilty at arraignment would receive sanctions such as community service that would serve both as meaningful punishment to the offender and as a means of restitution to the community, in contrast to the "walks" (jail time already served or unconditional discharges) frequently handed out downtown. Judges would also have at their disposal an array of social service sanctions unavailable in the traditional downtown court, including health education for prostitutes and their customers, treatment readiness classes for substance abusers, supervised treatment for drug addiction, and case management services for the homeless and mentally ill (Sviridoff et al. 2000, 49-51).

At the same time, support for problem-solving courts was building among policymakers at the local, state, and national levels. Even before the murder of Patrick Daly, Kings County<sup>10</sup> District Attorney Charles J. Hynes had already become interested in replicating the Midtown experiment in his own borough (Holloway 1993). Judith Kaye, a strong advocate of problem-solving justice, was appointed Chief Judge of the New York State Court of Appeals in early 1993. Meanwhile, Janet Reno, who had helped to implement the nation's first drug court during her tenure as State Attorney for Miami-Dade County, was appointed Attorney General of the United States.

The Daly case convinced DA Hynes that Red Hook needed a community court to stem the tide of drug-related violence in its public housing complexes. "There is no question that the shooting of Patrick Daly was the precipitous moment when we said we have to do something about the Red Hook Houses," Hynes said. "Before then we had been talking about the court and where we would put it, but the incident decided the location for us" (Holloway 1993).

Several other factors also made the Red Hook neighborhood an attractive site for a community court. The existing Midtown Community Court served the business district of Times Square, along with the residential neighborhoods of Clinton and Chelsea. The Times Square business community had originally supported the idea of a community court as a way to improve tourism and theater attendance by cleaning up low-level "quality-of-life" crime (Sviridoff et al. 2000, 14). Critics charged that the court's primary goal was to benefit wealthy white business owners at the expense of the poor (Gordon 1994, 55). Economically disadvantaged, populated by minorities, dominated by public housing, and ignored by business interests, Red Hook was the perfect answer to questions about the motives behind the Midtown court. Moreover, in Times Square as well as in the nearby residential districts the court served, many offenders and their customers in the drug and prostitution trades came from outside the neighborhood (Sviridoff et al. 2000, 15-16). Unlike Midtown with its transient population, Red Hook was physically and socially isolated from the rest of the city by the elevated Gowanus Expressway and minimal availability of public transportation. As a result, crimes in Red Hook tended to be perpetrated by local residents against their own neighbors—another sharp contrast with Midtown. Finally, Red Hook's geographic and social isolation and clear neighborhood boundaries would make it easier to identify the court's impact on crime and neighborhood conditions (Berman 1998, 2; Gonzalez 1996).

In November of 1993, just weeks after the opening of the Midtown Community Court and less than a year after the murder of Patrick Daly, DA Hynes announced that another community court would be built in Red Hook. Hynes envisioned that, like Midtown, the Red Hook court would deal primarily with misdemeanor offenses. But unlike Midtown, the court would handle more than just arraignments: it would also hold non-jury trials in criminal cases and hear civil and family court cases (Holloway 1993).

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<sup>10</sup> Kings County is coterminous with the borough of Brooklyn.

By the time the Justice Center opened, Red Hook as a community had already begun to experience a remarkable transformation. Gentrification was changing the demographic and economic profile of residents living in private housing close to the waterfront, known as “the back” of the neighborhood, and new retailers emerged to cater to their consumer needs. The pace of gentrification picked up in the first decade of the twenty-first century. New restaurants, art galleries, and upscale stores brought in outsiders to shop, eat and stroll, as well as to live. Two major retail attractions were Fairway, a large gourmet supermarket, which opened in 2006, and the largest Ikea store in North America, which opened in 2008. Any appraisal of the Justice Center’s role in improving the quality of life for Red Hook’s residents must consider the extraordinary urban renewal simultaneously taking place at its doorstep.

### **C. BUILDING A COALITION**

DA Hynes began to seek out partners to help build the Red Hook court. In May 1993, representatives of the district attorney’s office began meeting with a wide variety of community groups, clergy, and public school leaders in Red Hook. The New York State Unified Court System and the Mayor’s Office of Criminal Justice were also critical partners (Jacoby and Ratledge 1994, 1). Chief Judge Kaye and New York City Mayor Rudolph Giuliani, elected in 1994, both emerged as supporters of the Red Hook project.

To fund the planning of the community court, the DA’s office obtained a \$150,000 grant from the United States Department of Justice (Holloway 1993). John Feinblatt, the project director of the Midtown Community Court, worked with the DA’s office to secure another planning grant of \$125,000 from the New York City Housing Authority (NYCHA). By the summer of 1994, this grant had enabled Feinblatt to recruit former Midtown employee Greg Berman to plan the Red Hook court (Berman 1998, 2). Hynes’s office also assigned two assistant district attorneys (ADAs) to the planning team. Additional support for the planning process came from nonprofit organizations including the Schubert Foundation, the Scherman Foundation, and the Fund for the City of New York (Berman 1998, 8).

### **D. INVOLVING THE COMMUNITY**

Berman and Assistant District Attorneys Gene Lopez and Carl Thomas took to the streets of Red Hook to learn all they could about the neighborhood and its needs. Using the Justice Department grant, the DA’s office hired the Jefferson Institute for Justice Studies to conduct a series of focus groups with neighborhood residents and community leaders in September 1994. Group members included providers of professional and social services, community leaders and activists, other residents who were not leaders of community organizations, single heads of households and youth aged 14 to 20 years (Berman 1998, 2; Jacoby and Ratledge 1994, 3-4).

The groups were designed to incorporate a wide range of perspectives, including those of stakeholders not active in community organizations whose voices would ordinarily go unheard. Following the focus groups, the court planners continued to meet individually with a wide variety

of community leaders, from business owners to social service providers, from Housing Authority administrators to tenant leaders, and from police officers to clergy (Berman 1998, 4). Planners attended numerous public meetings, such as tenants' association and police precinct meetings. They also conducted a "town hall" meeting attended by hundreds of residents (Berman and Fox 2005, 79).

The planners met with a combination of skepticism and demanding expectations on the part of the Red Hook community. Ever since construction began on the Gowanus Expressway in 1939, Red Hook residents had felt that their neighborhood was a "dumping ground" for harmful government projects (Berman 1998, 3; Jacoby and Ratledge 1994, 6-7). There was also a deep-seated distrust of the police, who were widely perceived as being more interested in harassing residents than in arresting drug dealers and shooters. "Whenever there is something going on, there are never cops around," said one focus group participant. "Whenever it is quiet, the cops are always around shaking people—any little reason" (Jacoby and Ratledge 1994, 24-28). Community members had little more faith in the courts than in the police. "The court system has failed us," explained another focus group member. "[T]he failures go back to the courts where drug dealers go through revolving doors.... Even if a [drug] bust is made, the guy will come back" (Jacoby and Ratledge 1994, 12, 15). In addition to their general skepticism about a government program's ability to deliver on its promises, residents worried that a community court would bring in "undesirables" as well as unwanted vehicular traffic from outside the neighborhood (Jacoby and Ratledge 1994, 14-18).

The focus groups, interviews and community meetings revealed several common concerns among residents: drugs, living conditions in the Red Hook Houses, opportunities for young people, and jobs. The vast share of the danger and disorder in public housing was blamed on the drug dealers who had staked out territories throughout the Houses. Disputes over turf and customers frequently erupted into shooting matches. Residents were afraid to spend time outdoors even in broad daylight, and the local park was populated mainly by drug dealers (Berman and Feinblatt 2005, 77-80; Jacoby and Ratledge 1994, 8-10, 28-29). In addition to the gunfire, drug dealers were blamed for graffiti, broken glass, and the destruction of locks and intercom systems in the Houses (Berman and Feinblatt 2005, 79; Jacoby and Ratledge 1994, 31).

A share of the blame for the conditions in the Red Hook Houses was reserved for the New York City Housing Authority. Residents lamented the fact that the strict regulations against littering and vandalism were no longer being enforced. "There used to be housing fines that you had to pay before you paid the rent. If your child threw his homework paper down, or was writing on the walls, you had to pay a fine.... Our mothers kept us in check because they had to pay the fine," explained a tenant during one of the focus groups (Jacoby and Ratledge 1994, 33). The Housing Authority was widely faulted for its failure to make repairs and to provide even the most basic of security measures. For example, several focus group participants reported that a single key would open exterior doors in multiple buildings (Jacoby and Ratledge 1994, 30, 33-44).

Another key area of concern among Red Hook residents was an overall lack of guidance for the neighborhood's youth. Although residents partly blamed parents for failing to discipline their

own children, they also identified a need for early intervention programs to divert juvenile offenders from a life of crime (Jacoby and Ratledge 1994, 21-23, 31). More generally, there was a desire for educational and after-school programs to provide supervision and positive role models (Jacoby and Ratledge 1994, 35-38). Residents saw also an urgent need for economic development and job training. The flight of the shipping industry and other large businesses meant that the few jobs left in the neighborhood tended to be in small “mom-and-pop” businesses with low turnover, making it difficult for residents to find jobs (Jacoby and Ratledge 1994, 36).

Despite their general skepticism about government initiatives and the criminal justice system, Red Hook residents participating in the focus groups envisioned the community court as a potential force for change in the neighborhood. They wanted the court to hold offenders accountable for their crimes, to ensure close supervision of community service sanctions, and to provide case management services for offenders to halt the “revolving-door” cycle of incarceration and recidivism. As one focus group participant put it, “You can’t divide a person up. You have to treat the whole person. You have to have a comprehensive look at the whole person. The justice center could do that. The community court can look at social issues. It has great potential for eliminating social problems.” But residents also wanted the court to do more than just process cases. They also wanted it to provide services such as mediation and a teen mock court to the entire community, not just to those involved in court cases. Finally, the community wanted assurance that it would have a meaningful voice in the planning and operation of the court (Jacoby and Ratledge 1994, 11-20). This holistic vision was reflected in the early decision to christen the project not the Red Hook Community Court, but the Red Hook Community Justice Center (Berman 1998, 3).

## **E. DELIVERING VALUE**

As the planning team continued to solicit community input, it ran into challenges in securing funding and selecting a site for the court (Berman 1998, 7). In order to maintain the project’s momentum and deliver tangible results to the community while the funding and building issues were being ironed out, the planners implemented two programs prior to the court’s opening: the Red Hook Public Safety Corps and the Youth Court.

### **1. The Red Hook Public Safety Corps**

In 1995, Justice Center planners partnered with the nonprofit group Victim Services (now Safe Horizon) and the National Organization for Victim Assistance to establish the Red Hook Public Safety Corps. The program was funded by the federal government’s newly launched AmeriCorps initiative and operated out of an apartment donated by the Housing Authority that had once been a crack den. Unlike many AmeriCorps programs, which bring new college graduates to serve in underprivileged communities, the Red Hook Public Safety Corps attracted applicants ranging in age from 18 to 68 directly from Red Hook and the surrounding neighborhoods—more than three-quarters of them from the Red Hook Houses. In exchange for one year of full-time service, Corps members received job training, a stipend of \$7,950 and an educational award of \$4,750.

The Corps's first class of 50 recruits, supervised by four staff members, was formed in November of 1995. Following two weeks of training, Corps members' first task was to conduct a door-to-door survey called "Operation Data." The survey results echoed some of the themes that had come out of the focus groups: residents felt unsafe outdoors and even inside their own buildings, were concerned about conditions of disrepair and disorder in and around the Red Hook Houses, and harbored a deep-seated distrust for the police and the courts. In addition to providing a vehicle for community input into the development of the court, the survey also functioned as a means of increasing the visibility of the Corps and the community court project. Some residents initially dubbed the Corps members, clad in bright red t-shirts with the program's logo, the "snitch patrol," but many others were eager to chat and surprised that the Corps members were willing to take time to listen.

After completing the survey, Public Safety Corps members fanned out to various assignments throughout the neighborhood. Some made repairs and improvements in the Red Hook Houses, while others served on a domestic violence team that presented educational workshops, assisted the police in filling out domestic violence reports, and escorted victims to court. One Corps member helped to establish a baseball league that is still active today, bringing community members, court staff and attorneys who practice at RHCJC together as coaches (Berman 1999; Berman 1998).

The Red Hook Public Safety Corps served several important purposes during the Justice Center planning process. It helped court planners to establish a visible presence in the neighborhood at a time when progress towards the program's primary goal had stalled. It strengthened ties with the local police precincts, tenants' groups and Victim Services, all of which would go on to become partners in implementing the community court. And it achieved tangible results in two of the community's primary areas of concern: conditions of disorder and jobs.

## **2. Youth Court**

Juvenile delinquency was another community concern that surfaced during the focus groups and the Operation Data survey. When police officers picked up teenagers on violations or low-level misdemeanors such as marijuana possession, fighting or truancy, they noted the incident in a file at the police station. Although the police were supposed to notify the youth's parents, they were usually too busy. The lack of consequences for these offenses frustrated police, parents, and the community at large. There was particular concern about reaching teens who were on the precipice of real trouble—those who had begun to skip school and commit minor offenses, but had not yet graduated to more serious crime. In response, RHCJC planners partnered with the DA's office and Good Shepherd Services, the largest provider of social services in Red Hook, to implement the Youth Court.

The Youth Court was designed to address cases that would normally result in a police write-up without further action. All members of the court, including the judge, bailiff, jury, and community and youth advocates (analogous to the prosecutor and the defense attorney), would be specially trained teens from the local community. The court would have access to a range of

sanctions including community service, letters of apology to the victim or the youth's parents, essays, educational workshops and consultations with Good Shepherd caseworkers. The Red Hook Youth Court diverged from the typical youth court model in two respects: instead of top students, its members were primarily students from an alternative high school with histories of truancy and other issues, and the defendant was actively questioned by members of the jury rather than the students serving as the advocates or the judge. Planners intentionally recruited less-than-perfect students so that participants would view Youth Court members as genuine peers, while the jury's active role was intended to ensure that all Youth Court members were able to participate meaningfully in the proceedings.

The Youth Court's first class of approximately 20 members was formed in 1998. Until the RHCJC building opened in 2000, the Youth Court's offices were in a second apartment donated by NYCHA; hearings took place at a local church or the Red Hook precinct house (Anderson 1999, 7). Grant funding paid the salaries of the Youth Court coordinator and a second adult staff member (Anderson 1999, 7).

When a police officer in Red Hook or one of two neighboring precincts picked up a teen on minor charges, the officer now had the option of referring the case to Youth Court instead of simply writing the incident up and releasing the youth. Upon receiving a referral, Youth Court staff contacted the youth and the youth's parents to explain the Youth Court process. Since participation was voluntary and there were no consequences for nonparticipation, only about one-quarter of referred youth and their families chose to participate, yielding an average of about two Youth Court appearances per week. Around 82 percent of youth sanctioned by the Youth Court completed their sanctions, and police observed little recidivism among youth who had been through Youth Court. Youth Court members also gained self-confidence, leadership experience and a better understanding of the criminal justice system (Anderson 1999, 8). Like the Red Hook Public Safety Corps, the Youth Court allowed court planners to deliver visible results to the community during the long years of waiting for the court itself to open. Still in operation today, the Youth Court remains an integral component of RHCJC's community outreach strategy.

## **F. FOUNDING THE CENTER FOR COURT INNOVATION**

In addition to the Red Hook Public Safety Corps and the Youth Court, the RHCJC planning process helped to establish another organization that is now a key player in the New York City criminal justice system: the Center for Court Innovation (CCI). In 1996, John Feinblatt and his team went to then Chief Judge Kaye and then Chief Administrative Judge Jonathan Lippman with a proposal to establish a nonprofit, public-private partnership with the New York State Unified Court System that would expand upon the work already in progress in Midtown, in Red Hook, and in planning other projects such as the Brooklyn Treatment Court and the Brooklyn Felony Domestic Violence Court. CCI would serve as the court system's "research and development arm," overseeing the implementation of demonstration projects such as RHCJC, evaluating the results of these projects, and providing technical assistance for other projects both within and beyond the state of New York (CCI 1996, 4). CCI's unique status as a public-private partnership was designed to allow it to combine a close familiarity with the workings of the New York courts and credibility

with justice system partners with the flexibility of an independent organization (CCI 1996, 2). CCI would be jointly managed by the court system and the Fund for the City of New York, a nonprofit agency whose mission is to improve the quality of life in New York by incubating innovative projects. CCI would apply for grant funding from a variety of other private and governmental sources in an effort to bring new resources into the New York courts (CCI 1996, 3).

With Judge Kaye's support, the court system awarded the Fund for the City of New York a five-year, \$400,000 contract to establish the Center for Court Innovation. Simultaneously, CCI's founders obtained a \$1.2 million grant from the Bureau of Justice Assistance to provide technical assistance for the community court model on a national basis. These two investments helped to further define CCI's dual mission to find innovative solutions to problems within the New York state court system as well as to support the spread of these solutions outside of New York. The Red Hook Community Justice Center immediately became one of the new organization's flagship projects, with CCI assuming an overall leadership role as well as operational responsibility for the new court's non-traditional components.<sup>11</sup>

## **G. BUILDING THE JUSTICE CENTER**

### **1. Refining the Plan**

To address the community's desire for input into the planning and implementation of the Justice Center, court planners asked the local community board to appoint a task force to advise them as the project progressed. New York City's community boards hold public meetings on a monthly basis and advise city government about local community issues. There are 18 community boards in the borough of Brooklyn, each with 50 members appointed by the borough president. Community Board 6 represents Red Hook as well as most of the other neighborhoods in the RHCJC catchment area. Although observers have noted that the membership of the community boards is not typically an accurate reflection of the racial makeup of the local population, the boards remain the representative body with the closest ties to the residents of individual neighborhoods (Hum 2010, 474).

Beginning in November 1993, the Community Board 6 task force held public meetings on a quarterly basis to review and comment on the project plan (Berman and Fox 2005, 80; Berman 1998, 4; Jacoby and Ratledge 1994, 2). Because New York City's community boards serve as formal advisory bodies to the city and borough governments on land use, public services, and other matters of community concern, this ongoing collaboration with the community board would later help to facilitate regulatory approval of the project. As planning progressed, additional stakeholders were incorporated into the process. In addition to staff from CCI and the DA's office, representatives from the Legal Aid Society, the court system, Victim Services, and other service providers were invited to provide input.

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<sup>11</sup> From its establishment in 1996 through the mid-2000s, CCI gradually increased its work in areas that did not directly involve the New York State courts. CCI presently defines itself as a nonprofit think tank that is not exclusively tied to a single state court system.

Over time, the project plan evolved in response to the community's concerns about public safety and quality of life, along with the priorities of other key stakeholders. At the community's request, RHCJC would incorporate non-court programs such as the Red Hook Public Safety Corps and Youth Court, and the court's social service offerings would be made available to the general public, not just criminal defendants or other parties to court cases. In line with District Attorney Hynes's original vision, the adult criminal court was to handle all types of misdemeanor cases throughout the life of the case, and juvenile delinquency and housing court dockets would be added once the criminal court was up and running. Consistent with CCI's mission to test and propagate innovative justice programs, the court would have an on-site research associate to provide data to help guide policy decisions.

Other aspects of the court plan changed over time for practical reasons. The court would not handle small claims or other civil matters besides housing cases. An early plan to arraign defendants remotely via two-way video monitors never came to fruition (CCI 1996, 4; Holloway 1993). To ensure a sufficient volume of cases, the court's catchment area was expanded beyond the 76th Precinct, which serves Red Hook and the nearby neighborhoods of Carroll Gardens and Cobble Hill along with portions of Gowanus and Boerum Hill, to encompass the 72nd and 78th Precincts as well. Adjacent to the 76th Precinct on the east, the 78th Precinct includes the remainder of Gowanus as well as the affluent, predominantly white neighborhood of Park Slope. To the south of the 78th Precinct, the 72nd Precinct includes the neighborhoods of Sunset Park and Windsor Terrace. The population of Sunset Park is primarily Hispanic and low-income, whereas Windsor Terrace is demographically similar to Park Slope. The Justice Center's geographic jurisdiction therefore encompasses a heterogeneous mix of neighborhoods, adjacent to one another but highly distinct in historic, economic, and demographic terms.

## **2. Selecting the Site**

Perhaps the most challenging hurdle court planners faced was finding and renovating a building to house the Justice Center. The site was a topic of conflict between residents of the Red Hook Houses at the "front" of the neighborhood and residents living in private housing at the "back" of the neighborhood. An early suggestion to place the court in a converted warehouse near the waterfront was rejected by both sides because public housing residents would need to walk through the "back" to get to the court. On the other hand, residents from the "back" were also anxious to avoid entering the housing projects in order to visit the court.

After narrowing the possibilities to eight sites, court planners took members of the Community Board 6 task force on a bus tour to view the options. A clear consensus emerged around Visitation School, a vacant parochial school located on the border between the "front" and the "back" of the neighborhood. In addition to its location in neutral territory, the 1908 Collegiate Gothic building had the potential to serve as a symbol of the renewal of Red Hook's decayed community institutions (Indelman 2011; Berman and Fox 2005, 80; Farbstein 2004, 132-133; Berman 1998, 7). The building was owned by Catholic Charities, which agreed to a 30-year lease at a nominal rate (Farbstein 2004, 140; Berman 1998, 7-8).

### **3. Renovating the Building**

Although the yellow brick and stone Visitation School building retained much of its stately character despite its boarded-up doors and windows, two decades of neglect had taken their toll. The roof and windows needed replacement, and the interior was contaminated with lead paint and asbestos. In late 1996, the Bureau of Justice Assistance awarded CCI a two-year, \$1.2 million grant to cover the “soft costs”—design, planning and construction management—of renovating the building. With this funding in hand, along with the support of Chief Judge Kaye and Mayor Giuliani, CCI was able to secure a commitment from the City of New York to pay the remaining costs of the renovation, which would eventually amount to more than \$5.5 million (Farbstein 2004, 140-141; Berman 1998, 8).

During the course of the renovation, it became apparent that the building would need to be completely gutted. The new layout was designed to humanize the experience of a court appearance and to enable the building to function as a community center as well as a courthouse. Unlike the dimly lit courtrooms in the downtown criminal court building, the Red Hook courtroom would be filled with natural light from a bank of large windows. To minimize intimidation and facilitate two-way communication between the judge and defendants, the bench would be situated low enough to place the judge at eye level with the parties. The holding cells were designed with a separate entrance so defendants would not be paraded through the building in handcuffs, and reinforced glass windows replaced bars. The architect kept the vision of integration between the court and the community in mind even when incorporating wheelchair access to the building: instead of separating the building from the sidewalk with a long ramp, the building’s main entrance—originally accessible only by a staircase just inside the main door—was lowered to street level (Stull 2007). The plans also incorporated office space for prosecutors, defense attorneys from the Legal Aid Society, CCI staff, court clerks and the judge, as well as locker rooms for court officers, a mock courtroom for the Youth Court, a GED classroom, and a child care facility.

Before construction could begin, the project plan had to survive a complex regulatory review process designed to protect poor neighborhoods from becoming dumping grounds for undesirable government programs. Aided by the close relationships court planners had developed with the community, particularly the Community Board 6 task force, the project was approved without objection. In the summer of 1998, Mayor Giuliani, Chief Judge Kaye, and DA Hynes helped to break ground on the renovation. Construction was completed in early 2000 (Berman and Fox 2005, 80-81; Berman 1999, 8).

### **H. FINAL PREPARATIONS**

Although the process of selecting and renovating the courthouse took years longer than originally intended, the court’s opening day was finally on the horizon. Court planners had heard that a judge named Alex Calabrese had informally established a small problem-solving docket in his own arraignment part in downtown Brooklyn. They invited him to visit Red Hook, and around November of 1999 the Office of Court Administration assigned Judge Calabrese to preside over the

Justice Center. CCI and the Office of Court Administration began to recruit other Justice Center personnel well in advance of the court's opening. Four months before RHCJC opened, its court officers were assigned to spend their time in the neighborhood out of uniform, interacting and building relationships with residents. In April of 2000, seven years after DA Hynes had first suggested placing a community court in Red Hook, the Red Hook Community Justice Center began hearing criminal cases arising from arrests in the 76th Precinct. Criminal cases from the 72nd and 78th Precincts followed in June of 2000. The Justice Center heard its first housing court cases in 2002, and began hearing juvenile delinquency cases in 2003.

**Figure 2. Red Hook Community Justice Center**



## **CHAPTER 4. ORGANIZATIONAL STRUCTURE AND STAFFING**

Operations at the Red Hook Community Justice Center represent an ongoing collaboration among a wide variety of organizations. The New York State Unified Court System and the Center for Court Innovation each fund and staff specific RHCJC functions. Personnel from the Kings County DA's Office, the New York City Law Department (which prosecutes juvenile delinquency cases), the Legal Aid Society of New York, the Department of Probation, and several other city criminal justice agencies also play essential roles in processing cases at RHCJC. Nonprofit and governmental partners furnish a variety of on-site services to defendants, housing court tenants, and the general public, and a community advisory board provides an ongoing forum for public input. As a result, the Justice Center building is a busy place. In June 2012, the Justice Center housed a total of 28 New York Unified Court System staff, 23 CCI staff (including some part-time staff and volunteers), 22 criminal justice professionals employed by various non-court agencies, and 23 other individuals drawn from non-profit organizations working with the Justice Center, community leaders, and NYPD officers.

### **A. COURT SYSTEM PERSONNEL AND FUNCTIONS**

As in any court in New York State, all personnel directly involved in adjudicating cases, maintaining court records, and ensuring security at the Red Hook Community Justice Center are employees of the New York State Unified Court System. These personnel include the judge, the court attorney, the court clerk and the clerk's staff, the resource coordinator, the court officers, the court reporter and court interpreters.

#### **1. Judge**

A single judge presides over all proceedings at the Red Hook Community Justice Center, including criminal court cases, juvenile delinquency cases in family court, and housing court cases. Elsewhere in New York City, arraignments, summonses, misdemeanor trials, family court cases and housing cases are heard by different judges in separate court "parts." Red Hook's judge is appointed to a ten-year term as a judge of the Criminal Court of the City of New York. In order to enable the judge to hear family court cases, he is also appointed an acting justice of the Supreme Court, New York's general jurisdiction trial court. The judge is permanently assigned to Red Hook. A substitute judge may be brought in to handle arraignments while the Red Hook judge is on vacation or at a conference. The substitute may also hear a reduced docket of non-arraignment proceedings in criminal cases, but will not typically hear family court or housing cases. During some of the judge's absences, no substitute is assigned and defendants arrested in the catchment area are sent downtown for arraignment.

The long-term appointment of a single judge is a cornerstone of the vision for the Red Hook Community Justice Center. Court planners intended for the judge to develop a close personal knowledge of the community that would give him a unique understanding of the context and impacts of crime in the neighborhood. In criminal trespass cases, for example, knowledge of which public housing buildings are frequented by drug dealers and which are not should make it easier for

the judge to distinguish between legitimate visits and attempts to buy drugs (Berman and Fox 2005, 86-87). Families with multiple cases on the criminal, family, and housing court dockets are also expected to benefit from working with a single judge familiar with all the issues.

Having presided over RHCJC since its opening, Judge Alex Calabrese has spent more than a decade working closely with the Red Hook community. He attends precinct council and tenants' association meetings, youth basketball games and other community events. Whereas many housing court judges have never entered a public housing development, Judge Calabrese is widely known for making personal inspections of apartments involved in housing court cases. Many participants in the resident survey who lived in the Red Hook Houses knew Judge Calabrese by name and praised his fairness, his concern for the community, and his concern for the individual defendants and litigants appearing before him.

## **2. Court Attorney**

As in other New York trial courts, the Red Hook judge is assisted by a court attorney, who serves a function similar to that of a law clerk. Unlike a law clerk, however, who typically serves for one year immediately after graduating law school, the court attorney holds a long-term, career-track position.

The responsibilities of the RHCJC court attorney go beyond the typical court attorney tasks of providing the judge with information on pending cases, researching legal issues, and drafting opinions. The Red Hook court attorney also has a substantial amount of direct interaction with social service providers and parties to cases. In family court cases, the court attorney monitors the respondent's compliance with the mandate and maintains a "cheat sheet" summarizing the case history and other key information for the judge. In housing court, the court attorney meets with tenants to explain their legal rights, ensure they understand any agreements into which they enter, investigate the issues that led to nonpayment of rent, and connect tenants with public assistance and other services. The court attorney frequently makes appointments for parties to visit government agencies and service providers and regularly telephones certain juvenile offenders during their placements in foster care or residential facilities. The court attorney also supervises interns placed at RHCJC by local law schools.

## **3. Court Clerk's Office**

The RHCJC court clerk's office is overseen by the Assistant Deputy Chief Clerk, who reports directly to the Chief Clerk of the Criminal Court of the City of New York. The Assistant Deputy Chief Clerk supervises a staff of four unionized court clerks who manage the calendar and records in criminal court, family court, housing court, and summons cases. In a typical New York City court, these four functions would be housed in separate buildings and served by separate clerk's offices. Whenever court is in session at RHCJC, one clerk is in the courtroom to enter data into the computerized case management system in real time. The Justice Center was designed to be entirely paperless, providing computerized access to case files to all courtroom actors, but in

practice the court still relies on paper files in addition to the computerized case management system.

#### **4. Resource Coordinator**

Like the Midtown Community Court and New York City's various drug courts, RHCJC has a resource coordinator whose function is to identify defendants who are likely candidates for drug treatment and to facilitate the exchange of information between the court and the on-site clinic. For in-custody defendants awaiting arraignment at Red Hook, the resource coordinator reviews current charges and prior histories and conducts brief interviews in order to formulate a recommendation as to which defendants should receive a full clinic assessment. The resource coordinator also coordinates pre-plea referrals for outside assessments of DUI defendants. For high-risk defendants sentenced to community service through the New York City Department of Correction rather than through the RHCJC alternative sanctions office, the resource coordinator monitors compliance. In cases involving a treatment mandate, the resource coordinator reads the clinic's treatment recommendations and compliance updates into the record during court appearances. The resource coordinator is only involved with criminal court cases, and does not participate in family court or housing cases.

Red Hook's resource coordinator has a more expansive and visible role than the resource coordinator in a typical New York City drug court. The resource coordinator at Red Hook, for example, plays a more active role in screening treatment candidates. The RHCJC resource coordinator also routinely presents information on the record, whereas the function of a drug court resource coordinator during court sessions is typically limited to entering case information into the drug court database and verifying information behind the scenes.

Unlike other resource coordinators, the RHCJC resource coordinator is organizationally isolated from the court clinic. In a drug court, the resource coordinator would report to the drug court project director along with the clinic staff. At Red Hook, however, the resource coordinator reports directly to the Assistant Deputy Chief Clerk because the project director is not employed by the court system. This organizational divide hampers communication between the resource coordinator and the clinic. Absent significant personal initiative on the part of the resource coordinator, the resource coordinator may be left out of staff meetings, round tables for court visitors, and important decisions related to the position. These issues are nonexistent at the Midtown Community Court, where the resource coordinator and clinic staff are all CCI employees and therefore part of the CCI organizational structure.

#### **5. Court Officers**

The Justice Center employs 17 court officers, including two lieutenants and two sergeants, to keep order and provide security. The lieutenants report directly to the Assistant Deputy Chief Clerk. Like all New York State court officers, Red Hook's court officers are union members and certified peace officers who wear uniforms and carry firearms.

There are typically at least five court officers in the courtroom whenever court is in session. The bridge officer is stationed near the bench to call cases and ensure the judge's safety. Positioned at the bar separating the well of the courtroom from the gallery, the rail officer keeps a list of parties who have arrived in the courtroom, answers questions from persons in the gallery, and hands paperwork to parties after their cases have been heard. Two officers process paperwork in criminal cases. In order to avoid errors, one of these officers handles paperwork for defendants who have been remanded into custody following their court appearances, and the other processes the files of defendants who do not remain in custody. A fifth officer is stationed at the door leading to the holding cells; a sixth is frequently positioned in the back of the gallery to provide additional security and crowd control.

Four court officers are usually stationed at the main entrance to the Justice Center: two to screen persons entering the courthouse and their belongings using the magnetometer and x-ray machine, one to voucher items that are not permitted into the courthouse, and one to monitor the security cameras placed throughout the building. Additional court officers are stationed outside the judge's chambers and other offices throughout the Justice Center; others patrol the hallways. Since before the Justice Center opened, court officers have been selected for placement at Red Hook on the basis of a special application process unique to the Justice Center. Those officers who are assigned to the Justice Center tend to develop strong ties to the community. At least two of RHCJC's original court officers were Red Hook natives. Other staff report that court officers make a special effort to participate in community events on their own time and to help out individual residents who are in need, telling stories of court officers hand-delivering Thanksgiving dinner to an elderly widower facing eviction and bringing toys to neighborhood children during the winter holidays. Court officers also volunteer with a variety of community organizations and attend neighborhood events such as basketball tournaments. One court officer asserts that his fellow officers' close personal connection to the Red Hook community was essential to achieving widespread neighborhood support for the Justice Center: "This place can only work if the community accepts you. Because they know us, they will give us those five extra minutes to explain things." One offender interviewed by the ethnographic team reported that, "being that [the RHCJC court officers] know me from being there so frequently, they see me on the bus and come sit by me and ask me about my son."

Justice Center personnel and CCI managers view the court officers as key contributors to the community court model, and many staff and attorneys note that the court officers have "really bought in" to the Justice Center's mission. The outgoing nature and local ties of the court officers assigned to provide building security before the Justice Center opened are credited with doing much to pave the way for community acceptance of the project.

Court officers and other staff assert that a courteous welcome during the security screening process and respectful treatment from officers in the courtroom contribute greatly to defendants' perception that the court will treat them fairly. When a defendant becomes upset or agitated, officers are encouraged to call for a social worker instead of adopting a confrontational stance. Court officers also help to de-escalate tensions during a mental health crisis by talking with the subject while awaiting the arrival of emergency personnel. Court officers become familiar with

clinic-involved defendants and family court respondents who visit the court frequently, and will alert clinic staff if a defendant has mentioned a problem or appears distressed. During the offender interviews, some respondents specifically described the RHCJC court officers as courteous and respectful:

- “[T]hey’re very courteous. Even when I’m being detained, they treat me with respect.”
- “The court officers [at Red Hook] treat you like a person too, not like that other court over there.”

In practice, however, such an expansive vision for the role of court officers could become problematic. Multiple community partners describe security procedures at the Justice Center as off-putting for clinic-involved youth as well as a barrier to holding community events at the Justice Center. Courtroom observation suggests that officers may not always clearly communicate where parties are expected to go and what they are expected to do. Most importantly, it does not appear that court officers are provided with any special training or guidelines for their one-on-one interactions with members of the public. Several court officers mention that they regularly provide informal advice and support to defendants and other visitors to the court. However well-intentioned, such interactions in the absence of clear guidelines have the potential to direct a party to the wrong resources, undermine a defendant’s work with the clinic, or even amount to the improper provision of legal advice.

## **6. Other Court System Staff**

Finally, the New York State Unified Court System provides a court reporter and court interpreter services. The Justice Center has its own full-time Spanish interpreter. Interpreters for other languages are available as needed, either in person or over the telephone.

## **B. CENTER FOR COURT INNOVATION PERSONNEL AND FUNCTIONS**

The Center for Court Innovation staffs and funds those portions of the Red Hook Community Justice Center that go beyond the traditional functions of a criminal, family, or housing court, including the clinic, the alternative sanctions office, youth and community programs, and the housing resource center. CCI also maintains the Justice Center building itself. This report describes the CCI organizational structure at RHCJC as it existed in June 2011. Staff responsibilities and lines of authority are frequently redefined in responses to new initiatives or changes in funding or personnel. Similar arrangements to share both costs and management responsibilities characterize the 19 other joint projects between CCI and the New York State Unified Court System. At present, this type of partnership between a court system and a private organization is unique to New York State.

## 1. Project Director and Deputy Project Director

The CCI staff at Red Hook is led by the project director. The project director takes the lead in shaping general policies such as the court's preference for outpatient as opposed to residential treatment and the focus on trauma in drug treatment cases. The project director pursues funding for CCI's work at Red Hook from government entities, private foundations, and corporations. The project director also works with the leaders of partner organizations including the court system, the DA's office, Legal Aid, and the three catchment area police precincts to address operational problems, such as defendants' arriving at the courthouse for arraignment just before the close of business.

The RHCJC project director reports to CCI's director of operations, whose office is located at CCI headquarters in Manhattan. The project director functions with a high degree of autonomy, but will consult CCI management on decisions involving significant amounts of funding or other resources. From time to time, the RHCJC project director is called upon to help implement a new CCI program at another site: for instance, the current project director spent two days a week for several months on a community justice initiative in Newark, New Jersey, and the previous project director worked half-time planning a new community court in the Brownsville neighborhood of Brooklyn. This practice allows CCI to spread the RHCJC project director's expertise across multiple projects and benefits RHCJC by exposing its project director to new ideas, but requires that the director's primary project has achieved a degree of maturity in which day-to-day operations at the Justice Center are close to self-governing.

Although the core programs CCI offers at RHCJC (clinic, housing resource center, youth programs, and AmeriCorps) have remained relatively constant over time, the lines of authority between the project director and the staff directly managing these programs are constantly shifting based on the professional background and interests of the project director and the management team.<sup>12</sup> The project director is assisted by one deputy project director. The deputy project director's primary responsibilities include grant-writing, hosting visitors to the Justice Center, and organizing public events. The deputy project director also works on special initiatives such as a recent collaboration with the 72nd Precinct and the District Attorney's office to train clinic staff to recognize and address gang-related behaviors without putting court staff, offenders, and offenders' families at risk of retaliatory violence.

Two "director"-level positions reporting to the deputy project director have seen their responsibilities and authority change considerably over time. At present, the associate director of court operations oversees all services directly related to both criminal court and housing court, including clinical services for adults, the alternative sanctions office, and the housing resource center. The director of community and youth justice is responsible for clinic operations related to family court, as well as all other youth and community programming offered at the Justice Center.

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<sup>12</sup> The AmeriCorps program recently ended its exclusive focus on the Red Hook neighborhood, but continues to be administered through RHCJC.

## **2. Clinic**

The RHCJC clinic’s leadership has exercised a profound influence over the types of treatment mandates that are offered to defendants and plays a key role in ensuring that the court fulfills its mission to replace jail time with drug treatment. The clinical coordinator is a licensed clinical social worker who reports to the associate director of court operations. Reporting to the clinical coordinator are two licensed social workers, a case manager with a bachelor’s degree, and one case manager from AVODAH, a one-year service program for Jewish college graduates.<sup>13</sup> The social workers and case managers administer assessments, formulate treatment recommendations, refer defendants to treatment providers, perform drug screenings, and monitor defendants’ compliance with their treatment mandates. Clinic staff also serve as instructors for most educational programs used as alternative sanctions for adult defendants, with the exception of the “quality of life” class for summary offenses, which is facilitated by other CCI staff, and the adult treatment readiness program, and the adolescent marijuana group, which are run by external service providers.

In the Justice Center’s early years, there were concerns that the boundaries between the clinic and the courtroom were not properly defined; for example, in some cases the clinical director would reportedly recommend jail instead of treatment, based upon a punitive rationale rather than a therapeutic one. Stakeholders note that a lack of training and a high turnover rate were once serious issues that diminished the clinic staff’s effectiveness. The lack of a highly qualified clinical director exacerbated the problem, as overwhelmed and inexperienced case managers had nowhere to turn for help in dealing with defendants with severe addiction, trauma, and mental illness. Eventually, a clinical director with both a law degree and a social work license was hired, along with more experienced case managers. Court staff and attorneys report that having a clinical director and case managers who understood the legal system as well as the mental health field vastly improved clinic operations. The clinic’s role as a neutral provider of information became more clearly defined, and clinic staff benefited from stronger leadership and increased support in dealing with complex clinical issues such as chemical dependency accompanied by mental illness. The clinical director also brought a personal interest in the relationship between psychological trauma and addiction, which led to a new focus on identifying and treating trauma among Red Hook defendants, especially women involved in prostitution. In late 2010, the clinical director was promoted to project director. With the establishment of the two current director positions, the position of clinical director was abolished and the lower-level position of clinical coordinator was created to oversee the clinic’s work with adult criminal court defendants.

## **3. Alternative Sanctions**

The associate director of court operations is also responsible for RHCJC’s alternative sanctions office. The alternative sanctions office provides community service opportunities for defendants sentenced to community service and monitors compliance with other sanctions—including attendance at anger management classes, the treatment readiness program and other

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<sup>13</sup> CCI provides a stipend and health insurance for the AVODAH corps member.

educational programs, as well as individual counseling sessions—for defendants not under a drug treatment mandate. Alternative sanctions staff also facilitate the “quality of life” class, frequently used as a sanction in summons cases.

The alternative sanctions office comprises the coordinator of alternative sanctions, an intake specialist, an alternative sanctions associate, and an AmeriCorps volunteer from the Red Hook neighborhood. The coordinator monitors compliance and follows up with noncompliant defendants. The intake specialist, alternative sanctions associate, and AmeriCorps member conduct intake interviews, match defendants to community service projects, and assist defendants with related needs such as child care. Alternative sanctions staff also work with government and community organizations such as the New York City Housing Authority (NYCHA), the New York City Department of Parks & Recreation, churches, and a local soup kitchen to set up community service projects.

Two CCI employees provide direct supervision for defendants performing community service. Community service projects typically consist of indoor cleaning, outdoor cleanup, or graffiti removal. Projects are selected partly for their visibility in the community, and offenders wear blue vests emblazoned with the RHCJC logo while performing community service. To help reduce neighborhood blight, graffiti removal services are offered to private property owners as well as government and nonprofit organizations, although owners can sometimes be wary of accepting free help from the court system.

#### **4. Housing Resource Center**

The Justice Center’s housing resource center is managed by the housing resource coordinator, who reports to the associate director of court operations. Three staff members—a full-time housing resource coordinator and two part-time case managers—work directly with tenants. The case managers, both alumni of the Red Hook Public Safety Corps who live in the Red Hook Houses, were placed at RHCJC through ReServe, a nonprofit organization that connects retirees with part-time job opportunities at nonprofits and government agencies. Their stipends of \$10 per hour are paid through a grant from the Robin Hood Foundation. The housing resource center staff help document repair issues and connect tenants with public agencies that can provide financial assistance for rent arrearages and help in locating low-income housing.

The two housing case managers, as well as the housing resource coordinator and the deputy project director, are certified as mediators by Safe Horizon. They provide mediation for noise complaints and other disagreements between neighbors, as well as family disputes that do not involve domestic violence, with the goal of preventing these matters from becoming court cases.

#### **5. Family Court Clinic**

The director of community and youth justice is responsible for clinic services for family court respondents, as well as non-court youth and community programming. On-site case management services for family court were originally provided by Good Shepherd Services instead

of RHCJC clinic staff. Youth clinic services were eventually taken over by the RHCJC clinic, then separated from adult clinical services and placed within the purview of the director of community and youth justice.

The unification of youth clinic services and other youth programs under a single manager was one of the Justice Center's first steps in implementing the Positive Youth Justice model for juvenile delinquency interventions.<sup>14</sup> As implementation of the model progresses, the youth clinic is also expected to take over case management for criminal court defendants aged 16 and 17.

For each family court respondent, the youth clinic's juvenile justice social worker performs an assessment and formulates a treatment recommendation. The family court case manager (an AmeriCorps member with a college degree) then monitors the respondent's compliance with the mandate. As an alternative, a few respondents are referred to a social worker off site at the Red Hook Initiative for monitoring. The Red Hook family court case manager also engages in educational advocacy for youth with special educational needs and partners with Safe Horizon for family and educational mediation. Youth without pending delinquency cases may be referred to the clinic for assessment by their parents or by the probation department as part of the adjustment (diversion) process. In these cases, the clinic typically conducts an assessment and may make referrals, but does not monitor compliance.

## **6. Community and Youth Programs**

In addition to the youth clinic, the director of community and youth justice oversees the Justice Center's programs for non-court-involved youth and the general public. One of these programs is the New York Juvenile Justice Corps, which was established in the fall of 2010 as a successor to the Red Hook Public Safety Corps. Like the Public Safety Corps, the Juvenile Justice Corps is a full-time one-year program for local adults, most of whom have not attended college. Whereas the Red Hook Public Safety Corps focused primarily on the Red Hook neighborhood, the Juvenile Justice Corps hires residents from throughout New York City and places them at a number of CCI project sites as well as the John Jay College of Criminal Justice and the New York State Office of Children and Family Services facilities. The Juvenile Justice Corps coordinator is located at RHCJC and reports to the Justice Center's director of community and youth justice. Five Juvenile Justice Corps members are placed at Red Hook, including the housing resource center assistant, the alternative sanctions assistant, two youth court assistants and a youth program assistant. These positions are funded through an AmeriCorps grant.<sup>15</sup> Students from the John Jay College of Criminal Justice provide additional part-time volunteer help for the Justice Corps.

Along with the Juvenile Justice Corps coordinator, the director of community and youth justice supervises the youth court staff, consisting of the youth court coordinator and two assistants

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<sup>14</sup> The Positive Youth Justice model applies positive youth development principles (which focus on strengths rather than deficits, promote positive relationships with caring adults, and consider all facets of a youth's life as opportunities to grow and learn) to youth involved in the juvenile justice system. (Butts, Bazemore, and Meroe 2010).

<sup>15</sup> The AVODAH and AmeriCorps members who work as clinic and youth clinic case managers are college graduates and are not part of the Juvenile Justice Corps. Funding for these positions is provided by CCI.

from the Juvenile Justice Corps; two ReServe members who staff the court's information window and the Women in Touch outreach program in the Red Hook Houses; and a Juvenile Justice Corps member who coordinates youth programming, including summer internships, a set of arts programs known as JustArts, and a leadership program called Youth ECHO.

## **7. Research**

Two members of CCI's research staff have offices at the Justice Center. Both research staff members divide their time between RHCJC work and work on other CCI projects. Their Justice Center work is jointly supervised by the RHCJC project director and CCI's director of research. The research staff members generate the court's annual statistical reports, which are used primarily by the court and CCI for internal management purposes, and respond to targeted requests for information from the project director. The researchers also work on externally focused projects designed to inform the field of criminal justice. They write short pieces based on analysis of existing court data, and on occasion collect original data for larger projects such as a study that compared defendant perceptions of fairness at the Justice Center and a traditional criminal court (Frazer 2006). The research staff also evaluate Justice Center programs such as Youth ECHO. Their on-site presence allows them to observe the planning process and program activities unobtrusively, to incorporate evaluation activities such as participant surveys into the program design, and to gain inside access to program staff, participants, and other stakeholders.

In addition to working on research projects related to RHCJC and other CCI initiatives, research staff also participate in topic-focused working groups along with managers from other CCI demonstration projects and CCI's central office. Such cross-assignments and collaborations facilitate the sharing of knowledge and effective practices across multiple CCI project sites.

## **8. Facility**

In addition to staffing the court's nontraditional functions, CCI is responsible for the court facility. Building operations are overseen by the facilities/office manager, who reports to the project director, and an assistant facilities manager. The Justice Center building is leased from Catholic Charities at a nominal rate. Because the building is not owned by the city, CCI plays a role in maintaining the building. Maintenance and repairs, such as the recent replacement of the air conditioning system, can be costly. Custodial services are provided by defendants performing community service. For reasons of security and confidentiality, this means that the court clerks must clean their own offices, a task for which they would not be responsible in a traditional court.

## **C. LEGAL AND CRIMINAL JUSTICE PERSONNEL**

As in all New York City courts, personnel from a number of other legal and criminal justice system agencies work at the Justice Center. These personnel include prosecutors and defense attorneys, a probation officer, pretrial services interviewers, and police officers.

## **1. District Attorney's Office**

Criminal defendants aged 16 and over are prosecuted by the Kings County District Attorney's (DA) office. The DA's current bureau chief at Red Hook has held the position since March of 2001, less than a year after the Justice Center opened. The bureau chief spent 12 years as a social worker, then several years as a drug court prosecutor before taking over at Red Hook. Three assistant district attorneys (ADAs) report to the bureau chief. The bureau chief and ADAs have offices in the Justice Center and are supported by two full-time administrative staff.

ADAs volunteer to serve a one-year rotation at Red Hook; most are new law school graduates on their first assignment. In addition to the DA's standard training program for new hires, new ADAs shadow the attorneys they are replacing for approximately two weeks before they begin to prosecute cases on their own. In addition to the ordinary challenges of adapting to a first assignment in an arraignment courtroom, Red Hook ADAs face the added burdens of taking cases to trial and navigating the complex worlds of drug treatment and problem-solving justice. The steep learning curve and frequent staffing transitions translate into the potential for a lack of consistency in prosecutorial policy at the Justice Center, although the presence of a permanently assigned long-serving bureau chief tends to mitigate any such problems. The short-term tenure of ADAs contrasts with the long-term assignments of the Legal Aid defense attorneys whom they face in the courtroom.

## **2. Corporation Counsel**

In family court, juvenile delinquency petitions are brought by an Assistant Corporation Counsel from the New York City Law Department. Due to the small number of family court cases filed at Red Hook, the Assistant Corporation Counsel is assigned to the Justice Center on a part-time basis. The position is typically a short-term, voluntary rotation for an Assistant Corporation Counsel with some prior experience prosecuting juvenile delinquency cases.

## **3. Legal Aid**

The Legal Aid Society of New York, an independent nonprofit provider of indigent defense services, represents the vast majority of misdemeanor and felony defendants at the Justice Center. Three full-time attorneys from Legal Aid's Criminal Practice are permanently assigned to Red Hook. Each attorney has a minimum of 10 years' experience as a criminal defense attorney and has volunteered for assignment to the Justice Center. The attorneys maintain their offices in the RHCJC building and are supported by a full-time paralegal. All report to the Attorney-in-Charge of the Legal Aid Society's Brooklyn criminal defense office. The Legal Aid Society's work at Red Hook is funded by contracts with the City and State of New York (Legal Aid Society of New York 2010, 6). In cases involving conflicts of interest, indigent defendants and respondents are represented by assigned counsel, dubbed "18b" counsel after New York's assigned counsel statute. A small number of defendants hire private attorneys at their own expense.

Unlike other attorneys from the Criminal Practice, Legal Aid attorneys assigned to Red Hook also represent respondents in juvenile delinquency proceedings in the RHCJC family court part. Due to the combination of adult and juvenile representation, per-attorney caseloads at Red Hook are reported to be higher than is typical for Legal Aid's Criminal Practice attorneys. For several years, per-attorney caseloads were driven up further by the fact that only two Legal Aid attorneys were assigned to Red Hook, despite the fact that the project plan called for three. This situation was remedied in 2009, when the third Legal Aid position was reinstated. In addition to carrying higher caseloads, Legal Aid attorneys at Red Hook are reported to spend more time on some individual cases than their counterparts in traditional court, due to the large number of status appearances in clinic cases as well as some non-clinic cases. On the other hand, Legal Aid attorneys at Red Hook may realize some time savings by appearing in a single courtroom rather than in multiple courtrooms as they would in the downtown criminal court.

#### **4. Criminal Justice Agency**

Two employees from the New York City Criminal Justice Agency (CJA), a nonprofit agency that provides pretrial services under contract to the City of New York, are stationed at the Justice Center. Working in overlapping shifts, CJA staff interview in-custody defendants awaiting arraignment regarding their community ties and make a recommendation to the judge as to whether each defendant should be released without bail. CJA provides this service in all New York City arraignment courts; however, CJA interviews of Red Hook defendants include additional questions designed to match defendants with appropriate community service programs and assess defendants' social service needs (New York City Criminal Justice Agency 2011).

#### **5. Probation Officer**

A single officer from the New York City Department of Probation is employed at the Justice Center, with support from a full-time administrative staff person. The probation officer conducts intake evaluations of youth under the age of 16 facing juvenile delinquency charges and determines whether "adjustment" (pre-filing diversion) is appropriate. The probation officer also supervises children whose cases have been adjusted, prepares pre-disposition investigation reports in cases where a youth has been adjudicated delinquent, and appears in court to report on pending cases. In a conventional family court with a larger caseload, these functions would be divided among several probation officers. The Justice Center does not have a probation officer to work with adult defendants, although a conventional criminal court would employ probation officers to supervise defendants sentenced to probation and to perform pre-sentence investigations of certain convicted defendants (New York City Department of Probation 2011).

#### **6. New York City Police Department**

As in all New York City criminal courts, defendants held in pre-arraignment detention are in the custody of the New York City Police Department (NYPD). The NYPD provides eight full-time police officers, including two sergeants, to process arrest paperwork and supervise defendants in the Justice Center's holding cells.

#### **D. OTHER GOVERNMENT AND COMMUNITY PARTNERS**

A number of other government and nonprofit organizations place employees at the Justice Center on a part-time basis. Several of these groups provide representatives to help defendants and housing court parties apply for public assistance. To assist tenants in housing court cases with back rent and public benefits, the New York City Human Resources Administration places a representative at the court one day per week. Adult Protective Services also provides a staff member two to three days a month to help elderly and vulnerable tenants facing eviction to apply for public benefits and assistance in paying back rent, and to petition the court to appoint a guardian ad litem when necessary (New York City Human Resources Administration 2011). Healthfirst, a Medicaid managed care plan, previously placed a representative at the Justice Center two days per week to assist clinic defendants and community members in securing health insurance, but no longer does so.

Other agencies and organizations provide educational programs and other services on site at the Justice Center. The Department of Education furnishes a full-time teacher for the Justice Center's GED program. An employee of the South Brooklyn Health Center devotes three hours per week to facilitating the marijuana education program used as an alternative sanction, and the Red Hook Initiative at one time provided peer educators to facilitate the Peer Program group for offenders aged 16 to 18 years. A mediation coordinator from Safe Horizon, a nonprofit victim services agency, works with the court's certified mediators two days per week to address family and neighborhood disputes before they become court cases, and to facilitate family communication in juvenile delinquency cases. Safe Horizon also provides a victim advocate three days per week to process restitution payments and assist domestic violence victims, and provided a full-time teacher for the court's child care center until it closed in 2011. Finally, a nonprofit prison re-entry program called the Fortune Society provides on-site HIV testing one day per month.

#### **E. COMMUNITY ADVISORY BOARD**

When the Justice Center opened, the Community Board 6 task force that served as a vehicle for community input during the planning process evolved into the Community Advisory Board. Comprising more than three dozen members, including clergy, police, school officials, tenant representatives, and civic leaders, the Community Advisory Board meets on a quarterly basis. The Community Advisory Board is intended to give community members a voice in court planning, improving perceptions of procedural justice and making the court more responsive to the perceived needs of the community.

In practice, the board's influence has been confined largely to the area of community programming, as court policies regarding case processing and sentencing are based primarily upon legal considerations. Programming implemented in response to Community Advisory Board feedback has included a summer internship program for teens and an HIV/AIDS education project. In an initiative dubbed Project Toolkit, the Community Advisory Board has also appointed task

forces to tackle specific concerns; for example, one task force worked with residents, police, the sanitation department, and businesses to address problems with illegal dumping and abandoned cars. Other task force initiatives have led to the establishment of the Friends of Coffey Park, an organization that led the cleanup of the public park that lies between the Red Hook Houses and the courthouse, and the strengthening of tenant patrols in the Red Hook Houses (Berman and Fox 2005, 82). Project Toolkit, however, does not appear to have been active over the past several years.

## CHAPTER 5. COMMUNITY AND YOUTH PROGRAMS

In addition to its core function of adjudicating criminal, summons, and juvenile delinquency cases, the Red Hook Community Justice Center hears landlord-tenant disputes and offers a variety of youth and community programming. These programs are designed to reduce crime by improving living conditions in the Red Hook Houses, delivering meaningful consequences for minor juvenile offenses that would otherwise go unnoticed, diverting young people from the path of crime by providing rewarding activities and fulfilling social service needs, and enhancing the court's legitimacy in the Red Hook community. The Justice Center's impact on crime cannot be fully understood without an examination of these programs.

### A. HOUSING COURT AND THE HOUSING RESOURCE CENTER

#### 1. The Role of Housing Cases in Justice Center Planning and Implementation

Unlike most problem-solving courts, which do not hear civil cases, the Red Hook Community Justice Center hears landlord-tenant disputes involving the New York City Housing Authority (NYCHA) in addition to its criminal and juvenile delinquency caseload. In placing housing cases under the Justice Center's jurisdiction, RHCJC planners sought to improve criminal justice outcomes by directly addressing conditions of disorder in the Red Hook Houses, and by providing the judge with a broader perspective on the context of crime in the neighborhood. More generally, giving the Justice Center jurisdiction over housing cases was one way in which the community court model was tailored to fit the Red Hook community's distinctive needs and circumstances. In making the case for a community court as a way to curb crime in Red Hook, District Attorney Charles Hynes argued that "we have to do something about the Red Hook Houses" (Holloway 1993, Sec. 13, 10). NYCHA also viewed the proposed court as a way of reducing crime. Its general counsel, Alan Aviles, echoed DA Hynes: "We're always searching for innovative ways to address low-level persistent crimes that eat away at the quality of life at all of our developments, and this court offers a different approach" (Holloway 1993, Sec. 13, 10).

Early in the planning stages, District Attorney Hynes and the founders of CCI approached the NYCHA for grant funding to support the planning process, arguing that a community court might prove helpful in addressing the area's public safety problems. The Housing Authority also made two ground floor apartments in the Red Hook Houses available to court planners for use by the Red Hook Public Safety Corps and other Justice Center outreach programs.

Despite this broad agreement that the new court should be involved in housing issues, the process of planning exactly how the housing court would be integrated into the Justice Center did not always proceed smoothly. There was difficulty in reaching an agreement on the appropriate configuration for the housing court. Tenant groups and tenant advocates were initially unenthusiastic about the idea of a housing court in Red Hook. One key issue was the lack of a right to appointed counsel for tenants in New York City's housing courts (as is the case for litigants in all civil matters in New York State). In response, court planners established the Housing Resource Center, and the Office of Court Administration provided an on-site pro se attorney to assist tenants.

In retrospect, Adam Mansky, one of the Justice Center’s planners, described housing cases as “the hardest nut for us to crack.”

Housing cases were first heard at RHCJC in May of 2002, two years after the court opened. The RHCJC judge was assigned authority to hear housing disputes between the New York City Housing Authority (NYCHA) and its tenants. These cases typically involve nonpayment of rent, maintenance issues, or both. The Justice Center's Housing Resource Center (HRC) is available to assist tenants in resolving disputes with NYCHA without the filing of a court case, as well as to provide both tenants and the court with information relevant to housing court procedures.

Once established, the housing court quickly developed a distinctive approach to adjudicating housing disputes consistent with its criminal justice objectives sought by the RHCJC:

[U]nlike many housing court judges who have never seen a public-housing project, Judge Calabrese has personally visited public-housing units to inspect repairs. The first time Calabrese went on an inspection, the local public housing superintendent told him, ‘I’ve been doing this for over 20 years, and I’ve never seen a judge come to the houses. You must be from the new court’ . . . Another example of how the judge makes better decisions is seen in trespass cases, which are extremely difficult to adjudicate in Red Hook with its ninety-six public-housing buildings [measured as separate street addresses] because distinguishing between legitimate visits to friends and family from illegal attempts to buy drugs is almost impossible. However, Judge Calabrese’s knowledge of local conditions—for example, that the building known as the ‘pharmacy’ is a notorious drug den while the one across the street is not—allows him to make more nuanced decisions about these cases.” (Berman and Fox 2005, 86-7).

Defining his role as housing court judge in this manner contributed significantly to the ability of the RHCJC to become defined as a local entity. In sum, the housing court is an expression of the program theory underlying the creation of RHCJC. The following analysis describes the operations of the housing court as a component of RHCJC's efforts to reduce crime.

## **2. The Context: Public Housing in Red Hook and the Surrounding Neighborhoods**

The iconic image of the Red Hook neighborhood is that of the looming presence of two massive public housing complexes—Red Hook East and Red Hook West—comprising 30 buildings ranging from two to 14 stories high. In local parlance, they are known as “The Houses” or “The Front,” in reference to their location near the border between Red Hook and the rest of Brooklyn. The residents of these buildings make up two-thirds of the neighborhood’s population. In recent years, a massive Ikea retail facility, an upscale supermarket, and a string of trendy restaurants and boutiques on and near Van Brunt Street at the “Back” of the neighborhood, close to the waterfront, have begun to compete with the housing projects as defining characteristics of the neighborhood, but the Houses continue to dominate the landscape. The Justice Center’s catchment

area also includes a third large housing project, the Gowanus Houses in the Cobble Hill neighborhood. The combined scale of the three housing projects is shown in Table 3.

**Table 3. Public Housing Units in the Justice Center’s Catchment Area**

	<b>Built</b>	<b>Buildings</b>	<b>Apartments</b>	<b>Population</b>
Gowanus	1949	14	1,137	2,834
Red Hook East	1939	16	1,411	2,959
Red Hook West	1955	14	1,480	3,276

Source: NYCHA, Development Data Book 2010

The Red Hook Houses have two tenants' associations—one for Red Hook East and one for the Red Hook West—that meet on a monthly basis, except during the summer. Despite the fact that the associations’ annual membership dues are just \$2.00, many tenants choose not to join. Monthly meetings typically draw between 50 and 60 of the approximately 1,000 tenants who are eligible to attend. Association leadership, like the participants the monthly meeting, tends to comprise mainly older tenants. There is evidence of generational divides on issues such as the role of NYCHA and the manner in which NYPD polices the Houses and the surrounding area.

Judge Calabrese has been a regular attendee at tenants’ association meetings since before the Justice Center opened. His occasional visits to apartments in the Houses to examine the adequacy of disputed NYCHA repairs have become well known, as has his practice of dispatching Housing Resource Center staff to take photographs of the physical condition of apartments subject to court proceedings.

### **3. Housing Court Jurisdiction**

Housing cases in New York City are heard in the housing part of the New York City Civil Court. In order to make it possible for him to hear housing and family cases, it was necessary for Judge Calabrese, a judge of the Criminal Court, to be appointed an Acting Supreme Court Justice. New housing cases can be filed under five causes of action, some initiated by the landlord, others by tenants. These are:

By Landlords:

1. *Nonpayment cases*: The landlord claims a tenant owes rent and is suing to collect the overdue rent and to evict the tenant does not or cannot pay it.
2. *Holdover cases*: The landlord wants a tenant evicted for reasons other than nonpayment of rent.

By Tenants:

1. *Illegal Eviction proceedings*: A tenant asks the housing court to order the landlord or a roommate to let the tenant move back into apartment being illegally evicted.
2. *Housing Part ("HP") proceedings*: A tenant asks the housing court to order the landlord to make repairs in the apartment or building because of, for example, a violation of housing code.
3. *7A proceedings*: One-third or more of the tenants in a building ask the housing court to take control of the building away from the landlord and give it to a court supervised administrator.<sup>16</sup>

The exclusive focus on cases arising in public housing eliminated the need for the Justice Center housing court to consider ability-to-pay issues when deciding housing cases. At least in theory, rent for a NYCHA tenant is always set at an affordable level. In practice, however, the ability to pay back rent is a frequent issue, one the RHCJC has taken steps to mitigate through making referrals to agencies able to offer financial assistance. In each year for which data exist, the overwhelming majority of cases (between 67 and 93 percent) were initiated by NYCHA for non-payment of rent.<sup>17</sup>

#### **4. Trends in Housing Caseloads**

When RHCJC's housing court began operating in May 2002, its jurisdiction included all housing court cases arising in public housing developments in the catchment area, including the Gowanus Houses located in Cobble Hill and the Red Hook Houses. In 2003, RHCJC's housing court jurisdiction was limited to the Red Hook Houses.<sup>18</sup>

Initially, the Justice Center devoted one day per week to housing cases; the housing docket has since been reduced to the afternoon of every second Wednesday. Information from RHCJC's quarterly and annual internal statistical reports can be used to track trends in housing court case filings and related caseload measures between 2002 and 2009 (see Table 4). Two measures of the housing court caseload are available. The first is the number of new cases filed annually, indicating the volume of demand for court action. The second measure is the total number of court appearances, indexing the actual workload associated with the housing court. A single case filing could include no appearances at all, or it could involve multiple appearances. Table 4 also includes statistics on the number of orders issued to show cause, in which *ex parte* motions are brought by a party seeking immediate relief from the housing court. Such orders are frequently sought by tenants seeking an extension of time to make their rent payments.

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<sup>16</sup> N. Y. RPA LAW, Art 7-A, Section 770 (2010).

<sup>17</sup> Based on annual fourth quarter CCI quarterly statistical reports, housing court tables.

<sup>18</sup> Some tenants of the Gowanus Houses argued that the RHCJC should not have housing jurisdiction over the Gowanus Houses and some smaller housing developments. The rationale given was the difficulties that tenants from these developments experienced in reaching RHCJC. NYCHA took no position on this issue, and the Court therefore agreed to relinquish jurisdiction. Subsequently, the Court received a petition signed by other tenants of the Gowanus Houses requesting that RHCJC retain jurisdiction over their cases. By that time, however, RHCJC had already surrendered jurisdiction.

**Table 4. Trends in Housing Court Caseloads**

<b>Year</b>	<b>Number of Case Filings</b>	<b>Housing Cases as % of Total RHCJC Caseload</b>	<b>Total Number of Appearances</b>	<b>Orders to Show Cause Issued*</b>
2002**	3,923	21%	1,175	174
2003	2,548	12%	1,556	425
2004	1,088	8%	1,346	382
2005	817	4%	1,551	301
2006	760	4%	828	356
2007	633	4%	951	278
2008	589	4%	904	228
2009	866	6%	1,414	312

\*This numbers refer to orders issued by the court rather than the number of requests for such orders.

\*\*Refers to May – December 2002 only

In its first two years of operations, the housing court accounted for a significant share of the Justice Center’s overall caseload: 21 percent in 2002 (despite the housing court operating for only eight months of that year) and 12 percent in 2003 (See Table 4, second column from left). After 2003, both the number of housing cases and their share of the total RHCJC docket declined to a plateau of about 600 new cases annually, representing 4 percent of the total Justice Center caseload. A slight uptick in 2009 raised housing cases to 6 percent of new filings, but as a percentage of total RHCJC cases, housing caseloads remain well below their pre-2004 levels.

The number of court appearances is a more meaningful indicator of the demands that processing housing cases make on judicial and court time. Unlike case filings, the number of appearances evinces no clear trend over time, fluctuating from a high of 1,556 appearances in 2003 to a low of 828 appearances in 2006, and then back to 1,414 in 2009. As with new filings, the number of appearances and orders to show cause rose in 2009 after reaming substantially lower for several years.

The filings data suggest that there may have been a backlog of unresolved housing disputes that surfaced as court cases immediately upon the Justice Center housing court’s opening. The subsequent decline in annual numbers may reflect several possible developments. In adjudicating housing cases, RHCJC is likely to have established a set of reference points facilitating negotiated agreements between tenants and NYCHA, even without any direct involvement from the Housing Resource Center or other RHCJC programs. During 2003, NYCHA also changed its policy for handling nonpayment cases in a way that led to a significant decline in the number of new filings that year.<sup>19</sup> Another reason for the decline is the 2003 decision to remove the Gowanus Houses from the RHCJC’s housing court’s jurisdiction.

<sup>19</sup> Two totals are offered for “appearances.” There are “new calendared cases” used here to describe the composition of the housing caseload, with figures given as a percentage of “appearances.”

## 5. Housing Court Process

The Justice Center hears housing cases on alternate Wednesdays. If an urgent housing matter arises on another day, the criminal or family court docket may be interrupted. Conversely, the regular housing docket can also be put on hold as needed in order to allow the court to hear arraignments and other urgent criminal and family court matters.

Tenants and lawyers representing NYCHA approach the bench together when their case is called, rather than standing behind separate tables in the well of the courtroom as in criminal matters. Attorneys rarely appear on behalf of tenants, as there is no right to appointed counsel in housing matters in New York State. A voice recording is used to create the court record, rather than the court reporter as in criminal matters. A NYCHA staff member attends all housing court sessions held during scheduled housing court hours.

Much of the work involved in resolving housing complaints takes place outside of the courtroom. In the courtroom, housing cases tend to be dealt with as a series of events, rather than as one continuous court appearance, although these events often occur on the same day and close in time. For example, a hearing before the judge may be interrupted by requests to locate photographs or other documentation relevant to a case; when the required information is produced, the hearing resumes. There also are short adjournments for purposes of negotiation, the basis upon which many cases are ultimately resolved.

Despite the lack of a right to government-funded representation, housing court tenants have access to two sources of legal information, although neither source can provide legal advice on how to pursue the tenant's specific case. Since 2005, a part-time pro se attorney has been available for consultation every Wednesday, including when housing court is not scheduled. In addition, the court attorney, whose primary function is as the judge's law clerk, devotes substantial time to assisting tenants. The court attorney works with tenants to ensure that they understand the paperwork they are signing, looks into the reasons why tenants are behind in their payments, and connects them with services that deal with the underlying issues in a way that gets them "back on the right track." This includes communicating with social service agencies, making appointments for tenants, and advising tenants of their rights. Experience suggests that tenants are more likely to show up for appointments scheduled by the court attorney than if they are left to make appointments for themselves.

There are reportedly some instances in which the parties to a family court or criminal court case become linked to a housing court matter. There is no clear evidence, on the other hand, that such linkages among various types of cases are common. There is a general recognition among CCI and court staff that the extent of overlap between the three kinds of cases being adjudicated at RHCJC is not as great as court planners had anticipated.

## 6. The Role of the Housing Resource Center

A primary source of the Justice Center's impact on living conditions is the Housing Resource Center, which opened for business in the Justice Center building before the housing court itself became operational. At that point, the Housing Resource Center's main purposes were to refer housing disputes to mediation for resolution, to serve as a source of information about government programs related to housing, and to provide information about government-provided housing assistance (Fagan and Malkin 2003, 921). Once the Justice Center began hearing housing cases, the Housing Resource Center's role expanded to that of a liaison between NYCHA and the Red Hook tenant community, in both court-involved and non-court-involved housing matters. Housing Resource Center staff communicate with various NYCHA Red Hook East and West staff, including building superintendents and housing managers, on a daily basis. The Housing Resource Center helps to facilitate the communication between tenants and NYCHA not only regarding individual apartment repairs, but also pertaining to the reporting of larger scale building-wide housing issues such as power outages and weather-related malfunctions which affect entire apartment power lines.

The five Housing Resource Center staff members include a CCI employee as director and two ReServe employees.<sup>20</sup> The Housing Resource Center is located directly across the hallway from the entrance to the courtroom. This proximity is more than symbolic, as staff from the Housing Resource Center frequently participate in the processing of cases through the housing court. The Housing Resource Center staff may, for example, be directed by the judge to take photographs of apartments that are the subject of matters on the day's docket. The head of the Housing Resource Center is present in the courtroom when housing cases are being heard in order to provide information to the judge and to litigants. Housing Resource Center staff also help with referrals. Where non-payment of back rent is the issue, tenants may be referred to the New York City Human Resources Agency (HRA), which in certain cases can provide a loan or a one-time payment to allow a tenant to settle the back rent and thus avoid eviction. A Housing Resource Center staff member is available during housing court hours in the Justice Center for consultation.

The Housing Resource Center also serves as a resource to the court by maintaining data logs regarding its communications with both NYCHA and tenants, which are provided to the court upon request to assist in the resolution of cases. The services of the Housing Resource Center are open to all. The annual number of clients accessing the Housing Resource Center has varied between 288 and 1,234. Many tenant contacts with the HRC are initiated through referrals that may originate from the judge during court proceedings, from court officers in the building or in the courtroom, social services staff, or practically anyone employed within the Justice Center. Outside referrals and publicity about the Resource Center bring in additional clients.

NYCHA staff will reportedly contact Housing Resource Center staff directly when a problem arises with a tenant of the Red Hook Houses. For their part, Housing Resource Center staff members will contact building superintendents, NYCHA managerial staff, or NYCHA

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<sup>20</sup> Funding for ReServe comes from the Robin Hood Foundation.

borough administrators as necessary to address maintenance issues on behalf of tenants. Housing Resource Center practices have been described as evolving over time to focus more on encouraging tenants to take responsibility for resolving their own housing issues rather than taking the lead themselves.

## **7. Housing Court and Criminal Justice Outcomes**

Housing issues lie at the heart of community dynamics in Red Hook, separating the interests of residents of the Houses from residents of the private housing at the "Back" of the neighborhood, and, at times, the concerns of older public housing tenants from those of their younger neighbors. Several distinct themes related to the role housing cases plays in achieving criminal justice outcomes emerged from interviews with tenants, NYCHA staff, the Judge, Justice Center staff, and various other internal and external stakeholders. These themes are not mutually exclusive; indeed, many of those interviewed weighed both the advantages and disadvantages of hearing housing cases at RHCJC.

One perspective focuses on the practical consequences of the local housing court for the relationship between the NYCHA and tenants of the Houses. The presence of RHCJC, to some, complicates that relationship. As one stakeholder put it, "we put them [nonpaying tenants] out and the court puts them back in." There were claims made that many tenants were no longer bothering to deal directly with NYCHA to resolve complaints; they were instead "running to the court." It was suggested that the RHCJC acquiesced to this arrangement.<sup>21</sup> Other concerns revolved around claims that the presence of a housing court in RHCJC had increased the demands placed on NYCHA staff.

This reportedly leads to some tenants' "gaming the system," going to the brink of eviction and then filing a court case. Claims, which could not be independently verified, were made about situations in which tenants were damaging their own units and that some tenants "love to go" to the Justice Center for non-payment of rent rather than keep up with their rent payments. Some of the older tenants disapproved, stating that "when people are in trouble with their rent and not paying, don't keep giving them a pass." According to these tenants, the rent for the tenants who make their required rent payments ends up being higher in order to make up for the money NYCHA loses from non-payment.

A negative but minority view is expressed by those involved in processing criminal cases within the Justice Center. The presence of the RHCJC housing court, in this view, is a drain on court time needed for adequately processing criminal and family court cases. The need to address some housing cases outside of ordinary housing court hours interrupts the flow of criminal cases. An urgent housing court matter might lead to criminal proceedings being interrupted for an unpredictable amount of time. There is recognition that handling housing cases puts a strain on the Justice Center's capacity to decide cases. Mention was made of the possibility of bringing in a

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<sup>21</sup> It is unclear whether the net result for these tenants was a reduction in the total amount of rent they would eventually pay.

second judge to ease that strain, but this would diminish the primary judge's access to local knowledge.

A positive strand of observations about the housing court gives it credit for making the NYCHA more accountable for its actions. This group of stakeholders was more sympathetic to those tenants who opted to file in court as a way of obtaining prompt action from the NYCHA on their complaints. Failure to receive relief might lead a tenant to stop paying rent. An eviction notice would follow, leading the aggrieved tenant to file in the housing court to fight the eviction through a HP action. The presence of the housing court places tenants and NYCHA on a more equal footing according to these stakeholders. There also are signs that the relationship between the tenants and NYCHA in recent years has changed in a positive direction.

Another frequently cited theme is that accessing the court or the Housing Resource Center does result in repairs being made more quickly than if a tenant contacted NYCHA directly through the official complaint process. Court staff estimated that about one-half of tenants with maintenance issues do not notify NYCHA before filing a case in housing court. Initially, the Justice Center staff took it as a compliment that local people turned first to the Justice Center for relief. That response shifted over time, and the Housing Resource Center now asserts that it advises tenants to report repair issues to NYCHA before pursuing other avenues of relief. The Housing Resource Center also focuses on coordinating with NYCHA to resolve emergency cases involving heat, refrigerators, and bathrooms.

The housing court's contribution to the Justice Center's mission does not appear to be attributable to the ability of the court to bring an individual's or family's issues in the criminal, juvenile, and housing arenas together in a coordinated fashion. Instead, the Justice Center's involvement in housing cases has increased the judge's understanding of the local context of crime and enhanced perceptions of the court's legitimacy in the community, particularly among residents of public housing.

How did housing court contribute so significantly to the legitimacy component of the court's program theory? It is clear that RHCJC made an early and dramatic contribution to the Red Hook community by transforming the dynamics of the relationship between Red Hook's largest landlord and its tenants. Early on, the opening of RHCJC was associated with concrete improvements to living conditions in the Red Hook Houses. In 2003, two academics studying the Justice Center reported that "[t]he Court has responded to tenants' concerns by efficiently reducing the backlog of housing repair 'tickets.' The RHCJC Judge has been a driving force in resolving the longstanding tensions between NYCHA and public housing residents" (Fagan and Malkin 2003, 920). In interviews conducted nearly a decade later for purposes of the current evaluation, local residents frequently and spontaneously mentioned Judge Calabrese's early visits to public housing units when talking about RHCJC. To many, Judge Calabrese's handling of housing matters exemplifies his style of judging. His personal visits have become less frequent in recent years, but the practice of sending Justice Center staff to photograph apartment conditions continues to demonstrate RHCJC's ability to alleviate long-standing, seemingly intractable community concerns. The ethnographic research supports the conclusion that the legitimacy RHCJC appears to

enjoy is in part a reflection of local perceptions of the difference Judge Calabrese and the Justice Center have made in the tenants' longstanding relationship with NYCHA.

In procedural justice terms, the housing court also allowed RHCJC to demonstrate the degree to which it shares the values of the community, a factor increasingly viewed as important in the study of procedural justice. (Jackson et al. 2012). In mid-2010, all of Housing Resource Center staff members were from the Red Hook or Sunset Park neighborhoods. Two of the staff lived in public housing themselves, which a senior court manager described as building "a lot of credibility" for the Justice Center. This appears to have differentiated the Justice Center from other governmental organizations such as the NYPD.

As housing caseloads decline, the housing court's role may be due for a reassessment. Over the past several years, the housing court's share of the Justice Center's total caseload has steadily declined. There is no simple way to assess the continued importance of the Justice Center's housing court. On one hand, the ethnographic research strongly suggests that the legitimacy RHCJC appears to enjoy is in part a reflection of local perceptions of the difference the judge and the Justice Center have made in tenants' longstanding relationship with NYCHA. It might, however, be risky for the Justice Center to abandon a role that has contributed so significantly to its local image by relinquishing its jurisdiction over housing cases. Furthermore, the mere existence of the Justice Center's housing court may provide a framework for negotiated out-of-court resolutions to many disputes between NYCHA and residents of the Red Hook Houses. On the other hand, the housing docket appears to compete with criminal cases for valuable courtroom time and resources. Given the decline in housing caseloads, coupled with the practical difficulties presented by hearing these cases in a primarily criminal courtroom, it may be time for Justice Center leaders to re-evaluate the court's jurisdiction over housing cases and determine whether to discontinue processing these cases, or to maintain housing court operations while addressing issues such as docket interruption that may impede efficiency and procedural justice.

## **B. YOUTH PROGRAMS**

Under the positive youth development model, programs and activities that provide young people with opportunities to learn new skills, serve others, and form lasting attachments to pro-social peers and adults are believed to reduce recidivism among court-involved youth and to prevent crime among other youth. Although the Justice Center is still exploring exactly how to integrate recreational and leadership development activities into court-mandated sanctions, it already operates a variety of youth programs that are open to both court-involved and non-court-involved teens on a voluntary basis. In addition to providing positive development opportunities for participants, some of these programs are also designed to benefit the larger community.

A key feature of most RHCJC youth programs is the provision of a monthly stipend of around \$100 to participants who fulfill all program requirements. The stipends are designed to attract and retain young people who might otherwise elect to spend their time working at after-school jobs or caring for younger siblings. The stipends are also intended to give young people a

sense that they are engaging in meaningful employment, building their self-confidence, and encouraging them to take program activities seriously.

## **1. Youth Court**

Having been in operation since 1998, two years before RHCJC opened its doors, the Youth Court is the Justice Center's oldest and most prominent youth program. It is staffed by the Youth Court coordinator, who reports to the director of community and youth justice, and two Juvenile Justice Corps members. Each class of around 20 Youth Court members, aged 14 to 18 years, serves for six months, beginning with 40 hours of training presented by RHCJC staff and volunteers from the DA's Office, the Legal Aid Society, and other organizations. After completing training, Youth Court members serve about five hours per week in exchange for a monthly stipend of \$100. Upon completing their initial six-month term, some Youth Court members return as senior members, serving three hours per week and receiving a monthly stipend of \$120.

Youth aged 10 to 15 are referred to Youth Court by police in the RHCJC catchment area, by one of three local high schools, or occasionally by their parents after committing minor offenses such as truancy, trespassing, or possession of alcohol or marijuana. A few are referred to Youth Court by the probation department as part of the "adjustment," or diversion, process in juvenile delinquency cases. Following a referral, adult Youth Court staff contact the youth's parents to explain the program and obtain permission for the youth to participate. In addition to obtaining parental permission, the youth is required to admit responsibility for the offense and to bring a parent to the Youth Court hearing.

Youth Court hearings are held in RHCJC's mock courtroom on Tuesday and Thursday evenings. An average of three hearings, typically lasting between 30 and 45 minutes each, are held per session. Before a hearing, the youth and his or her parents meet with Youth Court staff, then the RHCJC juvenile justice social worker, and finally with the Youth Court member playing the role of youth advocate. Before the hearing, the Youth Court bailiff hands out confidentiality forms for observers to sign. Another Youth Court member presides over the hearing in the role of the judge. Because the youth has already admitted responsibility, the hearing serves only to fix a sanction, not to determine guilt or innocence. The hearing begins with a statement from the Youth Court member serving as community advocate about the offense and its impact on the community, followed by a statement from the youth advocate expressing the youth's willingness to take responsibility and pointing out the youth's positive personal qualities. Following the opening statements, the jury of eight Youth Court members questions the youth about the circumstances of the offense, performance in school, family relationships, and plans for the future.

After closing arguments from the community and youth advocates, the jury retires to deliberate. The jury can choose from a range of sanctions including community service, essays, letters of apology to the victim or the youth's own parents, and attendance at RHCJC workshops on topics such as life skills and conflict resolution. After the jury announces its decision, an adult Youth Court staff member meets with the youth and his or her parents to review the terms of the sanction.

The cases referred to Youth Court would not ordinarily result in the filing of a delinquency petition, and there are no immediate consequences for refusal to participate in Youth Court or failure to comply with a Youth Court sanction, although noncompliance is reported to the referring authority. Youth Court therefore relies primarily on peer pressure rather than legal authority to encourage participants to complete their sanctions.

Youth Court is designed to benefit members, participants, and the broader community. For members, Youth Court provides a positive development experience complete with adult mentors, strong peer connections, meaningful service opportunities, and a small income. In addition to attending training and hearing cases, Youth Court members participate in a variety of special events designed to build interest in legal and criminal justice careers, such as Law Day celebrations with other youth court organizations and field trips to local law schools. For participants, a Youth Court appearance is intended to deliver meaningful sanctions for delinquent behavior that would otherwise slip through the cracks, deterring more serious criminal behavior in the future. In turn, the resulting reduction in recidivism is expected to benefit the community at large.

## **2. TEACH**

Another relatively large youth program previously offered at RHCJC was Teens Educating About Community Health (TEACH), an HIV and substance abuse prevention peer education program that ran from 2004 through 2008. TEACH was planned by a working group of RHCJC staff, catchment area residents, and public health professionals formed by the RHCJC Community Advisory Board in the summer of 2002. The working group obtained a one-year planning grant, followed by a five-year implementation grant, from the Substance Abuse and Mental Health Services Administration (SAMSHA) of the U.S. Department of Health and Human Services. The Justice Center hired two full-time staff members and provided an AmeriCorps volunteer to run the program; Good Shepherd Services furnished a social worker. The South Brooklyn Health Clinic and the Brooklyn AIDS Task Force also participated in the planning process, and a number of other community organizations were involved in peer educator training, public outreach, and special events. Planning meetings and most program activities were held at the Justice Center.

During the six-month program, teens aged 16 and older received 40 hours of training, then facilitated HIV/substance abuse prevention workshops for other youth. Some workshops were targeted at teens with pending cases in RHCJC's criminal or family court; other audiences were recruited through partner agencies or street outreach. Teen peer educators were paid a stipend in exchange for their participation. Eight cohorts totaling 182 peer educators presented 151 workshops attended by 1,059 youth.

The program was designed to benefit both peer educators and workshop participants by improving their knowledge of HIV/AIDS and other sexually transmitted infections, as well as the risks of alcohol, tobacco, and drug use. Peer educators, many of whom had significant social service needs, also received individual attention from the program coordinator and social worker. A

program evaluation by a CCI researcher found that both peer educators and workshop participants gained knowledge about HIV/AIDS and substance abuse. Peer educators also demonstrated improved attitudes towards sexual risk and experimentation, but did not become less likely to use alcohol, tobacco, or marijuana. The program was discontinued when the SAMSHA implementation grant ran out in 2008 (Swaner 2009).

### **3. Youth ECHO**

Another example of RHCJC's youth programming is a leadership program called Youth ECHO, established in 2007. Following a model successfully used for HIV/AIDS peer education among gay men, Youth ECHO's original plan was to use ethnographic research methods to identify and recruit teens aged 13 to 18 who were disengaged from mainstream culture but served as popular opinion leaders among Red Hook youth. When this research revealed that no fixed group of influential youth leaders existed in the neighborhood, participation was opened up to any young person who expressed an interest, and the popular opinion leader model evolved into a program structure more akin to community organizing.

Over the course of several months, Youth ECHO members attended educational sessions on topics such as communication skills, research methods, causes of crime, and community organizing. They interviewed peers and identified a social problem to address through a message campaign; the first cohort chose to focus on drug dealing, and the second selected staying in school as its topic. Each group then worked with volunteers from an advertising agency to develop and implement a messaging campaign. The groups spread their messages via a documentary film, a cell phone ringtone, YouTube videos, text messages, chalked messages in the Red Hook Houses, free t-shirts, fake dollar bills stamped with slogans, and block parties featuring talent shows, a basketball tournament, and gift bags.

Youth ECHO participants were paid a biweekly stipend of \$50 to \$65, depending on their age. The program was funded by grants from the Independence Community Foundation and other private foundations. It employed two full-time adult staff members, and a participant from the first cohort was hired through AmeriCorps to assist with the program in its second year.

There were 13 teens in the first cohort, and 14 in the second. Program participants had difficulty modeling the pro-social behaviors they were supposed to be promoting. Over the course of the program, the number of participants reporting alcohol, cigarette, and marijuana usage increased. Despite signing a behavior contract in order to participate in the program, many Youth ECHO members also continued to skip school, and several were arrested (Swaner and White 2010; Swaner and White 2009).

After the second cohort completed the program in 2009, the original grants ended and CCI management decided not to seek additional funding. For 2010, Youth ECHO was scaled back to a six-week summer program supervised by AmeriCorps volunteers from the Red Hook Public Safety Corps. In 2011, a summer Youth ECHO program was run by a graduate student intern hired through the Juvenile Justice Corps. From December 2011 through June 2012, there was another

Youth ECHO cohort, which met twice a week and worked on a campaign about teen dating violence. This cohort was run by a Juvenile Justice Corps member and assisted by a second member. This was the last cohort of Youth ECHO before the program was discontinued.

#### **4. Internships**

Since 2008, the Justice Center has run a paid summer internship program for teens aged 14 through 18. The 2011 program ran for seven weeks, including two weeks of training on topics such as job skills and workplace communication, followed by five weeks of placement in internships at a variety of community organizations. Students worked 15 hours per week and returned to Red Hook each Friday for additional training and field trips, such as a college tour to Philadelphia. Like the 2011 Youth ECHO program, the 2011 internship program was administered by a graduate student intern. Unlike Youth ECHO participants, many of whom had dropped out of school or been arrested, interns are typically students without significant behavior problems or criminal justice system involvement. To avoid conflicts with school, internships are offered only during the summer. In 2011, there were 17 interns. The program is funded by the Robin Hood Foundation.

#### **5. JustArts**

In partnership with local arts organizations, the Justice Center periodically offers youth arts programs under the title “JustArts.” Two JustArts programs were offered in 2011: a drawing program for 11- to 13-year-olds, and a photography program for 14- to 18-year-olds. The Kentler International Drawing Center provided volunteer teaching artists for the drawing program. The Brooklyn Arts Council provided teaching artists for the photography program; these artists were paid through the New York State Council on the Arts. Stipends for participants in both programs were funded through grants from the Robin Hood Foundation.

Although participation in youth programming is always voluntary and never part of a court mandate, RHCJC staff aim to achieve approximately equal proportions of court-involved and non-court-involved youth in JustArts programs. As a result of Department of Probation policies encouraging the diversion of juvenile delinquency cases whenever possible, cases that are filed in family court tend to be particularly difficult, and respondents in these cases can present significant classroom management issues for teaching artists. Justice Center staff report that finding consistent funding has also been a challenge for JustArts and other youth programming.

#### **6. GED Program**

A full-time teacher from the New York City Department of Education teaches GED classes in the Justice Center’s dedicated classroom. Although many students are referred by the court or the clinic, the court does not mandate GED completion. The judge celebrates GED attainment in the courtroom during regular court sessions.

## **7. Youth Programming Partnerships**

In addition to offering its own youth programming, the Justice Center partners both formally and informally with a variety of community organizations to offer programs and to make referrals. One long-standing partnership is with the nonprofit theater group Falconworks, whose mission is to use theater as a means of community empowerment. Falconworks maintains its offices in one of the apartments donated to the Justice Center by NYCHA, and the Justice Center has placed Public Safety Corps members and youth interns at Falconworks. RHCJC has recruited many of the participants for two Falconworks programs: Off the Hook, in which children aged 11 to 15 write plays to be produced by adults, and Police-Teen Theater, an improvisation workshop that brings together teenagers and police officers.

The Red Hook Initiative, which employs neighborhood teens as health educators, has offered a training program for potential court officer candidates at the Justice Center, and its GED program has a cross-referral agreement with the RHCJC GED program. Groundswell, a mural project, provides community service opportunities for offenders from Youth Court and family court, some of whom go on to secure apprenticeships with the organization. Red Hook Rise, a literacy and basketball program, also has a cross-referral agreement with the Justice Center, and TEACH peer educators held workshops during its basketball tournaments.

The Red Hook Youth Baseball League, which in 2013 entered its fifteenth season, is a longstanding collaboration among the Justice Center, criminal justice system partners, and the community. Founded by a Red Hook Public Safety Corps member and administered by the Juvenile Justice Corps, the league brings together volunteer coaches from the Juvenile Justice Corps, Legal Aid, the DA's office, the Justice Center, and elsewhere in the community. More than 150 boys and girls play in the league free of charge each year (New York Juvenile Justice Corps 2011).

## **C. COMMUNITY PROGRAMS AND PUBLIC OUTREACH**

Along with its youth programming, the Justice Center engages in formal and informal outreach activities aimed at adult Red Hook residents. In 2001, Community Advisory Board members and Justice Center staff were instrumental in establishing the Friends of Coffey Park. The organization cleaned up the park, which separates the "front" of the neighborhood from the "back," and now organizes public events such as movie screenings. The Justice Center also funds a ReServe position and provides office space in one of its NYCHA apartments for Red Hook Women in Touch, which makes referrals to domestic violence and employment resources and provides professional clothing for women living in the Red Hook Houses. The judge and other court staff attend some meetings of the police precinct councils and the Red Hook Houses tenants' associations. To increase the Justice Center's visibility as well as to gauge citizens' perceptions of safety and quality of life in the neighborhood, CCI repeats the Operation Data survey every few years. The Community Advisory Board provides a formal vehicle for citizen feedback on court operations and initiatives.

In prior years, the Justice Center building was available after court hours for community organizations and public meetings, contributing to public perceptions of RHCJC as a genuine center of community activity and not merely a court that processed legal disputes. In recent years, however, budget cuts have made it impossible for the court system to furnish the court officers necessary to keep the Justice Center open after hours.

#### **D. WALK-IN SERVICES**

A defining feature of the Red Hook Community Justice Center is that its clinical, housing, and mediation services are available to anyone, including persons without pending cases before the court. As more than one staff member put it, “you don’t have to get arrested to get help.” The availability of Justice Center services to the general public is made possible by the fact that the clinic and other non-court operations are funded through CCI, not the court system; in a traditional drug court, by contrast, clinical services are available only to qualifying defendants, who may be required to pay for drug tests or certain other expenses. All walk-in services at Red Hook are provided free of charge.

The Justice Center’s adult and youth clinics serve walk-in clients under a program called Public Access to Clinical Services (PACS). PACS clients fill out a short intake form including basic demographic information and the reason for the visit. A clinic staff member then performs an assessment and makes referrals to drug treatment or other social service providers as appropriate. The staff member telephones the client to follow up two weeks after the intake appointment, and again at the two-month mark. Clinic staff estimate that they see two to three walk-in clients per week, which may be a smaller number than program planners originally expected.

The Housing Resource Center frequently sees NYCHA tenants with repair issues who have not yet filed court cases. In these cases, Housing Resource Center staff explain NYCHA repair and complaint procedures, assist in documenting apartment conditions, and make referrals to public assistance agencies and the RHCJC clinic for tenants who have apparent social service needs. For tenants who choose to file a legal complaint against the Housing Authority, the pro se attorney can help in navigating the process.

To prevent community disagreements, as well as family disputes not involving domestic violence, from escalating into court cases, RHCJC offers mediation services. Two Housing Resource Center staff members, as well as the deputy project director, are certified mediators, and Safe Horizon provides an on-site mediation coordinator two days per week. Table 5 summarizes mediation program activities from 2003 through 2009. In 2009, RHCJC staff accepted 47 new cases for mediation, held 23 mediation cases, and helped the parties reach agreement in 17 disputes. Mediation caseloads have steadily declined since the program’s inception. The number of new mediation cases accepted fell by more than two-thirds between its 2004 peak and 2009. Corresponding drops occurred in the numbers of mediation sessions held and agreements reached.

**Table 5. RHCJC Mediation Cases, 2003 – 2009**

<b>Year</b>	<b>New Cases Accepted</b>	<b>Mediation Sessions Held</b>	<b>Agreements Reached<sup>1</sup></b>
2003	140	67	88
2004	157	66	60
2005	106	46	42
2006	122	61	64
2007	127	72	63
2008	69	33	29
2009	47	23	17
<b>Total</b>	<b>768</b>	<b>368</b>	<b>363</b>

<sup>1</sup> Number of agreements reached may exceed number of mediation sessions held because the parties in some cases reached agreement before mediation, and some mediation sessions resulted in multiple agreements pertaining to separate issues.

## **E. RESIDENT AND OFFENDER PERCEPTIONS OF THE RED HOOK COMMUNITY JUSTICE CENTER**

The ethnographic analysis, including the community survey and resident interviews, demonstrates the Justice Center’s success in integrating itself into the fabric of the Red Hook community. Respondents’ observations about policing in the catchment area provide a somewhat unanticipated contrast with their perceptions of the Justice Center.

### **1. Community Connections**

The community survey and offender interviews reveal that the Justice Center is a more prominent fixture in the Red Hook community, especially in the Red Hook Houses, than it is in other catchment area communities. In the Red Hook Houses, residents were very familiar with the Justice Center, and many knew the Justice Center’s Judge Calabrese by name. Much of the Justice Center’s visibility in Red Hook’s public housing developments appears to be attributable to the court’s involvement in landlord-tenant cases pitting residents against the New York City Housing Authority (NYCHA). Many residents recounted how the Justice Center’s Housing Resource Center had assisted them in obtaining needed repairs or addressing arrearages in their rent. The judge’s occasional in-person inspections of repair issues in the Red Hook Houses were widely known. Residents of the Red Hook Houses were also very familiar with the Justice Center’s youth programs. In contrast, residents of privately owned housing in the “back” of the neighborhood were aware of the court’s presence but less familiar with its programs and less likely to have been personally involved with the court.

The offender interviews suggested that the Justice Center plays a much larger role in the lives of Red Hook residents than in the lives of Sunset Park residents. Red Hook residents were

significantly more likely than Sunset Park residents to have made their most recent court appearance at the Justice Center, and were more confident that their friends and associates knew about the services available at the Justice Center and thought they were useful.

## **2. Police-Community Relations**

Although the resident survey and offender interviews were focused primarily on the Red Hook Community Justice Center and the court system, many respondents—especially nonwhite residents of public housing—were eager to discuss their experiences with the police. In accordance with broken windows theory, an emphasis on policing of “quality-of-life” offenses—such as marijuana possession, failure to leash a dog, trespassing in public housing, riding a bicycle on the sidewalk, and possession of an open container of alcohol in public—is a key crime-fighting strategy of the New York City Police Department (NYPD) (Giuliani 1998). Residents of public housing frequently complained of police harassment, including groundless searches, discriminatory tactics, and rough or discourteous treatment. Of the offenders who reported being stopped by the police within the past year, 75 percent described the behavior of the police as unfair. Some respondents characterized the fairness of proceedings at the Justice Center as a backstop to what they perceived as the harsh tactics of the NYPD, recounting how the judge listened to their side of the story and offered practical advice on how to avoid trouble in the future, such as always carrying identification when walking through the hallways of the Red Hook Houses.

## **F. CONCLUSIONS: COMMUNITY AND YOUTH PROGRAMS**

The process evaluation and ethnographic analysis reveal that the Justice Center has succeeded in establishing strong community ties, in accordance with the legitimacy prong of its program theory. In particular, the Justice Center’s processing of housing court cases has been instrumental in cementing the court’s bond with the residents of public housing.

*Conclusion 1: The decision to hear housing cases at the Justice Center as part of a multijurisdictional criminal court is justified by the housing court’s contribution to the perception that the Justice Center shares the community’s values and is a genuine community institution.*

The ethnographic research and interviews with community stake holders unambiguously identify the Justice Center’s handling of housing cases as a key element that underlies the community’s positive perception of the court. Landlord-tenant issues are paramount in the minds of local residents, most of who live in the Red Hook Houses. Through the housing court, the Justice Center was able to make an immediate contribution to residents’ quality of life and provide them with a counterweight to the policies and actions of the New York City Housing Authority. The court’s jurisdiction over housing cases is, as intended, a key factor in remediating conditions of disorder in the Red Hook Houses and in promoting a sense of procedural justice.

*Conclusion 2: The Justice Center has successfully established a public-private partnership involving CCI, the court system, and a wide network of community organizations.*

Whereas most problem-solving courts are operated entirely by the judicial branch of government, the Justice Center functions as a partnership between CCI—a private nonprofit organization—and the New York state court system. The Justice Center has successfully integrated the two chains of command into a single efficiently run organization, apparently with very low levels of interagency conflict. Over a period of more than a decade, the Justice Center has also established an extensive network of connections with key community partners, including (1) the service providers necessary to offer meaningful alternative sanctions and drug treatment, (2) local government entities, including NYCHA and Community Board 6, whose cooperation was essential to the Justice Center’s success, and (3) tenants’ associations and other community groups that shape public opinion in the Red Hook neighborhood. Finally, the Justice Center has been able to secure significant amounts of funding from private foundations and governmental sources, including the United States Department of Justice, to support its innovative community programs designed to reduce crime in the Red Hook neighborhood.

*Conclusion 3. In accordance with the project plan, the Justice Center has demonstrated its commitment to the Red Hook neighborhood by sponsoring new community institutions to serve the needs of young people and the broader community.*

The Justice Center offers a wide range of programs for Red Hook youth, including Youth Court, summer internships, and arts programs. These programs serve both the intervention and legitimacy prongs of the program theory. By providing young people with opportunities to develop skills and establish pro-social relationships with peers and adults, youth programs are designed to divert participants from future crime. On a larger scale, these programs demonstrate the court’s commitment to the community, enhancing its legitimacy. The process evaluation interviews demonstrate these programs’ popularity: when asked to describe the Justice Center, respondents often discussed youth programs before mentioning the processing of criminal or housing cases. Several community initiatives originally supported by the Justice Center, including the youth baseball league and the Friends of Coffey Park, have become largely or entirely self-sustaining.

## **CHAPTER 6. CRIMINAL COURT CASE PROCESSING AND SANCTIONING PRACTICES AT RED HOOK**

As a multi-jurisdictional court, the Red Hook Community Justice Center unites four distinct court “parts” before a single judge: a criminal part that handles adult misdemeanor cases along with some felony arraignments, a summons part that handles minor violations of the law, a family court part that hears juvenile delinquency cases, and a housing part that handles landlord-tenant disputes over nonpayment of rent and failure to make repairs. Each court part follows its own distinct set of case processing procedures. This chapter describes the unique features of the Justice Center’s multijurisdictional courtroom and discusses how the Justice Center handles cases and sanctions offenders in adult criminal and summons cases that do not involve judicially supervised drug treatment. The two subsequent chapters describe case processing and case outcomes in drug treatment and juvenile delinquency cases.

Criminal matters comprise the bulk of the Justice Center’s caseload. Unlike many other community courts, which adjourn cases to a traditional criminal court if the case is not resolved at arraignment or if the defendant does not accept treatment, RHCJC is designed to keep misdemeanor cases on its docket through final disposition, including compliance monitoring and bench trials. This means that on any given day, criminal matters at all stages of disposition may appear on the court’s calendar.

### **A. THE MULTI-JURISDICTIONAL COURTROOM**

At the heart of the Justice Center is its multijurisdictional courtroom. Here, the Justice Center carries out its core function of adjudicating cases, and the judge interacts directly with community members. The courtroom provides both advantages and obstacles to the Justice Center’s ability to achieve its mission.

The RHCJC courtroom is both physically and procedurally unique among New York City courtrooms. In many ways, the courtroom reflects the building’s heritage as a parochial schoolhouse. Unlike the dimly lit, dark-paneled courtrooms in traditional New York City courthouses, the RHCJC courtroom appears pleasant and airy, filled with natural light from a bank of windows. The floor and furnishings are made of light-colored wood, and the bench is lowered to place the judge at eye level with the parties appearing before him.

Although the courtroom is designed to maximize perceptions of procedural justice by facilitating direct interaction between litigants and the judge, in practice many aspects of the courtroom’s physical design may be detrimental to procedural justice. First, the acoustics of the courtroom render it difficult for observers, and sometimes even participants in the case, to hear and understand the proceedings. During the course of the evaluation, researchers often found it difficult to hear exchanges between the judge, the attorneys, and the defendant from the first row of the gallery, and sometimes even when seated next to the judge behind the bench. Second, a large number of personnel not directly involved with the case at hand are typically present in the well of the courtroom. Because the resource coordinator’s only workspace is located in the courtroom, the

resource coordinator is frequently present in the courtroom when not actively involved in a case, along with attorneys and clinic staff who need to interact with the resource coordinator. Furthermore, because the only indoor entrance to the court's holding cells is located in the courtroom next to the bench, attorneys, interpreters, clinic staff, court officers, and visitors must frequently walk through the courtroom in order to gain access to in-custody defendants. This extraneous activity has the potential to distract and confuse both litigants and observers, and to create the impression that the case at bar is not the court's most important concern. Finally, there is no signage or other means of informing parties and members of the public about court procedures or expectations for courtroom behavior. Persons entering the courtroom often look around as if confused, then take a seat in the gallery without removing their hats or checking in with the rail officer. Occasionally the rail officer will gruffly remind individuals or the audience at large to check in or remain quiet, potentially intimidating some members of the public.

Unlike other New York City judges, the RHCJC judge hears cases of several different types and at all stages of disposition in a single courtroom, often during the same session of court. For most matters other than in-custody arraignments, there is a loose structure to the court calendar. Desk appearance ticket (DAT) arraignments are held on Mondays. Summonses are returned on Tuesday mornings, and family court cases are heard on Tuesday afternoons. Housing court is held in the afternoon on alternate Wednesdays. Status updates in drug treatment cases are typically heard on Thursday or Friday mornings, and trials are typically held on Fridays. Other hearings in adult criminal cases are held throughout the week. Due to the 24-hour arrest-to-arraignment requirement, in-custody arraignments may occur at any time.

In practice, the RHCJC docket is not rigidly segmented among case types. Status updates in drug treatment cases are interspersed with arraignments, depriving treatment participants of the opportunity to observe interactions between the judge and other treatment participants and to develop mutually supportive relationships with other participants. Alternating among different case types can be confusing and stressful for litigants who may not fully understand what is happening, especially during housing court, when the court reporter may be repeatedly called in to record arraignments, then dismissed as the court resumes hearing housing cases, which employ voice recording. Occasional periods of inactivity that occur while a defendant is being brought in for arraignment or the court is waiting for paperwork or information may also contribute to misunderstanding and frustration among observers. According to some stakeholders, the court's difficulty in finding extended blocks of time to hold trials can result in multiple adjournments and delay in bringing trials to a close, although other stakeholders note that it is also standard practice in other New York City misdemeanor courts to hold misdemeanor trials over multiple sessions.

Finally, the Justice Center's mission as a demonstration project has additional potential to detract from the relationship between judge and defendant. On any given day, RHCJC may be hosting visiting judges or court planners from anywhere around the world. Because caseloads require the judge to be on the bench during nearly all of the court's operating hours, he typically invites visitors to sit next to him on the bench while he hears cases, providing commentary and answering questions about the community court model. Although this rare opportunity to view

community court operations from the judge's perspective can be invaluable to visitors, the presence of visitors on the bench may be confusing to parties appearing before the judge, creating the impression that the judge's full attention is not devoted to the case at hand. In the context of Judge Calabrese's engaged style of interacting with litigants, this might be a very minor concern. As a general practice, however, it is potentially disruptive to the vital relationship between judge and defendant.

## **B. ARRAIGNMENTS**

The Red Hook Community Justice Center's primary function is to process misdemeanor cases arising from arrests in the court's catchment area, which comprises Brooklyn's 72nd, 76th, and 78th police precincts.<sup>22</sup> All in-custody defendants arrested on misdemeanor or minor felony (D- or E-level) charges in the catchment area between Sunday afternoon and noon on Friday are intended to be arraigned at RHCJC. Because RHCJC is not open on weekends or after regular court hours and New York case law requires that persons detained by the police be arraigned within 24 hours, in-custody defendants arrested in the catchment area between noon on Friday and noon on Sunday are arraigned at the borough's primary criminal courthouse in downtown Brooklyn, where arraignments are conducted between 9:00 a.m. and 1:00 a.m. seven days a week. (*People ex rel. Maxian v. Brown*, 570 N.E.2d 223 (N.Y. 1991)). All misdemeanor defendants who are issued desk appearance tickets (DATs) in the catchment area, regardless of the time or day of arrest, are arraigned at RHCJC. The Justice Center also handles all summonses issued for non-traffic civil infractions in the catchment area. Traffic and parking citations issued throughout New York City are heard administratively by the Traffic Violations Bureau and the Parking Violations Bureau, so these cases do not appear at either RHCJC or the downtown Brooklyn court.

### **1. Pre-Arraignment Procedures**

Upon arrest, a Red Hook defendant is first taken to the police precinct house. At the precinct, police officers fingerprint and photograph the defendant, check for existing warrants, and prepare an arrest report. The arrest report is faxed to the DA's Early Case Assessment Bureau (ECAB), where an ADA interviews the arresting officer by telephone if additional information is needed, enters the case into the DA's computerized case tracking system, determines which charges to file, prepares the criminal complaint, and assembles the paper court case file. At least twice each day, an NYPD officer stationed at RHCJC picks up new Red Hook case files from the ECAB office in downtown Brooklyn. After the file arrives at RHCJC, police officers at RHCJC add a printout of the defendant's criminal history and deliver the file to the RHCJC court clerk's office. A clerk enters the case into the computerized docketing system and delivers copies of the paper file to the courtroom, the Red Hook ADAs, and defense counsel.

Meanwhile, the defendant is held at the precinct house until he or she can be transported to RHCJC. Upon arriving at RHCJC's basement holding area, the defendant is re-photographed or re-fingerprinted if necessary. A representative of the New York City Criminal Justice Agency (CJA)

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<sup>22</sup> See FIGURE 1, p. 23.

interviews the defendant and then prepares a recommendation for the court regarding pretrial release. In addition to the standard questions used throughout New York City to assess the defendant's community ties, CJA's interviews of Red Hook defendants include questions specifically developed for RHCJC designed to identify social service needs and to match defendants with appropriate community service projects (New York Criminal Justice Agency 2011). If the defendant has no attorney, the Legal Aid Society is appointed to represent the defendant at arraignment. In practice, nearly all Red Hook defendants are represented by the Legal Aid Society: 98 percent of Red Hook misdemeanor defendants whose cases reached a disposition during 2008 were represented by Legal Aid, with the remainder receiving appointed counsel from outside the Legal Aid Society or retaining private counsel.<sup>23</sup> After reviewing the case file, the defense attorney interviews the defendant. When the case is ready for arraignment, a police officer escorts the defendant into the courtroom.

Difficulty sometimes arises when there is delay in producing either the defendant or the case file at RHCJC. A case cannot be docketed for arraignment until both the defendant and the file are present in the courthouse, and it is impracticable for a defense attorney to interview the defendant without first reviewing the file. On occasion, a defendant arrested in the catchment area must be sent downtown for an evening arraignment because either the defendant or the paperwork fails to arrive at Red Hook in time to meet the 24-hour deadline for arraignment.

Instead of holding a defendant in custody until arraignment, the police department may choose to release the defendant with a DAT instructing him to report to court for arraignment on a future date. RHCJC arraigns defendants on DATs each Monday. Because the 24-hour arrest-to-arraignment requirement applies only to in-custody defendants, all defendants who are issued DATs in the catchment area are arraigned at RHCJC, regardless of the day or time of arrest. At arraignment, the defendant appears with the defense attorney before the judge. An ADA provides defense counsel with notice of the People's intent to use certain types of evidence and summarizes the police report and the charges. The ADA may also make a plea offer at arraignment. If the defendant chooses to plead guilty, the court takes the plea and either sentences the defendant or imposes conditions, such as the defendant's attendance at a class, for the eventual dismissal of the case. If the defendant pleads not guilty, the judge makes a determination regarding pretrial release, including whether to set bail or release the defendant on his own recognizance (ROR), whether to impose a protective order prohibiting the defendant from contacting an alleged victim or witness, and whether to impose other conditions of release.

## **2. Volume of Arraignments**

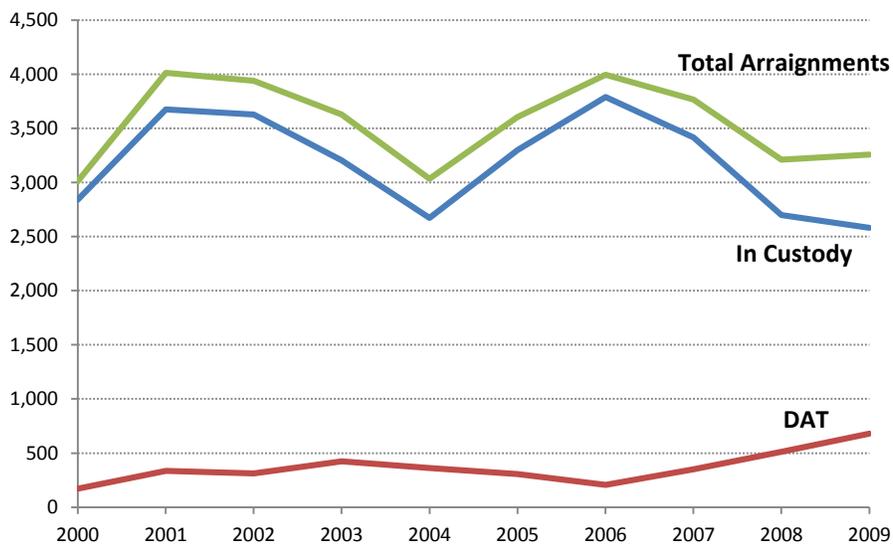
Defendants who are arrested in Brooklyn outside the RHCJC catchment area or who are arrested in the catchment area over the weekend and held in custody are arraigned in Kings County

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<sup>23</sup> 2008 RHCJC statistics in this chapter refer to misdemeanor cases arraigned at RHCJC that reached a final disposition during 2008. Cases adjourned to another court following arraignment, multiple cases involving a single defendant, cases with defendants for whom recidivism records could not be obtained, and cases arraigned before 2006 are excluded. Five other cases were excluded for purposes related to the impact analysis. n = 1,564. See Chapter 2, Section B for a full description of the 2008 data set.

Criminal Court at 120 Schermerhorn Street in downtown Brooklyn. After processing at the precinct house, these defendants are transported to the police department’s Central Booking facility at 120 Schermerhorn Street to await arraignment. Kings County Criminal Court conducts arraignments between 9:00 a.m. and 1:00 a.m., seven days a week. Figure 3 shows the total number of arraignments conducted at RHCJC from 2000 through 2009, as well as counts of in-custody and out-of-custody (DAT) arraignments. In 2001, the court’s first full year of operation, RHCJC performed 4,013 arraignments. From 2001 through 2004, annual arraignments fell by nearly 25 percent to 3,035. Arraignments peaked again in 2006 and then fell through 2008, with a slight uptick in 2009. The number of defendants arraigned on DATs generally moves in opposition to the number of in-custody arraignments as well as the total number of arraignments. The volume of in-custody and DAT arraignments is driven largely by police department practices regarding arrests, detention, and the transportation of defendants to RHCJC as opposed to the downtown Brooklyn criminal court.

**Figure 3. RHCJC Arraignments by Year, 2000 – 2009**



### 3. Precinct of Arrest

Although RHCJC was established primarily to benefit Red Hook itself, the majority of its caseload comes from outside the neighborhood. As shown in Table 6, one-quarter of all misdemeanor cases disposed of at RHCJC during 2008 arose in the 76th Precinct, which covers Red Hook and the adjacent neighborhood of Gowanus. More than half of defendants were arrested in the 72nd Precinct, which encompasses the predominantly Hispanic and Asian working-class neighborhood of Sunset Park, along with Windsor Terrace, a mainly white residential

neighborhood. Just under one-fifth of defendants were arrested in the 78th precinct, which includes the affluent Park Slope neighborhood and Prospect Park. Despite the fact that the majority of the court’s criminal caseload comes from outside the neighborhood, nearly all of the court’s programming and outreach efforts are directed exclusively at the Red Hook community. This incongruity has the potential to alienate non-residents and residents alike: Red Hook residents may resent sharing “their” court and its resources with outsiders, whereas defendants from outside the neighborhood may find it inconvenient to travel to Red Hook, especially given the lack of transportation options that contributes to the neighborhood’s social and economic isolation.

**Table 6. Precinct of Arrest for RHCJC Misdemeanor Arraignments, 2008 Dispositions**

<b>Precinct of Arrest</b>	<b>Percentage of Arraignments</b>
Precinct 76 (Red Hook)	25%
Precinct 72	55
Precinct 78	21

n = 1,450

Note: Percentages do not sum to 100 due to rounding.

Even as RHCJC arraigns a large number of defendants from outside Red Hook, many defendants arrested in the court’s catchment area never make it to the Justice Center and are instead arraigned in Kings County Criminal Court in downtown Brooklyn. Table 7 breaks down the court of arraignment for misdemeanor defendants arrested in the RHCJC catchment area by day of arrest. As dictated by the 24-hour arrest-to-arraignment policy, most defendants arrested on Fridays, Saturdays, and Sundays are arraigned downtown.<sup>24</sup> However, although all misdemeanor defendants arrested in the catchment area Monday through Thursday should be arraigned at RHCJC, 30 percent of these defendants are actually arraigned in downtown Brooklyn. These defendants may be incorrectly routed to Kings County Criminal Court by the police department, or may be transferred downtown from RHCJC if their case files fail to arrive in Red Hook in a timely fashion. On the whole, only 50 percent of misdemeanor defendants arrested in the catchment area end up at RHCJC for arraignment. This phenomenon attenuates the “community” focus of the community court model.

<sup>24</sup> Some defendants arrested on Friday mornings are arraigned at RHCJC before it closes on Friday, and some defendants arrested late in the day on Sunday are held for Monday morning arraignments at RHCJC.

**Table 7. Court of Arraignment for Misdemeanor Defendants Arrested in RHCJC Catchment Area by Day of Arrest, 2008 Dispositions**

Day	Arraignment Court	
	RHCJC	Downtown
Sunday	40%	60%
Monday	72	28
Tuesday	73	27
Wednesday	71	29
Thursday	66	34
Friday	20	80
Saturday	9	91
Total	50	50
Sunday – Thursday	66	34
Monday – Thursday	70	30

n = 3,127

#### 4. Caseload Composition

Table 8 breaks down Red Hook arraignments by case type for the period 2000 – 2009. Together, marijuana and other drug offenses constituted more than 30 percent of cases. Violent offenses, crimes against persons, and weapons offenses represented 17 percent of arraignments. Consistent with RHCJC’s focus on processing misdemeanors, only two percent of arraignments were on felony charges. The mixture of case types arraigned at Red Hook is much more diverse than the cases appearing at the Midtown Community Court in its early years, where three categories of minor property crime (petit larceny, theft of services and unlicensed vending) together accounted for more than three-quarters of cases, and drug offenses made up just three percent of cases (Sviridoff et al. 2000, 112). The broad range of case types appearing at RHCJC accords with the court’s comprehensive approach to the problem of low-level neighborhood crime, and contrasts sharply with the Midtown court’s narrower focus on a few highly visible case types.

**Table 8. RHCJC Arraignments by Most Serious Charge, 2000 – 2009**

Case Type	Percentage of Arraignments
Violent/Person/Weapon	17%
Marijuana	16
Other Drug	15
Petit Larceny	20
Other Property	10
Prostitution	50
Public Order	16
Traffic	13
Felony	20
Other	40
Total	100

n = 35,218

### **C. CRIMINAL CASE OUTCOMES**

Unlike the Midtown Community Court, which only processes arraignments, RHCJC was designed to handle misdemeanor cases through final disposition, including bench trials. Because the New York City Department of Correction does not station personnel or produce defendants at Red Hook, defendants not released on their own recognizance—in other words, those who have bail set or who remain in custody after arraignment—have their cases transferred to the Kings County Criminal Court in downtown Brooklyn following arraignment. Felony cases that are not reduced to misdemeanors at arraignment, and misdemeanor cases in which the defendant requests a jury trial, are also transferred. All other cases arraigned at RHCJC are intended to remain at Red Hook through disposition and any post-disposition activity. In practice, defendants with previous charges pending may also have their cases transferred downtown, although RHCJC prefers to have a defendant’s existing cases transferred to Red Hook.

As shown in Table 9, the percentage of cases transferred to another court following arraignment at RHCJC varies substantially by case type. More than three-quarters of all cases arraigned at Red Hook remained at RHCJC through disposition; the remainder were transferred to other courts. As expected, nearly all felony cases were transferred. More serious misdemeanor cases (e.g., violent offenses) were more likely to be transferred than less serious cases (e.g., public order offenses, marijuana offenses). RHCJC’s retention of the majority of misdemeanor cases through disposition is consistent with its mission to address minor crimes within the confines of the local community, although there appears to be some loss of cases that should theoretically remain at Red Hook.

**Table 9. Court of Disposition for Cases Arraigned at RHCJC,  
2000 – 2009**

<b>Case Type</b>	<b>Disposed of at RHCJC</b>	<b>Transferred</b>
Violent/Person/Weapon	70%	30%
Marijuana	92	8
Other Drug	71	29
Petit Larceny	55	45
Other Property	77	23
Prostitution	86	14
Public Order	85	15
Traffic	83	17
Felony	10	90
Other	79	21
Overall	78	22

n = 35,218

The vast majority of criminal cases at Red Hook are resolved through the traditional court process without judicially supervised treatment for drug addiction. In these cases, RHCJC’s goal is to assign and enforce meaningful sanctions that serve as a deterrent to criminal behavior. Elsewhere in New York City, many misdemeanor defendants are released at arraignment on an adjournment in contemplation of dismissal (ACD) or with a sentence of conditional discharge (CD) with the only requirement being to avoid re- arrest for a specified period of time, or they are sentenced to time already served and released. Although a few defendants are ordered to attend educational programs or perform community service, compliance with these sanctions is not consistently monitored or enforced. In contrast, RHCJC’s goal is that social service and community service sanctions be frequently imposed, closely monitored and strictly enforced.

### **1. Data**

In order to assess whether the Red Hook Community Justice Center has achieved its goal of changing sanctioning practices, we compare case outcomes between the Justice Center and Kings County Criminal Court in downtown Brooklyn. These comparisons rely upon the comparison data set described in Chapter 2, Section B(2)(a). The data set includes records of 1,564 cases processed at the Justice Center and 1,563 cases processed at the Kings County Criminal Court in downtown Brooklyn, all of which reached a final disposition in 2008. All defendants were arrested in the catchment area and arraigned on misdemeanor charges. To compensate for any differences in the

types of defendants or cases processed at the two courts, a propensity score adjustment was implemented.

## 2. Time to Disposition

An important component of deterrence is celerity, or the swiftness with which sanctions are imposed. Compared with the Kings County Criminal Court in downtown Brooklyn, RHCJC brings cases to an initial disposition about one-third faster, with a median time from arraignment to first disposition of 14 days, as opposed to 22 days downtown (Table 10). A slightly higher percentage of cases reach a disposition at arraignment at RHCJC than downtown (48 percent versus 46 percent). The median time from arraignment to final disposition, however, is four times longer at RHCJC than downtown. RHCJC staff and attorneys attribute the increased time to final disposition to RHCJC’s policy of holding cases open until defendants have fulfilled all of their obligations, such as clearing drivers’ licenses and paying restitution. The downtown court, in contrast, advises defendants of such obligations at the time of first disposition, but does not require defendants to demonstrate compliance before entering a final disposition. There may be additional factors behind the increased time to final disposition at RHCJC, but the available data provide no other insight.

**Table 10. Time to Disposition by Court for Misdemeanor Cases with Arrests in RHCJC Catchment Area, 2008 Dispositions**

	Arraignment Court	
	RHCJC	Downtown
Disposed of at Arraignment (%)	48%	46%
Median Time to First Disposition (days)	14	22
Median Time to Final Disposition (days)	148	37
N	1,564	1,563

## 3. Initial Case Disposition

The certainty of receiving a sanction and the severity of that sanction are two other critical components of deterrence. A cornerstone of the RHCJC program plan is a reduction in the number of cases in which the defendant “walks” with no meaningful sanction, achieved through the increased use of social service and community service sanctions. Table 11 compares the manner of initial disposition and the sanction at initial disposition for misdemeanor cases arising in the RHCJC catchment area handled at RHCJC and the downtown Brooklyn criminal court. A defendant may be mandated to a social service or community service sanction as a condition of either an ACD or a CD. An adjournment in contemplation of dismissal is not a conviction, and results in dismissal of the charges after 180 days if the defendant complies with the mandate and avoids re-arrest. In contrast, a conditional discharge is a sentence imposed following conviction when the judge determines that neither jail nor probation supervision is warranted. If a defendant sentenced to a conditional discharge fails to comply with the requirements the judge has set or is re-arrested within one year after sentencing, the judge may revoke the conditional discharge and impose a more severe sanction.

The Justice Center grants fewer “walks” than the downtown court and imposes sanctions in a larger proportion of cases. Although slightly fewer RHCJC defendants are convicted or plead guilty at initial disposition (50 percent of RHCJC defendants versus 52 percent of downtown defendants), convicted RHCJC defendants are much less likely than downtown defendants to receive a CD with no conditions (15 percent of convictions versus 26 percent) or a sentence of time served (3 percent of convictions versus 32 percent). Red Hook defendants are also less likely than downtown defendants to have their cases dismissed (17 percent of cases versus 21 percent), or to receive an ACD without community service or social service conditions attached (31 percent of ACDs versus 76 percent). Although the Justice Center mandates a larger share of defendants to community service, RHCJC’s community service mandates tend to be shorter than those imposed in Kings County Criminal Court (an average of 2.8 days as opposed to 3.9 days, not shown in a table).

**Table 11. Initial Disposition by Court for Misdemeanor Cases with Arrests in RHCJC Catchment Area, 2008 Dispositions**

	Court	
	Red Hook	Downtown
N Sample	1564	1563
Disposition		
Pled guilty/convicted	50%	52%
Case dismissed	17%	21%
Adjourned in contemplation of dismissal (ACD)	33%	27%
Sentence type (% of convictions)		
N Convicted	785	819
Jail	1%	15%
Conditional Discharge with alternative sanction	78%	22%
Community service	33%	12%
Social service*	13%	10%
Both community and social service*	18%	0%
Drug treatment mandate	14%	1%
Time Served	3%	32%
Straight conditional discharge	15%	26%
Other- Fine, probation, license suspension	2%	5%
Conditions (% of ACDs)		
N Adjourned in contemplation of dismissal	516	422
Community service	13%	0%
Social service*	44%	24%
Both community and social service*	11%	0%
Straight ACD	31%	76%

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\*Social service statistics for downtown cases calculated on the basis of a sample of 2008 adjournments in contemplation of dismissal and conditional discharges.

#### 4. Alternative Sanctions

An important component of the Justice Center’s deterrence strategy is the strict enforcement of alternative sanctions. Immediately following the imposition of a social service or community service mandate, a court officer escorts the defendant from the RHCJC courtroom to the court’s Alternative Sanctions office to make arrangements to fulfill the mandate. The offender meets with an Alternative Sanctions staff member who records the offender’s contact information and other data, schedules the offender for the required class or community service, and helps to arrange for child care or other needs. At the downtown criminal court, defendants who are assigned community service or social service sanctions receive information on how to sign up for community service or classes as they leave the courtroom, but are expected to register on their own. RHCJC’s policy of immediate registration for alternative sanctions programs is intended to maximize compliance by holding defendants accountable for registering, as well as by removing logistical barriers to registration and completion of sanctions.

Social service sanctions may include attendance at an educational program offered through the court, or (rarely) completion of one to three individual counseling sessions with a clinic staff member. Classes typically meet for a single session of one to two hours and are usually offered once per month on weekday afternoons. RHCJC clinic staff teach all classes other than the Marijuana Group, which is taught by staff from the South Brooklyn Health Center, and the Quality of Life class for summary offenders, which is facilitated by RHCJC Alternative Sanctions staff and other court staff from outside the clinic. Some classes are also offered in Spanish. Table 12 lists the social service classes offered at RHCJC as of January 2011. A schedule of classes is available in the courtroom, and the judge frequently consults the schedule when setting the mandate. At the Kings County Criminal Court, a much smaller range of classes is available. The DA’s office provides educational programs for prostitutes and their patrons. Although the Treatment Readiness Program (TRP), an overview of available drug treatment services, was previously offered, this program was eliminated in 2010.

**Table 12. Classes Taught as Social Service Sanctions at RHCJC**

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

Community service is another alternative sanction frequently employed at the Justice Center. RHCJC staff supervise nearly all community service performed by RHCJC defendants. Individual assignments are based upon the level of supervision each offender requires. First offenders and other defendants requiring a low level of supervision are typically assigned to off-site or outdoor projects with a 6:1 ratio of offenders to supervisors. Defendants requiring a higher level of supervision—typically those with prior convictions—perform their community service within the RHCJC building. A small number of high-risk offenders are referred outside RHCJC to community service programs supervised by the New York City Department of Correction.

To maximize the chances that each offender will fulfill the community service mandate, community service assignments begin as soon as possible, usually within one day after the mandate is imposed. All RHCJC community service activities take place on weekdays during business hours. This may be problematic for defendants who are employed or have child-care responsibilities, although alternative sanctions staff work with defendants to mitigate these issues. In-building community service assignments typically involve cleaning the courthouse. Off-site projects include graffiti removal at private businesses, cleanups of NYCHA and Parks Department facilities, cleaning and maintenance projects at nearby churches, and serving meals at the local soup kitchen. To increase visibility and thereby the deterrent effect of community service, offenders performing community service wear blue vests emblazoned with the court's logo, and Alternative Sanctions staff select conspicuous locations for community service projects whenever possible. Because community service sanctions are designed to serve not simply as a deterrent but also as a way for offenders to make restitution to the community and to help repair local conditions of disorder, most community service sites are located within the Red Hook neighborhood.

Table 13 shows the percentage of RHCJC defendants mandated to alternative sanctions as a condition of either an ACD or a CD at any time during the life of the case, by arraignment charge. Overall, 35 percent of defendants were mandated to community service and 55 percent were mandated to social service sanctions. Property, prostitution, and public order offenders frequently received community service mandates. More than 80 percent of drug offenders, as well as around two-thirds of persons charged with violent or prostitution-related offenses and nearly half of those charged with public order offenses, received social service mandates.

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**Table 13. RHCJC Alternative Sanctions by Arraignment Charge, 2000 – 2009**

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Case Type	Percentage of Cases Ever Mandated		Total Cases
	Community Service	Social Service	
Violent/Person/Weapon	30%	66%	1,678
Marijuana	26	89	4,560
Other Drug	21	81	2,658
Petit Larceny	64	33	280
Other Property	75	24	1,946
Prostitution	49	63	848
Public Order	48	49	2,219
Traffic	14	8	3,245
Felony	54	36	39
Other	68	23	800
Total	35	55	18,273

Note: Includes mandates imposed as conditions of an adjournment in contemplation of dismissal (ACD) or conditional discharge (CD). Excludes defendants mandated to long-term drug treatment and cases transferred to another court.

The Justice Center’s Alternative Sanctions office monitors compliance with social service and community service sanctions. A staff member telephones each offender who does not appear as scheduled for community service. An offender who continues to avoid community service following a telephone call or who fails to attend any required educational program or individual counseling session receives a letter warning that if he does not appear in court within 48 hours to explain his failure to comply with the mandate, a bench warrant will be issued for his arrest. Table 14 displays the completion rates for RHCJC community service and social service mandates by year. The overall compliance rate for community service is 80 percent; for social service sanctions, the rate is 69 percent. Compliance rates for both types of sanctions have been declining since 2005.

**Table 14. Compliance Rates for RHCJC Alternative Sanctions, by Arraignment Year**

Year	Percentage of Sanctions Completed	
	Community Service	Social Service
2000	79%	71%
2001	82	71
2002	81	74
2003	82	72
2004	84	66
2005	85	70
2006	79	68
2007	78	66
2008	77	65
2009	72	62
Total	80	69

## 5. Final Case Disposition

Defendants who are returned on warrants for noncompliance with the terms of any court mandate are resentenced to jail or another sanction. Table 15 compares the manner of final disposition and final sanction for catchment area misdemeanors processed at RHCJC and Kings County Criminal Court. The percentage of convicted defendants sentenced to jail at Red Hook rises from 1 percent at first disposition (Table 15) to 11 percent at final disposition, whereas the rate of jail sanctions in the downtown court increases by a much smaller magnitude, from 15 percent to 17 percent. The much sharper increase in the percentage of jail sanctions between first disposition and final disposition at RHCJC is most likely the result of a fundamental difference in how the two courts use jail sentences. Downtown, jail sentences are most frequently used as an initial sanction. At Red Hook, however, jail is typically reserved for use as a secondary sanction in response to noncompliance with the court's original mandate.

**Table 15. Final Disposition by Court for Misdemeanor Cases with Arrests in RHCJC Catchment Area, 2008 Dispositions**

	Court	
	Red Hook	Downtown
Pled guilty/convicted	48%	52%
N Convicted	750	807
Sentence type (% convicted)		
Jail	11%	17%
Conditional Discharge with alternative sanction	62%	20%
Community service	31%	10%
Social service*	16%	10%
Both community and social service*	15%	0%
Time Served	5%	32%
Straight conditional discharge	20%	26%
Other- Fine, probation, license suspension	2%	5%
Adjourned in contemplation of dismissal (ACD)	32%	27%
Case dismissed	20%	22%
N	1564	1563

\*Social service statistics for downtown cases calculated on the basis of a sample of 2008 adjournments in contemplation of dismissal and conditional discharges.

On the whole, the Red Hook Community Justice Center appears to sanction defendants with greater certainty than the traditional downtown court. RHCJC allows fewer defendants to “walk” without a meaningful sanction and monitors and enforces compliance with alternative sanctions more stringently than the downtown court. Of those defendants who do receive a sanction, RHCJC sends a larger share to community service and social service programs and a smaller proportion to jail, largely reserving jail as a secondary sanction for defendants who do not comply with the original sanction.

For the handful of Red Hook defendants who do receive jail sentences, however, RHCJC’s sentencing practices appear to be more severe. As shown in Table 16, the average jail sentence at RHCJC is more than twice as long as the average jail sentence downtown (81.1 days versus 40.4 days). Across all defendants, this disparity results in greater per capita usage of jail at Red Hook (4.75 days versus 3.06 days), and has important implications for criminal justice system costs.

**Table 16. Jail Sanctions at RHCJC v. Kings County Criminal Court**

<b>Red Hook Status</b>	<b>Court</b>	
	<b>Red Hook</b>	<b>Downtown</b>
N Sample	1564	1563
<b>USE OF JAIL</b>		
Initial jail sentence	1%***	15%
Secondary jail (resentence)	10%***	2%
Final jail sentence	11%***	17%
<b>JAIL DAYS</b>		
Initial Days sentenced to jail		
All cases	0.53***	3.04
All convicted cases	0.67***	6.15
Sentenced to jail	61.2	44.6
Days of secondary jail (resentence)		
All cases	4.23***	0.05
All convicted cases	8.45***	0.45
Resentenced to jail	81.7**	19.29
Days sentenced to jail (total)		
All cases	4.75*	3.06
All convicted cases	9.14	6.66
Sentenced to jail	81.1***	40.39

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001.'

Unlike many community courts, the Justice Center is equipped to handle bench trials in misdemeanor cases. Table 17 shows the number of criminal court trials held at RHCJC on an annual basis from 2008 through 2011. On average, the Justice Center heard 21 trials per year. Although some attorneys and court personnel assert that RHCJC is able to begin trials more quickly than the downtown court, a scarcity of dedicated courtroom time often requires trials to be adjourned multiple times over the course of several days or weeks.

**Table 17. Misdemeanor Trials at RHCJC, 2008 – 2011**

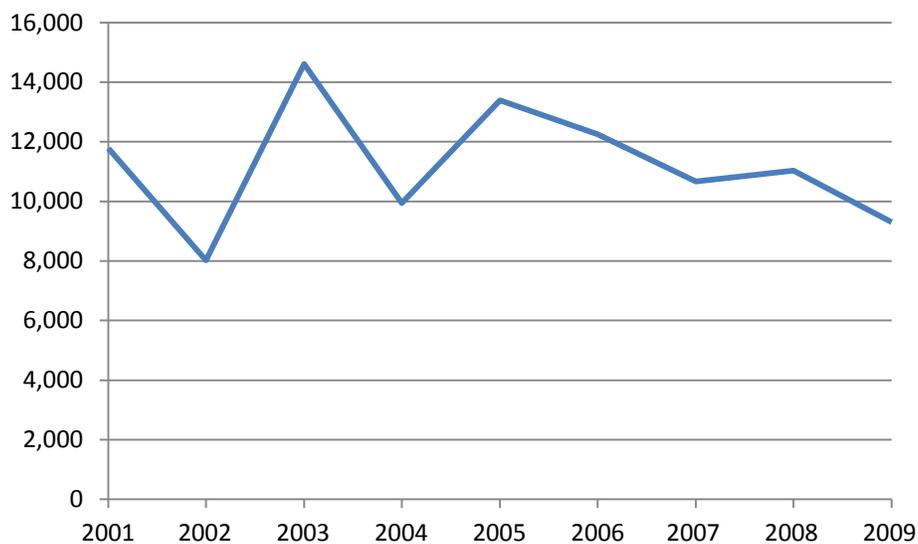
<b>Year</b>	<b>Number of Trials</b>
2008	27
2009	18
2010	26
2011	13
Average	21

**D. SUMMONS CASES**

In addition to misdemeanors and low-level felonies, RHCJC also handles local ordinance violations that do not rise to the level of a misdemeanor criminal offense, such as drinking in public, remaining in a park after hours, or failure to leash a dog. When charging a defendant with a violation, the police officer issues a summons directing the defendant to appear in court on a specified day. RHCJC hears summonses every Tuesday morning. Because defendants are not held in custody after a summons is issued, all summons cases arising in the catchment area are intended to be heard at RHCJC, regardless of the day or time when the summons is issued.

Figure 4 shows the total number of summons cases processed at RHCJC each year from 2001 through 2009. On average, the court heard just over 11,000 summonses per year. As with in-custody and DAT arraignments, fluctuations in summons caseloads may result from shifts in policing strategies or from underlying trends in the prevalence of minor offenses.

**Figure 4. Summonses Processed at RHCJC, 2001 – 2009**



Although summonses represent the largest share of the court's caseload in terms of numbers, these cases constitute only a small proportion of the court's actual workload. Many summons cases never make it into the courtroom. When a citizen arrives at court with a summons, he or she is given the option of avoiding an appearance before the judge by immediately attending a social service program known as the Quality of Life group (Fagan & Malkin 2003, 934). This 30-minute group discussion is designed to educate violators about what types of conduct are prohibited in public, enabling them to avoid future citations and arrests. The program also aims to impress upon participants the idea that their actions have negative consequences for others, securing a normative commitment to obey the law in the future. Summons cases not resolved in this manner typically require a single, brief appearance before the judge, during which the charges may be dismissed or a fine imposed.

### **E. OFFENDER PERCEPTIONS OF PROCEDURAL JUSTICE**

The legitimacy prong of the Justice Center's program theory depends not only on the actions of the judge as a decision-maker, but also on how these actions are perceived by litigants and the public. The ethnographic analysis reveals that offenders perceive a high level of procedural justice in the Justice Center's decision-making processes. When offenders were asked to describe in their own words how their experiences at the Justice Center differed from their experiences in other courts, the word they most frequently chose was "respectful." "He allows you to speak," explained one offender. "I got a good feel from Calabrese because of the fact that he likes to interact and get your opinion." Offenders often asserted that the judge and other court personnel at RHCJC seemed genuinely interested in helping them with their individual problems, offering social service sanctions and drug treatment instead of jail: "That experience was something new to me; they can offer you help if you needed it, and I found that to be astounding that they were more into trying to help people than just sending them to jail." When asked to select from a predetermined set of responses describing the differences between the Red Hook judge and Downtown judges, 49 percent of respondents chose "more compassionate." Offenders also appreciated that in some minor cases, the Justice Center offered them a choice between appearing in court or taking a class aimed at reforming their behavior.

The offenders' statements regarding procedural justice were corroborated by the ethnographers' courtroom observations. Researchers observed that there was more interaction between defendants and court staff and officers at RHCJC than in downtown courtrooms. At Red Hook, the judge consistently gave defendants the opportunity to speak for themselves, whereas in traditional courtrooms, the researchers observed little direct interaction between the judge and the defendant. In drug treatment cases, the Red Hook judge demonstrated personal knowledge of and interest in defendants' treatment plans, challenges, and family situations. He regularly praised defendants for their progress in treatment and admonished them for their mistakes. Some defendants were brought to tears as they thanked the judge and the court for encouraging them and helping to keep them on track. Although the Justice Center and the downtown drug court were also observed celebrating defendants' successes in drug treatment and GED programs with praise and applause, the Red Hook celebrations appeared much more elaborate and personalized.

It is important to note that offenders perceived procedural justice, or the fairness of the decision-making process, separately from distributive justice, or the fairness of the outcome. When offenders were asked whether they received a fair decision in their last court appearance, both the Justice Center and the downtown Brooklyn criminal court were overwhelmingly rated as issuing fair decisions, and responses did not differ significantly between offenders whose last appearance was at Red Hook and those whose last appearance was downtown (91 percent versus 81 percent). In other words, offenders' perceptions of the Justice Center differ significantly from perceptions of the downtown court only as to the perceived fairness of the decision-making process, not the fairness of the case outcome.

## **F. CONCLUSIONS: CRIMINAL COURT CASE PROCESSING AND SANCTIONING PRACTICES AT RED HOOK**

The qualitative and quantitative data support the overall conclusion that the Red Hook Community Justice Center is processing criminal cases and sanctioning offenders in accordance with its planners' intentions. The Justice Center sanctions misdemeanor offenders with greater certainty than a traditional criminal court and improves perceptions of procedural justice. Improvements in the routing of defendants to the Justice Center following arrest and certain aspects of courtroom operations that affect perceptions of procedural justice could bring the Justice Center's operations even more closely in line with the project plan.

*Conclusion 1: As intended, the pattern of sentencing in the RHCJC criminal court differs significantly from practice in a traditional misdemeanor court.*

To deter crime, the Justice Center seeks to impose and enforce meaningful sanctions for misdemeanor offenses. At the Justice Center, 78 percent of conditional discharges (CDs) and 69 percent of adjournments in contemplation of dismissal (ACDs) entered at initial disposition carry a requirement that the defendant complete community service, a short-term social service intervention, or both. This is in marked contrast to the pattern in the downtown Brooklyn criminal court, where the majority of defendants receive a "walk," or a case disposition that imposes no obligation on the part of the offender. The Justice Center closely monitors compliance with community service and social service requirements, achieving compliance rates of 80 percent for community service sanctions and 69 percent for social service sanctions over a ten-year period.

The Justice Center typically reserves jail for use as a secondary sanction in response to noncompliance with the terms of the original court mandate. Although the Justice Center sentences a smaller number of defendants to jail than the downtown court, jail sentences at Red Hook tend to be more than twice as long, resulting in a greater overall usage of jail beds and raising some concerns about the cost of incarcerating Red Hook defendants.

*Conclusion 2: Many defendants arrested in the catchment area are not arraigned at the Justice Center, and the majority of cases processed at the Justice Center arise in outlying neighborhoods of the catchment area.*

Only one-half of defendants arrested in the catchment area on eligible charges are actually arraigned at the Justice Center. Some of this “leakage” of catchment area cases can be attributed to the fact that RHCJC is not open on weekends, but nearly one-third of weekday arrests in the catchment area are also routed downtown for arraignment, contrary to the project plan. Court managers, the RHCJC judge, and both prosecutors and defense attorneys should work together with the New York City Police Department to identify the reasons why these defendants are not arraigned at RHCJC and to increase the proportion of eligible defendants who are arraigned at Red Hook.

On the other hand, three-quarters of cases arraigned at the Justice Center arise in portions of the catchment area outside the Red Hook neighborhood. Although the inclusion of other neighborhoods in the catchment area was necessary in order to ensure a caseload sufficient to sustain a freestanding courthouse, the primary focus of the Justice Center’s community programming and outreach remains confined to the Red Hook neighborhood. This dichotomy means that, although the Justice Center is very much a part of the Red Hook community, it may not be perceived as a true “community court” by the majority of its defendants who are arrested elsewhere in the catchment area.

*Conclusion 3: Offenders perceive the Justice Center’s decision-making process as more fair than the traditional criminal court process, although some aspects of courtroom operations may detract from perceptions of procedural justice.*

Procedural justice is a key mechanism through which the Justice Center aims to achieve reductions in recidivism. The ethnographic analysis finds that perceptions of procedural justice, or the fairness of the decision-making process, are higher among offenders whose cases are processed at the Justice Center than among offenders whose cases are processed in a traditional misdemeanor court. In contrast, there was no statistically significant difference between Red Hook defendants and other defendants in perceptions of the fairness of the case outcome (distributive justice).

Although the Justice Center’s judge and staff strive to project procedural justice in all aspects of court operations, additional steps can be taken to remove obstacles to parties’ understanding of and engagement in the proceedings. The Justice Center should provide a single point of contact for all persons entering the courthouse, using either the existing information window located next to the courtroom (which is currently open during limited hours and focuses primarily on providing general information about social services available at the Justice Center and in the neighborhood, rather than on assisting litigants in navigating the courthouse) or the court officer’s desk at the main courthouse entrance. To improve parties’ and observers’ understanding of and compliance with courtroom procedures, RHCJC should post at the entrance to the courtroom clear instructions for courtroom behavior, including checking in with the rail officer, removing hats, discarding refreshments and chewing gum, and remaining quiet while court is in session. Perceptions of procedural justice could also be improved by reducing extraneous activity behind the bench and in the well of the courtroom, amplifying the proceedings, and grouping similar types

of hearings (e.g., misdemeanor arraignments, status appearances in drug treatment cases, status appearances in non-treatment cases, family court cases, housing cases) together on the docket.

## CHAPTER 7. DRUG TREATMENT CASES

One of RHCJC's most distinctive features is its use of long-term drug treatment, monitored by the court's on-site clinic and supervised by the judge, as a sanction in certain cases. The Justice Center defines long-term drug treatment as a court mandate for drug treatment lasting 30 days or longer; short-term programs such as the Treatment Readiness Program are administered and monitored by the Alternative Sanctions office, not the clinic. Long-term treatment mandates are designed to use the coercive power of the court to motivate lasting behavioral change on the part of individual defendants, with the ultimate goal of averting future drug-related criminal behavior.

### A. DRUG TREATMENT PROCEDURES

#### 1. Assessment and Plea

The clinic's involvement in a case begins with a formal assessment by a clinic staff member, either while the defendant is in custody awaiting arraignment or after the defendant has been released from custody following arraignment. Consent from the defendant and his attorney is required for the administration of an assessment. Referrals for assessments come from a variety of sources. The court's resource coordinator reviews the files of all in-custody defendants awaiting arraignment to identify defendants with criminal histories or current charges that may be associated with drug addiction, or who have had previous contact with the RHCJC clinic; these defendants are then recommended for assessments. With the consent of defense counsel, the resource coordinator also interviews certain defendants to determine whether an assessment is warranted, using a short questionnaire developed by clinic staff. A clinic assessment may also be requested by an ADA, the defense attorney, the police department, the judge, the defendant, or a family member.

The RHCJC clinic uses a homegrown assessment protocol whose primary purpose is to gather the information needed to make appropriate referrals to service providers. The protocol is designed to identify key symptoms of addiction, psychological trauma, brain injury, and mental illness without necessarily making a specific diagnosis; it also incorporates questions tailored to the informational needs of service providers that regularly work with RHCJC. The assessment includes a urine screening for drug use, unless the defendant has already disclosed drug use to clinic staff. In-custody assessments typically last around one hour; out-of-custody assessments may take as long as two hours.

The clinic staff member reviews the assessment results with a supervisor or co-worker to formulate a recommended treatment mandate. A typical recommendation might include attending outpatient drug treatment and/or individual counseling for a certain number of months, regular drug testing by the treatment program or the RHCJC clinic, and, for teenaged defendants, monitoring of school attendance and curfew compliance. Short-term inpatient or outpatient detoxification and/or drug rehab may be recommended in more serious cases of addiction. A growing number of defendants are also mandated to participate in treatment for co-occurring post-traumatic stress disorder (PTSD) and substance abuse. The exact number and duration of weekly treatment sessions is determined by each treatment provider following intake, not by the RHCJC clinic. Because

program intake does not occur until after the defendant accepts the treatment offer, it is not possible for the defendant to know the full extent of his obligations until after he has agreed to participate in treatment.

The treatment recommendation is e-mailed to the resource coordinator, the clinic director, the clinical coordinator, and the judge. The clinic also fills out a paper form known as the “barrier sheet” to assist the DA’s office in making a decision about whether to offer treatment. Information on the barrier sheet includes the reason for the assessment, any drugs for which the clinic is recommending treatment, the defendant’s usage of methadone and other prescription drugs that might interfere with drug testing, the defendant’s health insurance coverage and Medicaid eligibility, and whether the defendant is homeless.

After reviewing the barrier sheet and mandate recommendation, the prosecutor decides whether to offer a plea bargain that includes treatment. Although the DA’s office typically adopts the clinic’s recommendation regarding the treatment mandate, the prosecutor is free to offer a different treatment mandate or not to offer treatment at all. The judge and attorneys on both sides strive to ensure that the length and terms of the mandate are proportionate to the severity of the offense—for instance, long-term residential treatment would not typically be required on a charge that would otherwise result in a sentence of community service. Accused drug dealers and defendants with histories of violent offenses who are difficult to place in treatment programs are not typically offered treatment. A treatment offer may be made either at or after arraignment, depending largely on when the assessment is completed. If the People do not offer treatment, the judge may still impose a treatment mandate with the defendant’s consent following a plea of guilty to the most serious charge.

In most treatment cases, the defendant pleads guilty in exchange for a promise that an adjournment in contemplation of dismissal (ACD) will be entered if the defendant successfully completes the treatment mandate, allowing the defendant to avoid a criminal conviction and its collateral consequences. In more serious cases that would otherwise result in a jail sentence, the defendant is offered a conviction with a sentence of conditional discharge in exchange for successful completion of the mandate. The plea may be accepted at arraignment or during a subsequent court appearance. If there is concern about the collateral consequences of a guilty plea, the judge may elect to impose the treatment mandate as a condition of pretrial release rather than accept a guilty plea. If the defendant is in pre-arraignment custody when he accepts the treatment offer, he is released on his own recognizance following arraignment.

## **2. Referral to Programs**

After consenting to the treatment mandate, the defendant is escorted by a court officer directly from the courtroom to RHCJC’s Alternative Sanctions office, where a staff member interviews the defendant to gather contact information and other background data. Next, the defendant meets with RHCJC clinic staff for referral to a treatment program. After matching the defendant to a program, the clinic case manager sets up the defendant’s intake appointment with the service provider and arranges for monitoring of any other components of the mandate, such as

curfew and school attendance. The defendant—and, if the defendant is 16 or 17 years old, the defendant’s parents—also signs releases authorizing the clinic to exchange information with treatment providers, school authorities, the defense attorney, the court, and other justice system partners.

RHCJC routinely works with several external providers of drug treatment, individual counseling, and other social services. Counseling Service of Eastern District New York (CSEDNY), a nonprofit organization that provides drug treatment services as an alternative to incarceration, currently receives the largest number of RHCJC referrals for outpatient drug treatment. Other frequent partners include the Exodus outpatient drug treatment program administered by Turning Point, a religiously affiliated non-profit; the Sunset Terrace branch of Lutheran Family Health Centers for outpatient drug treatment; and Kingsboro Addiction Treatment Center for inpatient detoxification and rehabilitation. Safe Horizon, a nonprofit victim assistance program that works with the New York City courts in a number of capacities, also provides RHCJC defendants with treatment for psychological trauma using the Seeking Safety curriculum.<sup>25</sup> In matching a defendant with a service provider, clinic staff consider the defendant’s individual circumstances, including Medicaid or other health insurance coverage, access to transportation, and the defendant’s employment schedule. Each service provider also has its own set of eligibility criteria such as age, prior criminal record, and mental health diagnosis.

Since the court does not fund treatment, health insurance can sometimes be an important factor in the selection of a treatment program. The majority of defendants involved with RHCJC’s clinic are eligible for Medicaid; if an eligible defendant is not already enrolled in Medicaid, clinic staff or the staff of some treatment programs will assist the defendant in applying for benefits. Uninsured defendants who are ineligible for Medicaid, such as undocumented immigrants, are referred to providers capable of serving uninsured participants free of charge. Basic treatment for drug addiction is often available to uninsured defendants, although some services, such as Suboxone or methadone treatment for heroin addiction, diagnosis of traumatic brain injury, and mental health treatment, are typically unavailable in the absence of Medicaid or private insurance coverage.

Within a few days, the defendant reports to the treatment provider for intake. Intake procedures vary by provider, but typically include both psychosocial and medical assessments. The provider then tailors a program to the defendant’s needs. In the early stages of treatment, a provider might typically require a defendant to attend a total of three or four individual and group treatment sessions per week and be tested for drugs nearly every day. If necessary, the provider will refer the defendant to an inpatient or outpatient detoxification program, to be completed before the treatment program begins.

### **3. Treatment Monitoring**

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<sup>25</sup> Seeking Safety is a 25-module manualized cognitive behavioral therapy program for co-occurring post-traumatic stress disorder and substance abuse.

The RHCJC clinic monitors the defendant's attendance at treatment, as well as the results of any drug tests performed by the treatment program. CSEDNY provides the clinic with a weekly e-mail update on the status of all enrolled RHCJC defendants; other providers fax status reports or are telephoned by clinic staff on a regular basis. The clinic also verifies school and GED program attendance and operates a call-in system for curfew monitoring. Clinic staff record compliance information in a database known as the Resource Coordinator Log. The Resource Coordinator Log is directly accessible only to the resource coordinator, clinic staff, and alternative sanctions staff, but is used to produce weekly compliance reports distributed to the judge, ADAs, and Legal Aid attorneys. Most data are recorded in narrative form, making it impossible to produce quantitative reports summarizing data such as program attendance and drug test results.

During the term of the mandate, the defendant is scheduled for regular court appearances to report on his or her compliance with the mandate. There is no formal definition of compliance or noncompliance with the treatment mandate. Early in the mandate, a defendant is typically considered to be in compliance if the defendant is attending at least half of the sessions required by the program, has a reasonable explanation for any missed sessions, and is passing all drug tests. If a defendant is determined to be out of compliance, the clinic fills out a paper form recommending a course of action such as a sanction or a change in treatment providers. During the final 30 days of the mandate, the criteria for compliance are stricter, and the client is typically required to make up any missed sessions before the court considers the mandate to be fulfilled.

Court staff and attorneys meet on a weekly basis to review the status of treatment defendants scheduled to appear in court. Participants typically include the judge, the RHCJC project director and deputy project directors, the clinical coordinator, the resource coordinator, the alternative sanctions coordinator, one or more ADAs, and a representative from Legal Aid. The court attorney and clinic staff members may also attend. This meeting has been dubbed the "list meeting" because it is structured around a printed list of all clinic defendants that includes information on charges and case status, upcoming court dates, the terms of the mandate, compliance status, and the defendant's progress in treatment. The list meeting focuses primarily on defendants who are out of compliance with the treatment mandate or experiencing issues such as attendance problems, failed drug tests, scheduling challenges, or conflict with the treatment provider. The primary purpose of the list meeting is to inform the judge of any issues in advance of the defendant's court appearance. The court's policy is that no decisions regarding sanctions are made during the list meeting, as the defendant has not yet had the chance to tell his or her side of the story.

Defendants in drug treatment are typically scheduled for court appearances on Thursday afternoons or Fridays following the Thursday morning list meeting. The judge determines the frequency of each defendant's court appearances on an individual basis, typically ordering more frequent appearances at the beginning of the mandate or when the defendant has been out of compliance. On the court date, the defendant checks in at the RHCJC Alternative Sanctions office, then proceeds to the clinic for drug testing. After testing, the defendant checks in with the rail officer in the courtroom and waits in the gallery for the case to be called. When the case is called, the defendant stands before the judge with the defense attorney while the resource coordinator

reads the clinic's report on the record. The judge then typically engages in a brief conversation with the defendant about treatment as well as the defendant's school attendance or employment. The judge may also speak on the record with the defendant's parents or other family members.

If the defendant tests negative for drug use and fulfills the other requirements of the mandate, the judge—and frequently the prosecutor—offers congratulations and encouragement. The judge may also reward compliance by relaxing the terms of the mandate—for instance, by setting a later curfew. If the defendant is having trouble complying with the mandate, the judge asks for the defendant's side of the story as well as the input of the clinic, the prosecutor, and the defense attorney. The judge may then order a change in the type or duration of treatment, referral to a different service provider, or a sanction for noncompliance. No formal guidelines exist for sanctioning noncompliant defendants; rather, the judge determines the sanction on an individualized basis. Typical sanctions include community service or writing an essay on why it is important to stay clean. Although short-term jail stays were used as a sanction in RHCJC's early days, the court no longer uses jail as a sanction; the rationale is that jail sanctions have little impact on defendants, most of whom have spent time in jail in the past. In extreme cases of noncompliance, such as tampering with urine samples, the DA's office may withdraw the plea offer. The defendant may then choose whether to take the case to trial or to plead guilty and be sentenced to a traditional sanction. If a defendant does not appear for a scheduled court date, the judge issues a bench warrant for the defendant's arrest. A clinic staff member then telephones the defendant and advises him or her to report to court immediately for a voluntary return on the warrant. If a defendant is discharged from a treatment program before treatment is complete (e.g., for administrative or disciplinary reasons) the defendant is instructed to come directly to the RHCJC clinic for assistance.

#### **4. Final Disposition**

When a defendant has successfully completed the mandate, the judge enters an adjournment in contemplation of dismissal (ACD) or conditional discharge (CD) and presents the defendant with a certificate of completion in the courtroom. The prosecutor, defense attorney, court officers, and other courtroom staff offer applause and congratulations for the defendant's achievement. If an ACD is entered, the case is dismissed and sealed six months later, provided that the defendant has not been re-arrested.

#### **5. Comparison to Traditional Drug Court Procedures**

Elsewhere in Brooklyn, the closest analogue to the RHCJC long-term drug treatment program is the Misdemeanor Brooklyn Treatment Court (MBTC) housed at the Kings County Criminal Court in downtown Brooklyn. A comparison of the MBTC program with the Justice-Center's drug treatment program illustrates the differences between the RHCJC model and the traditional drug court model. Unlike RHCJC, MBTC has strict eligibility criteria for treatment, a uniform and structured set of requirements that must be met before charges are dismissed, and formal guidelines for sanctioning defendants who violate these requirements. Whereas eligibility for treatment at Red Hook is determined by the prosecutor and the judge on a case-by-case basis,

MBTC eligibility is limited to defendants facing nonviolent class A misdemeanor charges who have twelve or more prior misdemeanor and/or felony convictions or who were on probation or parole at the time of arrest on the instant charge, with no prior violent felony, arson or sex crime convictions (MBTC Policy and Procedures Manual, 6). In order to participate in MBTC, a defendant must plead guilty and agree to serve a specified jail sentence if he or she fails to complete the program; successful completion of the program results in dismissal of the charges. In contrast, not all Red Hook treatment participants are required to plead guilty in order to enter the program, no Red Hook defendant agrees up front to a specific sentence for failure to complete the treatment mandate, and cases in which treatment is unsuccessful will proceed to a full sentencing hearing or, depending upon the circumstances, a trial. Like treatment participants at Red Hook, each MBTC participant is assessed by court clinic staff, assigned a court clinic case manager, and referred to an outside service provider for drug treatment.

Upon entering the MBTC program, a defendant signs a contract consenting to the MBTC requirements, as well as the jail sentence he will serve should he fail to complete the program. Each MBTC participant must successfully navigate four phases of treatment. To complete each phase, the defendant must consistently test free of drugs and alcohol and avoid court sanctions for a specified number of consecutive days (ranging from 30 to 90 depending on the phase), attend treatment and self-help group meetings, achieve other goals such as obtaining a job, and obtain recommendations for phase advancement from his court case manager and treatment provider. Participants attending outpatient treatment must also attend drug court at least once every two weeks for the first two months of the mandate and a minimum of once per month thereafter; participants in residential treatment programs attend court once per month. Like court appearances for RHCJC treatment participants, MBTC sessions typically involve direct dialogue between the judge and the defendant about the defendant's progress, although at MBTC the resource coordinator and clinic staff do not typically speak on the record as they do at Red Hook.

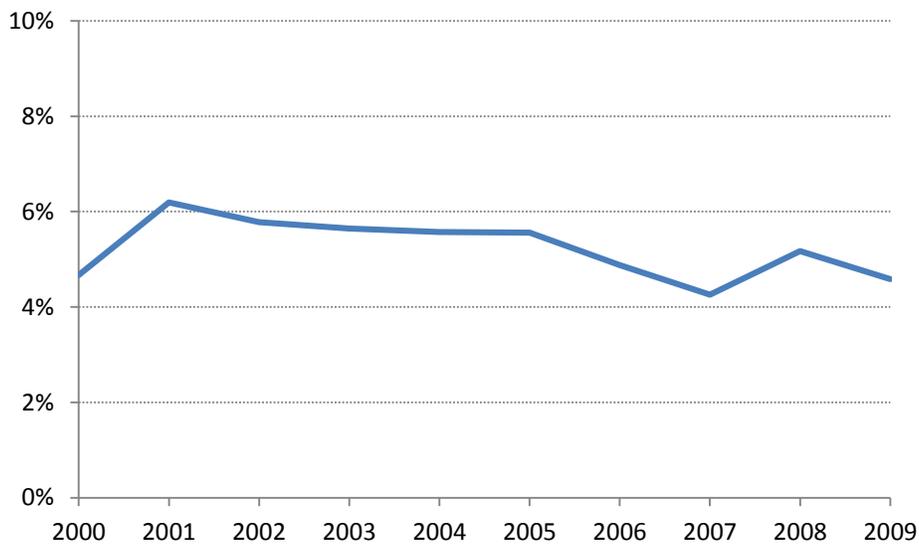
During each phase, there is a specified set of graduated sanctions for noncompliance with the requirements of MBTC or the defendant's treatment program. Sanctions include observing drug court sessions from the jury box, inpatient detox or rehab, an increase in the frequency of case manager visits or court appearances, and short-term jail time. Each violation also results in a return to the beginning of the phase, resetting the time clock. Serious or repeated violations of drug court requirements result in termination from the program and imposition of the jail sentence agreed upon in the original plea bargain. Program requirements and sanctions are clearly delineated in a handbook distributed to all MBTC participants. A minimum of eight months' time is required to complete all four phases and graduate from MBTC, although most participants take about one year to complete the program. Each graduate is presented with a certificate and a handbook of employment resources on the final court date; graduates are also recognized at a formal ceremony held twice a year.

As compared with MBTC, the Red Hook treatment program casts a much wider net. MBTC serves a narrow population of nonviolent multiple recidivists charged with serious misdemeanor offenses, whereas RHCJC determines eligibility for treatment on an individual basis and is free to offer treatment to first offenders and those with lesser charges. Due in part to the greater range of

offenders and offenses the RHCJC clinic serves, treatment mandates at Red Hook are more varied than MBTC mandates, both in length and in substance. Whereas MBTC’s standards for compliance and sanctions for noncompliance are standardized, Red Hook defines compliance and sets sanctions on a case-by-case basis. Red Hook’s flexibility allows greater tailoring of mandates and sanctions to a defendant’s individual needs, but also increases the potential for similarly situated defendants to receive dissimilar sanctions. Finally, MBTC’s uniform usage of dismissal of the charges as an incentive for successful program completion, along with its policy of specifying potential jail sentences at program entry, provides MBTC with greater leverage to motivate defendants to comply with the terms of the court mandate. In contrast, RHCJC’s practice of determining the sentence only after a defendant fails to complete the treatment mandate raises some due process concerns, while mitigating others. After repeated in-court interactions with the defendant over a period of several months and having gained extensive knowledge of the defendant’s background and treatment history, the judge at Red Hook may find it difficult to disregard legally irrelevant factors at sentencing. Furthermore, the judge may feel a personal stake in the defendant’s failure to successfully navigate treatment (NACDL 2009, 28). On the other hand, RHCJC’s stated policy of allowing each case to proceed to a full sentencing hearing—or, occasionally, even a trial—following a treatment failure allows the defendant to avoid waiving due process rights in order to accept an offer of treatment.

**B. DRUG TREATMENT CASELOADS**

**Figure 5. Percentage of RHCJC Defendants Mandated to Long-Term Drug Treatment, 2000 – 2009**



n = 27,451; note: Includes only cases arraigned and disposed of at RHCJC.

Although a large share of court resources and publicity are devoted to drug treatment cases, the RHCJC clinic serves only a small minority of defendants. As shown in Figure 5, the share of RHCJC defendants receiving long-term drug treatment has ranged between 4 percent and 6 percent over time, with a slight overall decline. The percentage of cases assigned to treatment varies by case type, ranging from just under one percent for traffic and marijuana cases to a high of 22 percent for non-marijuana drug offenses (Table 18). The frequency with which particular types of cases are assigned to drug treatment appears to be related to the severity of the potential penalty for the offense as well as to the tendency for the offense to be related to drug addiction. For example, marijuana and traffic offenses carry relatively light sentences, making a long-term treatment mandate disproportionate to the severity of the offense. On the other hand, non-marijuana drug offenses carry longer sentences and are frequently committed by drug addicts, so a long-term treatment mandate is both proportionate and appropriate in many of these cases. Prostitution and petit larceny, two other offense categories that frequently result in treatment mandates, are often committed in order to support a drug addiction.

**Table 18. RHCJC Defendants Mandated to Drug Treatment by Arraignment Charge, 2000 – 2009**

Case Type	Cases Assigned to Drug Treatment	
	Number	Percentage
Violent/Person/Weapon	113	3%
Marijuana	38	1
Other Drug	795	22
Petit Larceny	45	9
Other Property	93	3
Prostitution	107	7
Public Order	206	4
Traffic	32	1
Felony	5	6
Other	18	2
All Case Types	1,452	5

n = 27,451

note: Includes only cases arraigned and disposed of at RHCJC

### C. TREATMENT MODALITIES

As shown in Tables 19 and 20, nearly half of RHCJC defendants in long-term drug treatment are assigned to more than one type of treatment while under court mandate.<sup>26</sup>

<sup>26</sup> Tables 19 through 21 should be interpreted with caution due to the large number of treatment cases with missing modality data (246 out of 968 for the years 2003 – 2009). Cases arraigned between 2000 and 2002 were not included these tables due to insufficient data on treatment modality.

Treatment modalities include inpatient or outpatient detoxification, long-term inpatient or residential drug treatment, intensive inpatient or outpatient rehabilitation, outpatient addiction treatment, and non-drug treatment such as mental health services and trauma counseling. The proportion of defendants assigned to multiple treatment modalities varies substantially by case type (Table 19). In general, case types less likely to be referred to treatment (e.g., marijuana and traffic cases) are also less likely to be assigned to multiple forms of treatment, while case types associated with a higher level of treatment need (e.g., other drug offenses, prostitution) are more likely to be assigned to multiple treatment modalities.

**Table 19. Number of Treatment Modalities for RHCJC Defendants Mandated to Long-Term Drug Treatment by Case Type, 2003 – 2009**

Case Type	Number of Treatment Modalities			Number of Cases
	1	2	3 or More	
Violent/Person/Weapon	79%	18%	3%	68
Marijuana	65	29	6	17
Other Drugs	47	23	30	401
Petit Larceny	67	11	22	27
Other Property	48	24	28	58
Prostitution	42	31	28	36
Public Order	45	20	35	83
Traffic	75	13	13	24
Felony	33	33	33	3
Other	80	0	20	5
All Case Types	52	22	26	722

Note: Modality data are missing for 246 additional defendants mandated to long-term treatment between 2003 and 2009.

The Justice Center’s propensity to mandate defendants to multiple forms of treatment has also varied over time (Table 20). In 2003, fewer than half of clinic-involved defendants received a single treatment modality during the course of the mandate. This number rose to around two-thirds in 2004 and 2005 and then fell to 40 percent by 2009.

**Table 20. Number of Treatment Modalities for RHCJC Defendants Mandated to Long-Term Drug Treatment by Arraignment Year, 2003 – 2009**

Case Type	Number of Treatment Modalities			Number of Cases
	1	2	3 or More	
2003	44%	20%	36%	104
2004	63%	17%	20%	114
2005	66%	20%	14%	128
2006	53%	21%	26%	121
2007	43%	33%	23%	90
2008	42%	20%	38%	85
2009	40%	28%	33%	80
All Years	52%	22%	26%	722

Note: Modality data are missing for 246 additional defendants mandated to long-term treatment between 2003 and 2009.

Table 21 shows the percentage of defendants with long-term drug treatment mandates assigned to each treatment modality. Long-term outpatient drug treatment is the most common modality, with nearly 70 percent of defendants assigned to this form of treatment while under court mandate. Usage of other forms of treatment has fluctuated considerably over time. In 2004 and 2005—the same years in which the total number of treatment modalities per defendant fell—the share of defendants receiving intensive detoxification and rehabilitation services fell by half. Usage of these services rebounded in 2006 and peaked in 2008. The use of long-term inpatient treatment has fallen over time, from 22 percent of defendants in 2003 to 8 percent in 2009, with a short-term spike in 2004. At the same time, the percentage of defendants mandated to non-drug treatment services has more than tripled since 2003, to 50 percent in 2009. Fluctuations over time in the number and types of treatment modalities to which defendants are mandated may be attributable to changes in clinic leadership as well as in the court’s overall philosophy regarding treatment—for instance, the court’s recent interest in trauma as an underlying cause of addiction appears to have increased the number of concurrent referrals to trauma counseling, and the court’s gradual shift away from reliance on long-term inpatient treatment may be associated with increased usage of short-term detoxification and rehabilitation programs. Changes in the types of services mandated may also be associated with changes in the treatment programs available in the Red Hook area.

**Table 21. Treatment Modality by Arraignment Year for RHCJC Defendants With Long-Term Treatment Mandates, 2003 – 2009**

Percentage of Defendants Assigned to Modality					
Year	Detox	Rehab	Long-Term Inpatient	Long-Term Outpatient	Non-Drug
2003	39%	39%	22%	74%	16%
2004	19	19	32	67	20
2005	23	15	22	66	23
2006	36	31	20	70	17
2007	38	30	13	72	28
2008	51	39	12	64	31
2009	33	31	8	71	50
All Years	33	28	19	69	25

n=722

Notes: Percentages for each year do not sum to 100 due to the use of multiple treatment modalities for some defendants. Modality data are missing for 246 additional defendants mandated to long-term treatment between 2003 and 2009.

#### **D. DRUG TREATMENT CASE OUTCOMES**

Table 22 displays the available data regarding the completion of treatment mandates at RHCJC. Fewer than half of defendants were recorded as successfully completing their mandates, and this figure declined to less than 40 percent in 2007 and 2008.<sup>27</sup> The apparently low completion rate suggests that the court may not have sufficient leverage over defendants to motivate them to fulfill the strict requirements of drug treatment programs—in other words, the threatened sentences in the misdemeanor cases RHCJC handles may be too light to motivate compliance. It is believed that even defendants who do not complete their mandates, however, may still benefit from participating in treatment and interacting with the judge (Berman & Feinblatt 2005, 156-57).

<sup>27</sup> The reliability of the completion data is questionable. It is unclear whether the terms “Closed—Other” and “Not Closed” actually denote a failure to successfully complete the treatment mandate. The proportion of mandates designated as “Not Closed” also appears high.

**Table 22. Final Status of Mandate by Arraignment Year for RHCJC Defendants with Long-Term Treatment Mandates, 2003 – 2008**

Year	Percentage of Defendants			
	Completed	Failed	Closed-Other	Not Closed
2003	42%	21%	24%	13%
2004	49	23	12	16
2005	47	17	14	23
2006	48	13	13	27
2007	38	9	27	26
2008	34	20	11	36
All Years	44	18	17	22

n = 708

Note: Final status is missing for 139 additional defendants mandated to long-term treatment between 2003 and 2008.

Tables 23 and 24 explore the manner of case disposition for defendants with long-term treatment mandates. The vast majority of clinic defendants plead guilty prior to entering treatment: 91 percent eventually enter a guilty plea, with 60 percent pleading guilty at arraignment (Table 23). A small minority of cases are continued (1 percent at first disposition) or receive an ACD (4 percent at first disposition) while the defendant participates in treatment. At the conclusion of treatment, charges are dismissed for more than one-third of defendants (34 percent, with an additional 1 percent adjourned in contemplation of dismissal at the time of data collection). A conviction is the final disposition for more than half of defendants who opt for treatment, and in 12 percent of cases a bench warrant is issued due to noncompliance with treatment or failure to appear in court.

**Table 23. Manner of Disposition for RHCJC Cases with Long-Term Treatment Mandates, 2003 – 2008**

	Percentage of Cases				
	Continued/Pending	Convicted	ACD	Dismissed	Warrant Issued
Arraignment	39%	60%	1%	0%	0%
First Disposition	1	91	4	4	0
Final Disposition	N/A	53	1	34	12

N/A: not applicable at this stage of case processing

n = 837

Table 24 breaks down the manner of final case disposition according to the status of the treatment mandate. Although charges are dismissed for the majority of defendants who successfully complete their treatment mandates, convictions remain on the records of more than

one-third of these defendants. For defendants who do not successfully complete their mandates (completion status recorded as Failed, Closed—Other, or Not Closed), the most common result is a conviction or the issuance of a bench warrant.

**Table 24. Manner of Final Disposition by Status of Mandate for RHCJC Cases with Long-Term Treatment Mandates, 2003 – 2008**

<b>Status of Mandate</b>	<b>Percentage of Cases</b>		
	<b>Convicted</b>	<b>Dismissed/ACD</b>	<b>Warrant Issued</b>
Completed	34%	64%	2%
Failed	77	3	20
Closed - Other	56	37	7
Not Closed	64	8	29
All Cases	52	36	12

n = 700

Table 25 compares the median time from arraignment to disposition for RHCJC cases with and without long-term treatment mandates. Both the median time to first disposition (e.g., the entry of a guilty plea) and the median time to final disposition are substantially longer for cases with treatment mandates. The longer time to first disposition for treatment cases may be associated with the amount of time required to complete an assessment and formulate a treatment plan in cases that are not resolved at arraignment.<sup>28</sup> The increased time to final disposition presumably results from the amount of time defendants spend in treatment.

**Table 25. Time to Disposition for RHCJC Cases, 2008 Dispositions**

	<b>Median Time to Disposition (days)</b>	
	<b>With Long-Term Treatment Mandate</b>	<b>Without Long-Term Treatment Mandate</b>
First Disposition	17	1
Final Disposition	205	138

n = 1,548

<sup>28</sup> The increased time to first disposition for treatment cases does not, however, appear to result from any difference in the proportion of cases that are disposed of at arraignment. Regardless of whether a treatment mandate was imposed, about one-half of RHCJC cases with final dispositions in 2008 reached a disposition at arraignment.

## E. CONCLUSIONS: DRUG TREATMENT CASES

The Justice Center's drug treatment program reaches a minority of defendants, and, as intended, differs from the standard drug court model in some important respects. The program's highly individualized nature, however, has the potential to detract from its effectiveness.

*Conclusion 1: Long-term drug treatment involves a small fraction of the Justice Center's overall caseload, but requires a large share of court resources.*

Although only about 5 percent of defendants participate in a program of judicially supervised drug treatment lasting 30 days or longer, these defendants consume a large share of court resources, both inside and outside the courtroom. In Chapter 9, we examine whether this investment of resources leads to a measurable impact on recidivism among defendants who have participated in drug treatment.

*Conclusion 2: The Justice Center's drug treatment program is highly individualized in comparison with typical programs of judicially supervised treatment, but this relative lack of structure carries risks for the program's effectiveness.*

As compared with the traditional drug court paradigm, the Justice Center's drug treatment program is designed to be highly individualized. Eligibility determinations are made on a case-by-case basis. Each treatment mandate is tailored to the defendant's needs and circumstances. The definition of compliance is not uniform, and there are no formal guidelines for the administration of sanctions and rewards. Recordkeeping in treatment cases is limited to narrative descriptions of the defendant's progress. RHCJC treatment participants do not regularly interact with one another, as there are no court-affiliated treatment programs or support groups, and participants are not required to attend court together during a dedicated treatment docket.

Although this flexibility allows the court the freedom to offer treatment in a wide range of cases and to adapt its treatment program to meet defendants' individual needs, the program's loose structure may lessen its effectiveness, as defendants lack a clear understanding of the program requirements as well as the consequences for meeting or failing to meet those requirements. The Justice Center should work with the DA's office and attorneys from the Legal Aid Society to develop a set of written policies and operating procedures for long-term drug treatment, as well as a handbook for defendants with long-term treatment mandates. These policies should include a standard definition of compliance with the treatment mandate and graduated list of possible sanctions for noncompliance. Increased standardization of policies will enable the court to communicate expectations and potential consequences to defendants more clearly, potentially improving compliance. The RHCJC clinic should also expand its recordkeeping in drug treatment cases to include detailed quantitative data regarding program attendance, court attendance, and the results of drug tests, and make these data available to the judge and other participants in the list meeting. Improved communication regarding the defendant's compliance history will facilitate judicial decision-making regarding sanctions and incentives, and will enhance the court's ability to analyze the effectiveness of the drug treatment program. Finally, RHCJC should make efforts to

ensure that defendants in long- term drug treatment appear in court on a dedicated treatment docket so that they may benefit from observing their peers' interactions with the judge, as well as from developing mutually supportive relationships.<sup>29</sup>

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<sup>29</sup> The judge currently tends to schedule these appearances so as not to interfere with the defendant's employment and other commitments, an approach that also has advantages.

## CHAPTER 8. FAMILY COURT

The family court component of the Red Hook Community Justice Center is an important part of its multi-jurisdictional mission, created in response to specific needs of the youth population of Red Hook as identified by Red Hook residents during the planning process. The RHCJC family court part hears juvenile delinquency cases involving youth aged 15 or younger at the time of arrest. RHCJC does not hear other types of family court cases, such as child protective, custody, or support proceedings.

### A. HISTORY OF THE RED HOOK COMMUNITY JUSTICE CENTER FAMILY COURT

The Justice Center began hearing juvenile delinquency cases in April 2001, one year after the opening of the criminal court. The later implementation date for the family court was part of an overall plan to phase in family court and housing court operations after the RHCJC criminal court was operating smoothly. According to Adam Mansky from the Center for Court Innovation (CCI), planning for inclusion of family court cases began at the earliest stages of development for the RHCJC:

“The intention to include family court cases and make the Justice Center multi-jurisdictional and include juvenile delinquency cases dates to the earliest stages of planning . . . and can be attributed to the interests of the community; an interest in testing out the concept of a multijurisdictional court; and pragmatic opportunities” (Adam Mansky, personal communication, February 2012).

As part of the planning process for the RHCJC, the Jefferson Institute for Justice Studies conducted a series of focus groups in the Red Hook neighborhood. It was clear that including juvenile delinquency cases in the court’s jurisdiction would address many of the concerns residents raised. During the course of the focus groups, participants were asked, “What would you like to happen if a 14-year old is selling [drugs] (even selling to his parents) and is brought into the justice center?” Participants tended to favor a “case management” response:

“I would like a real case management model so the kid doesn’t have to go through 80 million people to start, and you have someone who is looking at him as a whole human being, including spiritual, whatever. What is going on with this human being now? Why is he here? What are his needs? How do we begin to address them? So we talk about jobs. We also may need to talk about education. Some people already have a college education. You’re trying to help them step out a little bit. You have somebody who may need the basic skill education. So you’re really looking at all of that, looking at the family. Is there a way to bring the family in? I think that is the key to any other work we’ve done. You can’t just look at it as the criminal element.”

“I think that case management could be used in the community court as a focal point of stopping the child from going further into the system. If there was the right kind

of intervention, you might have a team of case managers who would work with you. You might even have someone who has been in the criminal justice system to assist you.” (Jacoby and Ratledge 1994).

In addition to concerns about juvenile crime, focus group participants articulated a strong desire for the Justice Center to provide positive opportunities for youth. Failure to address both issues would prevent the RHCJC from achieving its full value to Red Hook residents. The RHCJC’s Youth Court and other positive youth development programs piloted by CCI were designed to respond to the community’s interest in proactive youth programming and to provide balance to the RHCJC’s interactions with neighborhood youth. The Justice Center planners also took advantage of the opportunity presented by the RHCJC to test important concepts about multi-jurisdictional courts:

From the beginning of my involvement in Red Hook, the Center’s planners, John Feinblatt, Greg Berman and Michele Sviridoff, spoke of the artificiality of dividing families and even individuals up by New York’s dysfunctional court jurisdictions. The concern was that the challenges of the court process would be compounded in a system where one family of litigants could be whipsawed back and forth between criminal, family and housing courts -- from a situation that could potentially have arisen from one set of facts (Adam Mansky, personal communication, February 2012).

A single judge hearing different types of cases would provide a potential remedy to this situation. Theoretically, such a judge would have more complete information about defendants and their families than a single-jurisdiction judge, and would consequently be in a position to make more informed decisions. This approach reflects one of the central tenets of problem-solving courts, that judges should have sufficient information to make informed decisions that will promote effective outcomes.

The Justice Center planners also saw the incorporation of a family court component into the RHCJC as an opportunity to demonstrate the general applicability of community courts and problem-solving justice beyond low-level adult criminal matters. Supporters within the judiciary hoped that the RHCJC would demonstrate the value of a multi-jurisdictional court over the artificially separated status quo. Finally, the inclusion of juvenile delinquency cases was intended to help ensure a sufficient caseload to support the placement of a full-time judge in Red Hook.

In the spirit of a demonstration project, CCI intended the RHCJC family court to be significantly different from its business-as-usual alternative, the Kings County Family Court in downtown Brooklyn. Specifically, there would be:

- *Increased use of “adjustment” (diversion):* In New York City, youth arrested on juvenile delinquency charges are first interviewed by a probation officer to determine eligibility for “adjustment,” or diversion without the filing of a court case. According to CCI management, at the time when RHCJC began to hear family court cases, about 10 percent

of juvenile delinquency cases referred to the probation department citywide were adjusted; the remainder were referred to the New York City Corporation Counsel for prosecution in family court. CCI felt that the proportion of cases adjusted could be increased by locating a probation officer in the Justice Center, in close proximity to youth social workers and other social service providers.

It was hoped that this arrangement would encourage information-sharing and a sense of shared purpose, consequently increasing the probation officer's confidence in the capabilities of the social workers to whom the adjusted cases would be assigned. Greater confidence would, in turn, encourage the probation officer to adjust cases more frequently. This scenario unfolded as anticipated. From the start, the RHCJC family court generated adjustment rates considerably higher than in the rest of the city -- often as high as 50 percent. This high adjustment rate, in conjunction with robust services and supervision provided to the adjusted cases, enabled RHCJC to demonstrate that adjustment was a less restrictive, more meaningful option than adjudication. The success of this approach at the RHCJC family court may have encouraged the New York City Department of Probation to increase the use of adjustment across the entire city (Adam Mansky, personal communication, February 2012).

- *Increased use of youth and family services:* Along with the efforts to increase the use of adjustment, the RHCJC family court was also designed to process more serious cases than the Justice Center's adult criminal court part. This required the provision of an enhanced set of services. The juvenile clinic, with its staff of specially trained social workers, was intended to promote greater use of social services by the court and to be a resource for the judge and court. Each juvenile respondent is assessed by the clinic, then provided with a range of service mandates, including education support, social programs (including youth court), and – in a feature rarely found in traditional family court settings – family services. Family services were intended to provide assistance to the larger family unit, rather than just to the child who ended up in court. The on-site provision of family services was designed to encourage cultural change in the court and to promote the provision of services to other types of cases as well. In the course of its efforts to individualize the provision of services, the Justice Center developed its own clinical assessments and protocols to enable client needs to be matched with services. The RHCJC family court has consistently strived to provide a therapeutic approach, a philosophy counter to the prevailing juvenile justice culture in 2000, a time when some academics (see e.g., Diulio, 1995) raised the alarm about an impending “explosion” of juvenile crime and “wolf packs” of young malefactors terrorizing neighborhoods. CCI management also reported that an important component of this approach is the handiwork of the judge who gets to know the young people -- and their families -- better than most stakeholders in a traditional court setting. On-site case management services for the family court were initially provided by Good Shepherd Services. Youth clinic services were eventually taken over by the RHCJC clinic, then separated from adult clinical services and placed within the purview of the director of community and youth justice. The unification of youth clinic services and other youth programs under a single manager was one of the

Justice Center's first steps in implementing the positive youth justice model for juvenile delinquency interventions (Butts, Bazemore, and Meroe 2010). As implementation of the model progresses, the youth clinic is also expected to take over case management for criminal court defendants aged 16 and 17.

- *Better compliance monitoring*: The usage of an on-site clinic to monitor compliance with all terms of the court mandate encourages accountability. In addition to increasing respondents' compliance with the mandate, these efforts are intended to foster confidence in the use of social services on the part of the judge, the presentment agency, and the defense attorney.

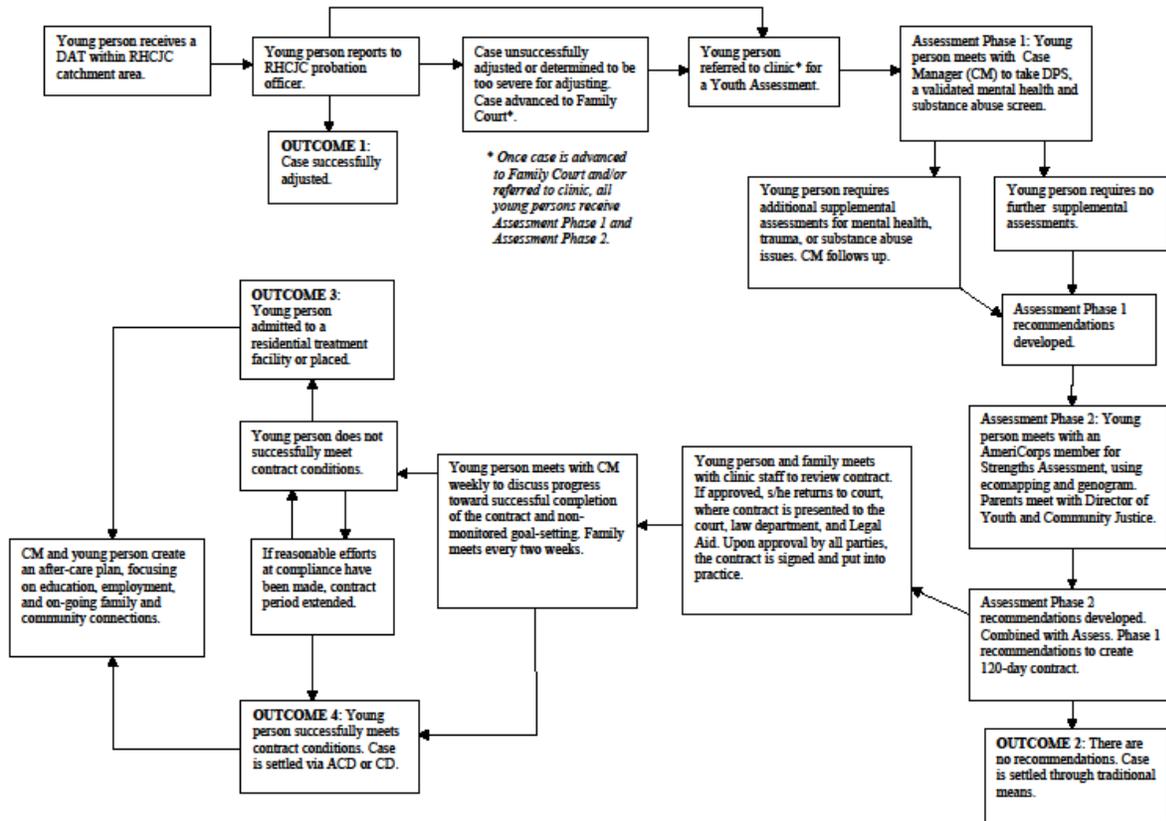
## **B. FAMILY COURT PROCESS**

Family courts in the state of New York have jurisdiction over a variety of case types, including child abuse and neglect, juvenile delinquency, persons in need of supervision, adoption, guardianship, foster care, custody and visitation, family offenses/domestic violence, paternity, support, and consent to marry. Due in part to the Justice Center's finite resources, the Red Hook family court part hears only juvenile delinquency cases. Juvenile delinquents are persons over seven and less than 16 years of age (at the time of arrest) who have committed an act that would constitute a crime if committed by an adult. In practice, the youngest family court respondents appearing at the Justice Center are 12 years of age.

Only youth arrested in the 76th, 72nd, and 78th police precincts who are also not held in custody are eligible for processing at the RHCJC. Youth who are detained, either because the arresting officer was unable to contact a parent or because the youth is deemed to pose a risk to public safety, are sent to the Kings County Family Court in downtown Brooklyn. Youth arrested for sex offenses, gang initiations, and/or high-level felonies are not eligible for processing at RHCJC. If a youth arrested in the catchment area has an existing case pending before the Kings County Family Court in downtown Brooklyn, the new arrest is processed downtown rather than at RHCJC. In addition, both Corporation Counsel and the probation officer stationed at Red Hook have the discretion to route other types of delinquency cases downtown based upon to individual circumstances.

Figure 6 (Center for Court Innovation 2011) provides a schematic of caseflow through the RHCJC family court. A case begins with the issuance of a Desk Appearance Ticket (DAT) by a police officer to a youth suspected of committing a delinquent act in the catchment area. As shown in Table 26, between 101 and 162 new juvenile arrests were referred to the RHCJC each year between 2002 and 2007.

**Figure 6: Red Hook Family Court Case Flow**



**Table 26. Juvenile Arrests Referred to RHCJC Family Court and Percent Attempted Adjustment, 2002-2007<sup>1</sup>**

<b>Year</b>	<b>New Juvenile Arrests</b>	<b>% Attempted Adjustment</b>
2002	144	28%
2003	162	27
2004 <sup>2</sup>	104	52
2005	101	62
2006	162	41
2007	162	33

<sup>1</sup> Compiled from the Red Hook Community Justice Center Quarterly, Semi-Annual, and Annual Reports 2003-2007.

<sup>2</sup> Does not include second quarter due to change in record-keeping system.

As shown in Figure 6, youth referred to the family court by means of a DAT subsequently report to the RHCJC probation officer for an intake interview. At this point, the probation officer may choose to “adjust” the case, or resolve it informally without court action. An adjusted case may be held open for up to four months while the youth fulfills requirements set by the probation officer. These requirements may include family and youth counseling, drug treatment, community service, mediation, conflict resolution programs, participation in Youth Court, and the RHYTHM drug abuse prevention program.<sup>30</sup> Data from RHCJC reports for the years 2002-2006 indicate that the most common adjustment requirements were Youth Court, RHYTHM, and community service. Adjustment is attempted in a large share of juvenile delinquency cases referred to the RHCJC family court (see Table 26). As shown in Table 27, adjustment attempts were successful at annual rates that varied from 51 to 90 percent between 2002 and 2007.

**Table 27. Adjustment Outcomes**

<b>Year</b>	<b>Total Adjustment Outcomes</b>	<b>Percentage Successfully Adjusted</b>
2002	42	86%
2003	37	88
2004 <sup>1</sup>	79	90
2005	40	78
2006	62	69
2007	45	51

<sup>1</sup> Does not include second quarter due to change in record-keeping system.

If the youth fails to complete the adjustment requirements, or if the probation officer determines that the case is too serious for adjustment, the case is referred to the New York City Law Department, also known as Corporation Counsel. After reviewing the case for legal

<sup>30</sup> Red Hook Youth Together in Harmony and Motivation (RHYTHM) is a five-session youth-centered drug prevention program, run at RHCJC by Phoenix House staff, focusing on consequential thinking and goal setting.

sufficiency and appropriateness for the RHCJC family court, Corporation Counsel may elect to file the case in family court at RHCJC or in downtown Brooklyn, or may decline to present the case.<sup>31</sup> Over the period 2002-2005, around 100 Law Department actions were taken annually, with about half resulting in a referral to the RHCJC family court (see Table 28). A large proportion of cases arising in the catchment area were filed in downtown Brooklyn rather than at Red Hook.

**Table 28. Law Department Actions Taken 2002-2005**

<b>Year</b>	<b>Law Department Actions Taken<sup>1</sup></b>	<b>% Declined to Present</b>	<b>% Filed at RHCJC</b>	<b>% Filed at Downtown</b>
2002	72	10%	53%	38%
2003	117	20	43	38
2004 <sup>2</sup>	122	8	53	47
2005	84	4	53	47

<sup>1</sup>Includes activities on cases initiated before and during the year.

<sup>2</sup> Does not include second quarter due to change in record-keeping system

The total number of juvenile delinquency cases resulting in a court filing at RHCJC is quite small (Table 29). The number of filings increased from 2002-2004 to an annual peak of 62 and then declined sharply. Although data are not available for 2008 and subsequent years, anecdotal information from the process evaluation interviews confirms that annual filings have remained low since 2007.

**Table 29. Law Department Filings to RHCJC 2002-2007**

<b>Year</b>	<b>Number of Filings at RHCJC</b>
2002	38
2003	50
2004 <sup>1</sup>	62
2005	30
2006	42
2007	21

<sup>1</sup> Does not include second quarter due to change in record-keeping system

After the petition is filed, the respondent is assigned a Legal Aid attorney and arraigned in court. The case is held in a pre-fact-finding status, meaning that the respondent has not entered a plea and the court has not determined whether the respondent committed the alleged act of delinquency. The shorter time to filing enables RHCJC to provide offenders with services more quickly than its business-as-usual alternative.

<sup>31</sup> Reasons why a catchment area case might be filed downtown instead of at the Justice Center include the existence of a pending case against the youth or a co-respondent in Kings County Family Court, the severity of the charges, and concerns about the length of time required to dispose of a family court case at RHCJC.

Following arraignment, the respondent undergoes a comprehensive assessment by RHCJC clinic staff. In 2011, the juvenile clinic adopted an evidence-informed screening and assessment process it developed in consultation with the Vera Institute of Justice Family Justice Program. The new process was adopted to make the assessment process more “strengths-based” than previous assessment protocols, which tended to be more “deficit-based.” Deficit-based approaches focus on management of risk factors while strengths-based approaches focus on strategies that support healthy development in the face of adversity (“resilience”) and provide youth with positive opportunities to learn, serve, and benefit from their interactions with pro-social adults and communities (Butts et. al. 2010).

The assessment process begins with the Diagnostic Predictive Scale (DPS). The DPS is a validated mental health and substance abuse screening tool that was initially adopted by two alternative-to-detention programs that CCI runs for youth facing delinquency charges in Queens and Staten Island (see Figure 6). If the DPS screening indicates that additional assessments are warranted to investigate issues related to substance abuse, mental health, and/or trauma, the clinic conducts these assessments.

Following the DPS and any additional assessments, each youth is interviewed by a case manager while his or her parents are interviewed by the clinic director. Two tools known as “Genograms” (McGoldrick, Gerson, and Petry 2008) and “Ecomapping,” (Harthman 1978) are used to perform a strengths-based assessment. The Genogram maps out the youth’s family history, focusing on strengths, risks, and relationships. It provides details about family members and relatives on matters such as current or prior incarceration, mental health problems, employment status, level of education, history of trauma, whether parents live together or are separated, and whether the youth has relatives who are business owners. It includes both biological and step-parent family histories. The Ecomap identifies the youth’s “extended family” of extra-familial social connections including schools and teachers, counselors, after-school programs, friends, and other non-biological associates.

The clinicians use the information from both phases of the assessment to develop recommendations that form the basis for a 120-day contract that the youth and his or her family will review with clinic staff (see Figure 6). The contract specifies the terms of the recommended court mandate, which may include drug treatment, counseling, a curfew, and monitoring of school attendance. Once the youth and his or her family have approved the contract, it is presented in court to the judge, Corporation Counsel, and the youth’s attorney. The clinic’s recommendations carry considerable weight in making decisions about the case and are generally unchallenged, although the judge frequently makes marginal adjustments. Upon approval by all parties, the contract is signed and implemented.

Once a contract is signed, the case is turned over to a clinic case manager. The youth meets with the case manager on a weekly basis to discuss progress toward successful completion of the contract, as well as toward other relevant goals not being monitored by the court. The case manager also meets with the youth’s family every two weeks. Each RHCJC youth case manager typically carries a caseload of about eight youth. Case management during the pre-fact-finding stage focuses

on using the “power of positive factors to overcome the negative.” “Supportive Inquiry” (similar to Motivational Interviewing) is used by the case manager, who invites the youth to imagine a different set of outcomes than his or her current circumstances and to take steps to realize them. The youth is asked “miracle questions” (e.g., “What would an ideal family look like? An ideal school?”) to help him or her conceptualize different outcomes. “Scaling Questions” are used to help the youth assess how close he or she is to the “ideal” situation. “Resilience Questions” are used to determine previous instances during which the youth displayed resilience, and the youth is asked to consider how he or she can use these experiences to address current problems. Additional services may be ordered as needed.

The youth is also required to appear periodically before the judge to report on his or her progress on the conditions in the contract. Family court is usually held on Tuesdays between 2:30 and 5:30 or 6:00 p.m. Hearings are preceded by a recently implemented case conferencing meeting. The case conferencing meeting includes clinic staff, the probation officer, Corporation Counsel, Legal Aid attorneys, and the judge. During this meeting, the team discusses family court cases, and responses to non-compliance are formulated using a newly developed list of graduated sanctions. At the Justice Center, family court participants appear on average about 15 times in front of the judge, in contrast to an average of seven appearances for juvenile delinquency respondents in Kings County Family Court, suggesting greater supervision for the former than the latter group (see Table 27 for the details). If the youth successfully fulfills the terms of the contract, the case is settled by an ACD (Adjournment in Contemplation of Dismissal) or a CD (Conditional Discharge). As shown in Figure 6, the case manager and the youth will then create an aftercare plan focusing on education, employment, and ongoing family and community connections. If the youth does not successfully meet the contract conditions, the youth may be admitted to a residential treatment facility or otherwise placed in alternative programming. Following release, the case manager and the youth will create an aftercare plan.

As shown in Table 30, juvenile delinquency cases tend to be filed more quickly at RHCJC than in Kings County Family Court, but remain open for a longer period of time.<sup>32</sup> From 2002 through 2007 (see Table 30), the average time from arrest to filing was about 27 days in RHCJC juvenile delinquency cases, in contrast with nearly 62 days for similar juvenile delinquency cases filed downtown. The New York Family Court Act requires Corporation Counsel to bring the case to court and obtain a finding (case disposition) within 60 days of filing. The shorter time to filing enables RHCJC to provide offenders with services more quickly than its business-as-usual alternative. In the downtown family court, a plea is taken at arraignment. If the respondent pleads not guilty, a fact-finding hearing is held to determine whether the respondent committed the alleged delinquent acts. If the defendant pleads guilty or is found to be delinquent, a disposition hearing is held to determine whether the youth should be placed on probation, sent to an out-of-home

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<sup>32</sup> All comparisons between the Red Hook Community Justice Center and Kings County Family Court rely on the comparison data set described in Chapter 2, Section B.2.b. The data set includes records of 102 juvenile delinquency cases processed at the Justice Center and 102 juvenile delinquency cases processed at Kings County Family Court in downtown Brooklyn. All respondents were arrested between 2006 and 2008. To eliminate any selection bias resulting from differences between the types of cases or respondents processed at the two courts, propensity score matching was used to select the cases in the Kings County Family Court group.

placement, ordered to participate in services, or returned home. Services are provided following the disposition hearing, and are typically supervised by the probation department rather than by the judge.

In Red Hook, in contrast, juvenile respondents receiving court-mandated services have their cases held in a pre-fact-finding stage for an extended period of time, and are supervised by the court rather than the probation department. Consequently, the time average from arrest to disposition for RHCJC cases (235 days) was considerably longer than the time required for similar downtown cases (116 days), as shown in Table 30.

Although RHCJC respondents typically waive the time requirement, the lengthy time to disposition at Red Hook may contribute to the Law Department's apparent reluctance to file juvenile delinquency cases at RHCJC. Another potential concern is that the longer a case remains open, the greater the chances are that the respondent will be re-arrested while under court supervision, jeopardizing the "favorable resolution" of the original case promised in the family court contract in exchange for the successful completion of the mandate. To ameliorate these concerns, the Justice Center recently adopted a 120-day limit on family court contracts.

**Table 30. Family Court Case Processing Statistics, 2006-2008<sup>1</sup>**

Sample	Court	
	Red Hook	Downtown
N Sample	102	102
N Convicted (Initial disp)	33	41
<b>CASE PROCESSING</b>		
Days, arrest to filing	27.4***	61.8
Days, arrest to disposition	235.3***	116.1
Number of appearances	15.0***	6.83
<b>DISPOSITION</b>		
Disposition type	***	
Pled guilty/convicted	32%	40%
Case dismissed	6%	21%
Adjourned in contemplation of dismissal	30%	28%
Settled or withdrawn	31%	11%
<b>SENTENCE</b>		
Sentence type (if convicted)		
Placement	28%	22%
Probation	39%	57%
Conditional Discharge	33%	22%

+p<.10,\* p<.05, \*\* p<.01, \*\*\*p<.001.

<sup>1</sup> Red Hook and Downtown samples after propensity score matching.

In some cases, the RHCJC clinic may not offer a treatment recommendation, and no family court contract is implemented. Such cases follow the traditional family court process and proceed directly to fact-finding and disposition hearings, sometimes combined. Likewise, if the youth does not successfully meet the contract conditions, the traditional family court process is followed. The youth may be admitted to a residential treatment facility or otherwise placed in alternative programming. Following release, the case manager and the youth will create an aftercare plan. Fact-finding hearings, however, are rare events in the RHCJC family court (see Table 31).

**Table 31. Fact-Finding Hearings at the  
RHCJC Family Court**

<b>Year</b>	<b>Number of Fact-finding Hearings</b>
2008	3
2009	9
2010	5
2011	1

As shown in Table 30, about one-third of juvenile respondents whose cases were processed at RHCJC between 2002 and 2007 pled guilty or were convicted, about one-third had their cases adjourned in contemplation of dismissal (ACD), about one-third had their cases settled or withdrawn, and a handful had their cases dismissed. Many of the non-conviction dispositions likely occurred after the respondent successfully completed the requirements of the court mandate. Downtown, 40 percent of respondents pled guilty or were convicted, with the remainder receiving a dismissal, ACD, settlement, or withdrawal.

Several differences in the nature of sentences pronounced on adjudicated delinquents emerged between the two courts and though none of these differences were statistically significant, they nonetheless reflect real differences between the philosophies of the two courts. RHCJC was more likely than the downtown court to sentence respondents to out-of-home placement (28 percent of convictions versus 22 percent). On the other hand, RHCJC was also more likely to sentence respondents to a conditional discharge (33 percent versus 22 percent) and less likely to sentence respondents to probation (39 percent versus 57 percent). It thus appears that the Kings County Family Court relies more heavily on the probation department to provide supervision and services to juvenile respondents than does the Justice Center, which seems more inclined to become directly involved in the provision of supervision and services, both in the pre-fact-finding stage and related to conditional discharges.

### **C. FAMILY COURT PARTICIPANTS**

Table 32 shows the distribution of charges for the 162 new juvenile delinquency arrests referred to the Justice Center in 2007, the only full year that such data was reported in CCI statistical reports (see Table 32). While 22 percent of the charges for the new arrests were not recorded, the most frequent charges were assault, theft/larceny, burglary, and criminal mischief.

**Table 32. Charges for New Juvenile Arrests  
Referred to RHCJC Family Court**

<b>Charges</b>	<b># Charged</b>	<b>% of Arrested</b>
Criminal Mischief	21	13%
Theft/Larceny	28	17
Burglary	22	14
Assault	34	21
Graffiti	15	9
Marijuana	7	4
Not Reported	35	22
<b>Total</b>	<b>162</b>	<b>100</b>

Regarding the severity of these charges, 37 percent were felonies, 42 percent Class A misdemeanors, and seven percent Class B misdemeanor charges, with severity not reported for 14 percent (Table 33).

**Table 33. Severity of Juvenile Charges, 2007**

<b>Severity</b>	<b>Percentage of Charges</b>
Class A Misdemeanor	42%
Class B Misdemeanor	7
Felony	37
Not Recorded	14

Table 34 compares demographics, criminal history, and current charges for Red Hook and downtown family court respondents, before propensity score matching. The unmatched downtown sample is used in order to provide a valid comparison of the types of cases and respondents that are processed in each court.<sup>33</sup>

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<sup>33</sup> Propensity score matching is used to compensate for any differences between the samples in terms of baseline characteristics, in order to avoid bias in the analysis of impacts such as sentencing and recidivism. Here, we wish to analyze the differences in baseline characteristics rather than impacts, so it is appropriate to use the full downtown sample instead of the matched sample.

**Table 34. Red Hook Family Court Baseline Measures, 2006-2008**

	<b>Sample:</b>	<b>Original</b>	
	<b>Red Hook Status:</b>	<b>RH</b>	<b>Downtown</b>
Number of Cases		102	493
<b>DEMOGRAPHICS</b>			
Female		0.25	0.22
Age			
Mean age		14.27	14.27
Age categories			
	12	4%	4%
	13	13%	17%
	14	35%	28%
	15	58%	51%
Race			
Black		56%	74%
Hispanic		34%	18%
White/Other		10%	8%
<b>CRIMINAL HISTORY</b>			
Prior Arrests		0.37***	0.89
Prior Arrest?		24%***	46%
Prior Felony Arrests		0.19***	0.47
Prior Felony Arrest?		15%***	29%
Prior Misdemeanor Arrests		0.19***	0.41
Prior Misdemeanor Arrest?		15%***	29%
Prior VFO Arrests		0.11***	0.28
Prior VFO Arrest?		10%***	19%
Prior Robbery Arrests		0.06***	0.18
Prior Robbery Arrest?		6%***	13%
<b>CURRENT CRIMINAL CASE</b>			
Arrest Charges			
Arrest Charge type			
Assault		30%	30%
Robbery		20%	25%
Other property related		27%	24%
Drugs or Marijuana		12%	10%

Weapons	8%	8%
Other	4%	4%
Arrest Severity	*	
	<b>Sample:</b>	<b>Original</b>
	<b>Red Hook Status:</b>	<b>RH</b>
		<b>Downtown</b>
Felony?	44%	53%
Arraignment Charge	**	
Assault	33%	30%
Robbery	14%	32%
Other property related	29%	17%
Drugs or Marijuana	12%	10%
Weapons	8%	7%
Other	4%	3%
Arraignment Severity		
Felony?	0.23***	43%
Disposition Judge	***	
Judge Calabrese	100%	0%
Judge A	0%	29%
Judge B	0%	23%
Judge C	0%	22%
Judge D	0%	25%
Other Judge	0%	2%

The age and gender distributions of respondents in the two samples are very similar. Justice Center respondents, however, were less likely to be African-American and more likely to be Hispanic than downtown family court respondents. Also, before propensity-based adjustment, juvenile offenders processed by the Justice Center had less extensive offense histories across the board than their downtown counterparts. Differences in the probability of and the number of prior arrests, felony arrests, misdemeanor arrests, violent felony arrests, and robbery arrests were all highly significant, demonstrating that Justice Center participants possess significantly less serious offense histories than do their downtown counterparts. About 24 percent of the Justice Center reported a prior arrest, 15 percent reported felony and misdemeanor arrests, 10 percent reported a prior violent felony arrest, and six percent a prior robbery arrest.

Assault, other property-related offenses, robbery, and drugs or marijuana were, in that order, the most frequently occurring offenses at arraignment for juvenile offenders processed at the Justice Center. With slight differences in some offense categories, the data in Table 34 are generally consistent with that reported in the 2007 statistical report. The pattern for the downtown sample was similar except that a much larger proportion of cases were arraigned for robbery (the second most frequently occurring downtown category) and fewer for “other property-related” (the

third most frequently occurring downtown category). Table 34 also shows that nearly 23 percent of the arraignment charges at the Red Hook were for felonies, a significantly smaller proportion than reported for the downtown family court. This suggests that police and Corporation Counsel are using their discretion to make sure that more serious cases are being filed in the downtown family court.

Further insight into the characteristics of juvenile delinquency respondents at Red Hook can be obtained by looking at data from the RHCJC youth clinic database covering January 2009 through April 2010, providing information on 34 youth referred for a clinic assessment following arraignment on delinquency charges. Their average age was 14.8 years (ranging from 12 to 16 years, with a modal age of 15 years), and 77 percent were male. The majority of these youth were African American/Black (53 percent), followed next in frequency by Latino Americans (38.2 percent), while the remaining 8.8 percent were White/Caucasian. Additionally, 46 percent of the juveniles (29 reporting data) lived in public housing and one-half were from families who rely upon public assistance for their incomes (30 reporting data).

At intake, 62 percent were enrolled in high school, 35.3 percent in middle school, and only one (2.9 percent) was not in school. Most were enrolled in ninth grade (52.9 percent), followed by eighth grade (23.5 percent), though grade levels varied from sixth through tenth. Around 79 percent of juveniles were described as “chronically disengaged” with school at intake.

All juvenile respondents in this group received an assessment from the juvenile clinic. Three of the 34 received short-term mediation services. Long-term services were more plentiful. At least one long-term service was received by 79 percent of the juveniles (Table 35). Most received outpatient mental health services, while one in four received drug treatment. About one in four received curfew monitoring, and less than 20 percent went to residential placements. Comparable information on services received is not available for juvenile respondents whose cases were processed downtown.

**Table 35. Type of Long-Term Services Received by RHCJC Clinic Referrals, 2009-2010**

Type of Service	% Receiving Service <sup>1</sup>
Outpatient Mental Health Services	56%
Drug Treatment	27
Curfew Monitoring	24
Residential Treatment	18
Education Advocacy	15
Extra Curricular/After-School	9

<sup>1</sup> Percentages do not total to 100 percent because juveniles can receive multiple services.

## **D. CONCLUSIONS: FAMILY COURT**

The Justice Center's family court increases the use of diversion and the availability of youth and family services in juvenile delinquency cases, although there are issues regarding the coverage of juvenile delinquents from the Red Hook neighborhood and the timeliness of case dispositions.

*Conclusion 1: The Justice Center has succeeded in increasing the use of pre-filing diversion and the availability of youth and family services in juvenile delinquency cases.*

The success of the Justice Center and its partners in the probation department in adjusting (diverting) juvenile delinquency cases has helped to inspire the increased use of adjustment in juvenile delinquency cases throughout New York City. All youth whose juvenile delinquency cases are heard at the Justice Center have access to a wide range of social services, including family services.

*Conclusion 2: The Justice Center's family court and youth clinic reach only a small number of youth whose juvenile delinquency cases are not diverted.*

Only about one-half of juvenile cases arising in the RHCJC catchment area that are referred for prosecution end up being filed at the Justice Center, with the remainder being filed in Kings County Family Court in downtown Brooklyn. This makes it difficult to conclude that the family court is achieving its core goal of retaining and treating juvenile offenders in the local community. The small number of juvenile delinquency cases processed at the Justice Center is also problematic in light of the concentration of resources, such as the juvenile clinic, devoted to these cases. To increase family court caseloads, Justice Center leaders should work with the New York City Law Department to identify and mitigate obstacles to the filing of juvenile delinquency cases at Red Hook, including the length of time required to achieve a final case disposition.

## CHAPTER 9: IMPACT ON RECIDIVISM AND ARRESTS

The two previous chapters conclude that the Red Hook Community Justice Center has been implemented largely according to plan, achieving its goals of increasing the certainty of meaningful sanctions for misdemeanor offenses, enhancing perceptions of procedural justice, and forging strong ties with the Red Hook community. This chapter examines whether these activities have resulted in the intended changes in the behavior of offenders and potential offenders. It seeks to answer the following questions:

1. Recidivism: As compared with traditional courts, has the Justice Center reduced the incidence of reoffending among adult criminal defendants and juvenile delinquency respondents?
2. Neighborhood Crime: Has the Justice Center contributed to an overall reduction in crime in its catchment area?

In addressing the first question, this evaluation takes a quasi-experimental approach that compares cases processed at the Justice Center with similar cases processed in Kings County Criminal Court (adult misdemeanor cases) or Kings County Family Court (juvenile delinquency cases). Propensity score adjustments were used to ensure that the Red Hook and comparison group samples were comparable in terms of baseline characteristics such as demographics (age, race, and sex), criminal history, and current charges. The recidivism analysis was conducted using survival analysis techniques, which focus on the length of time from arraignment to case disposition. To investigate the Justice Center's influence on the overall level of crime in the catchment area, Bayesian change point analysis was used to examine arrest trends in the catchment area and the adjacent police precincts.

### A. RECIDIVISM ANALYSIS: CRIMINAL COURT

One way in which the Red Hook Community Justice Center seeks to reduce crime in the community is by reducing recidivism among defendants. This evaluation uses a simple comparison of re-arrest rates as well as two forms of survival analysis to examine the impact of case processing at RHCJC on the risk of recidivism among adult misdemeanor defendants. The data also allow us to test some of our hypotheses about the mechanisms through which RHCJC brings about any reduction in recidivism, including the deterrence hypothesis and the community connections prong of the legitimacy hypothesis. The data show that RHCJC appears to reduce the two-year recidivism rate among adult criminal defendants by 10 percent in comparison with similarly situated defendants prosecuted in a traditional misdemeanor court. The survival analysis reveals that RHCJC defendants face a lower risk of recidivism than comparable defendants whose cases are processed in a traditional court, but fails to lend any support to either the deterrence hypothesis or the community connections hypothesis. The process evaluation and ethnographic analysis point to procedural justice as the most plausible alternative explanation for RHCJC's impact on recidivism.

#### 1. Data

The criminal court recidivism analysis relies upon the comparison data set described in Chapter 2, Section B(2)(a). The data set includes records of 1,564 cases processed at the Justice Center and 1,563 cases processed at the Kings County Criminal Court in downtown Brooklyn, all of which reached a final disposition in 2008. All defendants were arrested in the catchment area and arraigned on misdemeanor charges. To compensate for any differences in the types of defendants or cases processed at the two courts, a propensity score adjustment was implemented.<sup>34</sup>

## **2. Measuring Recidivism**

The two most commonly used measures of recidivism are re-arrest and reconviction. For purposes of this evaluation, recidivism is defined as the occurrence of a new arrest. Re-arrest is a broader measure of recidivism than reconviction, as not all arrests result in convictions. In some cases, the charges are dropped because there is insufficient evidence that the defendant committed a crime (Ostrom et al. 2002, 60). In many misdemeanor cases, however, the charges are dismissed for reasons other than a lack of evidence, such as the defendant's completion of an alternative sanction or avoidance of re-arrest for a specified period of time. For example, of the combined RHCJC and downtown defendants in the final impact analysis sample, only 50 percent were convicted in the original criminal case; 30 percent of defendants' cases were adjourned in contemplation of dismissal (ACD), and 21 percent of defendants had their charges dismissed outright (n = 3,127; percentages do not add to 100 due to rounding). In order to capture as many actual recidivistic events as possible, we therefore chose to use re-arrest rather than reconviction as the measure of recidivism.

## **3. One-Year and Two-Year Re-Arrest Outcomes**

### *a. All Defendants*

Table 36 compares the percentage of RHCJC and downtown defendants in the final sample who were re-arrested within one year and two years after arraignment on the initial offense. Over a one-year period, RHCJC defendants appeared less likely to be re-arrested than the downtown sample (28 percent vs. 31 percent), and were also arrested fewer times on average (0.57 vs. 0.66). These differences were statistically significant at the .10 level, but not at the .05 level.

Over a two-year period, differences in recidivism between RHCJC and downtown court defendants were somewhat larger and reached statistical significance at the traditional .05 level. RHCJC defendants were significantly less likely than downtown defendants to be re-arrested (36 percent vs. 40 percent) and averaged significantly fewer re-arrests (0.95 vs. 1.16). RHCJC defendants were also significantly less likely to have a misdemeanor re-arrest (28 percent vs. 34 percent), a violent felony re-arrest (5 percent vs. 8 percent), a violent misdemeanor re-arrest (8

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<sup>34</sup> See Appendix A for details on the calculation of propensity scores. A covariate adjustment was used in the comparisons of one-year and two-year re-arrest rates. Including the propensity score as a covariate rather than controlling directly for all variables that predict outcomes has been shown to bias the estimated effects of the explanatory variables in nonlinear models; therefore, the Cox survival models of time to re-arrest (survival analysis) do not control for the propensity score and instead include background and offense variables directly (Austin et al. 2007).

percent vs. 10 percent), or a property re-arrest (15 percent vs. 20 percent) than their downtown comparisons.

**Table 36. Re-Arrests for Catchment Area Misdemeanor Defendants, RHCJC v. Kings County Criminal Court**

<b>Red Hook Status</b>	<b>Court</b>	
	<b>Red Hook</b>	<b>Downtown</b>
N Sample	1564	1563
<b>RECIDIVISM</b>		
<b>One Year</b>		
# re-arrests	0.57+	0.66
Any re-arrest	28%+	31%
<b>Two Years</b>		
# re-arrests	0.95**	1.16
Any re-arrest	36%*	40%
# felony re-arrests	0.32	0.37
Any felony re-arrest	19%+	22%
# misdemeanor re-arrests	0.63*	0.78
Any misdemeanor re-arrest	28%**	34%
# drug re-arrests	0.4	0.43
Any drug re-arrest	21%	22%
# violent felony re-arrests	0.07+	0.10
Any violent felony re-arrest	5%**	8%
# violent misdemeanor re-arrests	0.09**	0.14
Any violent misdemeanor re-arrest	8%**	10%
# property re-arrests	0.31*	0.42
Any property re-arrest	15%**	20%

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001.

***b. Drug Treatment Defendants***

To investigate the impact of court-mandated drug treatment at RHCJC on recidivism, we also conducted a sub-sample analysis comparing 252 defendants who received a drug treatment mandate of three months or longer at the RHCJC to a matched sub-sample of 252 otherwise similar cases drawn from the original downtown sample. Twelve of the 252 downtown defendants

participated in the MBTC drug court program, but otherwise, the process evaluation research makes clear that very few downtown cases received a treatment intervention.

As shown in Table 37, the results did not indicate any statistically significant differences between the samples (and the raw differences trended towards slightly higher, rather than lower, re-arrest rates in the RHCJC sample). For example, the overall two-year re-arrest rate was 48 percent among RHCJC defendants and 43 percent among the matched downtown defendants. Other comparisons (see Appendix C) that examined felony, misdemeanor, drug-related, violent, and property-related re-arrests similarly did not detect any significant differences. Possible explanations for these unexpected outcomes will be discussed below. In general, these results suggest that type of drug treatment intervention used in Red Hook—as opposed to deterrence and legitimacy—may not be one of the primary mechanisms contributing to the RHCJC’s overall effectiveness in reducing recidivism.

**Table 37. Impact of Drug Treatment at RHCJC on Re-Arrests**

	Court	
	Red Hook	Downtown
N Sample	252	252
<b>RECIDIVISM</b>		
One Year		
# re-arrests	1.01	0.85
Any re-arrest	40%	36%
Two Years		
# re-arrests	1.83	1.48
Any re-arrest	48%	43%

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

#### 4. Survival Analysis

To provide a more nuanced analysis of RHCJC’s impact on recidivism, we employed two techniques: Kaplan-Meier bivariate survival analysis and Cox multivariate survival analysis. The Kaplan-Meier technique provides a readily interpretable graphical presentation of the difference in recidivism over time between the treatment and comparison groups. The Cox technique models the influence of multiple explanatory variables, such as age, gender, criminal history, and sanctions imposed, upon the risk of recidivism over time.

##### *a. About Survival Analysis*

The term “survival analysis” originated in the field of biostatistics, where this group of techniques was developed for the purpose of analyzing how long patients survived after receiving medical treatment. In the social sciences, survival analysis is sometimes known as “event history modeling” (Box-Steffensmeier and Jones 2004, 7). In any type of survival analysis, the dependent variable is the amount of time the subject “survives” in one state (e.g., life) before experiencing “failure,” or making a transition to another state (e.g., death). In the context of recidivism, failure is defined as the occurrence of a recidivistic event, typically re-arrest or conviction on a new offense; survival is defined as the amount of time between the initial offense and the recidivistic event.

In practice, it is not possible to observe the event of failure for each individual in a sample, because some individuals will not fail until after the study has concluded, and others may never fail at all. For these individuals, the observed survival time ends when the study’s follow-up period ends, which is earlier than the actual point of failure. Such observations are called “censored observations.” Because the observed survival times of the censored observations are shorter than their actual survival times, classical linear regression will produce biased estimates of the effects of the independent variables on survival time. (Box-Steffensmeier and Jones 2004, 16). Unlike linear models, survival models take censoring into account, eliminating the associated bias.

For each defendant in the sample, a complete New York State arrest record was obtained for the time period beginning at arraignment on the initial offense and ending on May 22, 2011. Survival time is calculated as the number of days elapsed between arraignment on the initial offense and re-arrest or the end of the follow-up period, whichever comes first. Censored observations are those in which no re-arrest was observed. It was possible for a defendant to be re-arrested more than once during the follow-up period; 28 percent of defendants in the sample were re-arrested multiple times. In these cases, survival time is calculated to the date of the first re-arrest.

Because an incarcerated defendant is not at risk for re-arrest, it was necessary to adjust the survival times to compensate for jail sentences imposed as a result of the initial conviction.

Data on the actual number of days served in jail were unavailable; however, the length of each defendant’s sentence was known. New York state law makes a defendant eligible for parole after serving two-thirds of a sentence of incarceration; therefore, for each defendant sentenced to jail on the initial offense, two-thirds of the number of days in the jail sentence were subtracted from the survival time.

In all, 43 percent of defendants in the sample were re-arrested at least once; the remaining 57 percent of observations were censored. The 3,127 defendants in the sample spent a total of 2,414,258 person-days at risk for re-arrest. On average, each defendant was observed for 772 days until re-arrest or censoring; the longest period of observation was 1,891 days.

### ***b. Kaplan-Meier Analysis***

In this evaluation, we employ two different survival analysis techniques to examine the Justice Center’s impact on recidivism: bivariate Kaplan-Meier analysis and multivariate Cox

regression. The Kaplan-Meier technique estimates the survivor function for the study subjects by calculating the cumulative probability of survival at each observed failure point. Observations in the data set are first ordered by survival time. For each interval between failures, the number of observations surviving at the end of the interval is divided by the number of observations surviving at the beginning of the interval, producing the conditional probability of surviving until the end of the interval given that the individual has already survived until the beginning of the interval. This conditional probability is then multiplied by the cumulative probability of surviving until the end of the previous interval, yielding the cumulative probability of surviving from the beginning of the study until the end of the current interval. This calculation is repeated for each successive interval between observed failures. Censored observations are counted as survivors for as long as they are observed; when they leave the data set, censored observations simply cease to be factored into the calculations rather than being counted as failures.

An important advantage of the Kaplan-Meier estimator is that it is nonparametric; that is, it relies upon no *a priori* assumptions regarding the form of the survivor function, estimating the function entirely on the basis of the available data and eliminating the possibility of bias due to faulty assumptions about the functional form. The Kaplan-Meier method also produces an intuitive visual representation of the survivor function. By plotting separate survivor functions for different groups of observations, it is possible to conduct simple bivariate analyses of survival data. The construction of confidence intervals around the survivor functions and the log-rank test allow statistical assessment of whether the survival functions are equal (Cleves, Gould and Gutierrez 2002, 106-08).

Figure 7 plots the estimated survivor function for misdemeanor defendants processed at RHCJC versus the estimated survivor function for the downtown comparison group. The horizontal axis represents survival time, and the vertical axis represents the cumulative probability of survival, or an individual's probability of surviving up to a given point in time. The Kaplan-Meier procedure produces survivor functions with a stepped appearance. Each downward step indicates a point in time at which one or more units in the sample failed—in this case, a point at which one or more defendants in the sample were re-arrested. The horizontal lines between steps represent points in time when no failures are observed.<sup>35</sup> The endpoint of each estimated function coincides with the last observed survival time.

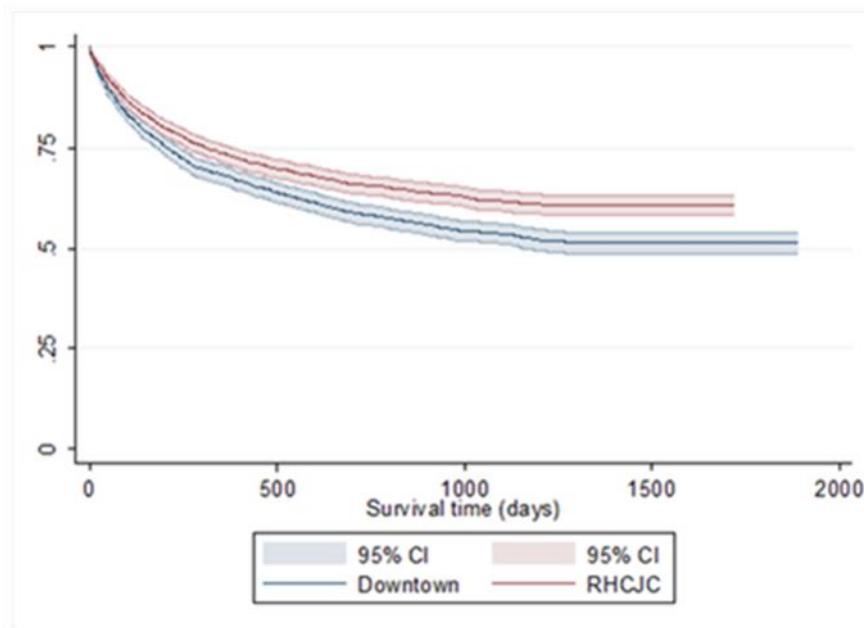
The bands around the estimated survivor functions illustrate the 95 percent confidence interval for each function. The downtown survivor function is lower than the Red Hook survivor function, indicating that at any given point in time, the cumulative probability of survival without re-arrest is lower for an offender originally processed downtown than for one whose original case was handled downtown—in other words, that defendants whose cases are processed at RHCJC reoffend at a lower rate than do comparable offenders whose cases are heard downtown. The confidence intervals do not overlap, indicating that the result is statistically significant at the .05 level. The log-rank test rejects the hypothesis of equality of the survivor functions at a significance

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<sup>35</sup> The Kaplan-Meier procedure assumes that the risk of failure remains constant during these periods. This assumption, however, is not a parametric assumption about the overall form of the survivor function.

level of less than .001, confirming that the difference between the two functions is statistically significant.

**Figure 7. Cumulative Probability of Survival Without Re-arrest by Court for Defendants Arrested in RHCJC Catchment Area, 2008 Dispositions**



note: Survivor functions estimated using Kaplan-Meier procedure.  
n = 3,127; 1,331 failures

### ***c. Cox Multivariate Survival Analysis***

Although the Kaplan-Meier procedure provides a compelling graphical illustration of the difference in recidivism between RHCJC and downtown misdemeanor defendants, it is only capable of accommodating one explanatory variable at a time. The Cox method, in contrast, allows us to model survival as a function of multiple independent variables, including age, gender, criminal history, and sanctions imposed, upon the risk of recidivism over time. The Cox model also allows us to examine some of our hypotheses about the causal mechanisms underlying the Justice Center’s impact on recidivism.

#### *i. The Cox Proportional Hazards Model*

The Cox model is a semi-parametric model that assumes that each independent variable causes a proportional increase or decrease in the risk of failure that does not vary over time. Like the Kaplan-Meier estimator, however, the Cox model makes no assumptions about the shape of the underlying survivor function and estimates this function directly on the basis of the available data.

Because it is capable of accommodating multiple explanatory variables, the Cox model allows us to control for the influence of important explanatory variables such as the offender's personal characteristics and the nature of the original offense.

We estimated two separate Cox models of time to recidivism. The first model, which we will call the basic model, is designed to show the average effect of case processing at RHCJC on recidivism, holding the defendant's background characteristics and the arraignment charge constant. The primary variable of interest in this model is an indicator for RHCJC cases (reference category = downtown). The defendant's demographic background is represented by a set of racial indicators (reference = white), gender (reference = male), and the defendant's age at arrest (mean-centered).<sup>36</sup> To account for the connection between a history of criminal behavior and future criminal activity, the model includes the numbers of previous felony and misdemeanor arrests, as well as dummy variables indicating whether the defendant has been the subject of a bench warrant, a probation revocation, or a parole revocation in a previous criminal case. Because bench warrants and probation and parole revocations are typically issued in response to a defendant's failure to comply with court requirements such as conditions of release, these events are expected to be associated with an increased risk of recidivism. Defendants with previous arrests are also expected to face a higher risk of recidivism. The remaining explanatory variables include a set of dummy variables for the most serious charge at arraignment (reference = public order, including prostitution), an indicator for cases involving domestic violence<sup>37</sup> (reference = non-domestic violence case), and an indicator for defendants arrested in the 76th Precinct, where RHCJC is located.

The second model, which we will call the full model, is intended to disaggregate the impact of various case processing practices and to test hypotheses about the mechanisms by which RHCJC is intended to reduce recidivism. This model includes all of the covariates from the first model. To test the certainty and severity prongs of the deterrence hypothesis, the model includes dummy variables for community service and jail sanctions. Because RHCJC attempts to enforce community service sanctions more strictly than the downtown court, an interaction between community service and RHCJC serves as an additional indicator of the certainty of punishment. If the certainty and severity hypotheses are valid, then community service, jail time, and the RHCJC-community service interaction should all be associated with reductions in recidivism. Finally, to test the hypothesis that the Justice Center's various efforts to build affective ties to the Red Hook community deter future criminal behavior on the part of defendants who live in the Red Hook neighborhood itself, an interaction between arrest in the 76th Precinct and case processing at RHCJC was included in the model. If the community connections hypothesis is valid, then defendants arrested in the 76th precinct and processed at RHCJC should be less likely to be re-arrested than either defendants from other precincts processed at RHCJC or defendants arrested in

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<sup>36</sup> In order to facilitate interpretation of results, age has been mean-centered by subtracting the mean age of all defendants in the data set (32.48 years) from each defendant's age. A positive mean-centered age indicates that the defendant is older than the average defendant; a negative value indicates that the defendant is younger than average.

<sup>37</sup> Domestic violence is not a distinct case type, so each domestic violence case is also coded under the primary criminal offense.

any precinct and processed downtown. Table 38 summarizes the hypotheses about causal mechanisms to be tested in the full model.

**Table 38. Hypotheses Concerning Mechanisms By Which RHCJC Reduces Recidivism, As Operationalized in Full Model**

Variable	Hypothesis	Expected Hazard Ratio
Deterrence		
Sentenced to jail	Meaningful sanction deters future criminal behavior	< 1.0
Community service	Meaningful sanction deters future criminal behavior	< 1.0
Community service x RHCJC	More certain enforcement of sanctions increases deterrence	< 1.0
Legitimacy/Community Connections		
Arrested in 76th Precinct x RHCJC	RHCJC's strong connections to the Red Hook community lead to greater reductions in recidivism for neighborhood residents	< 1.0

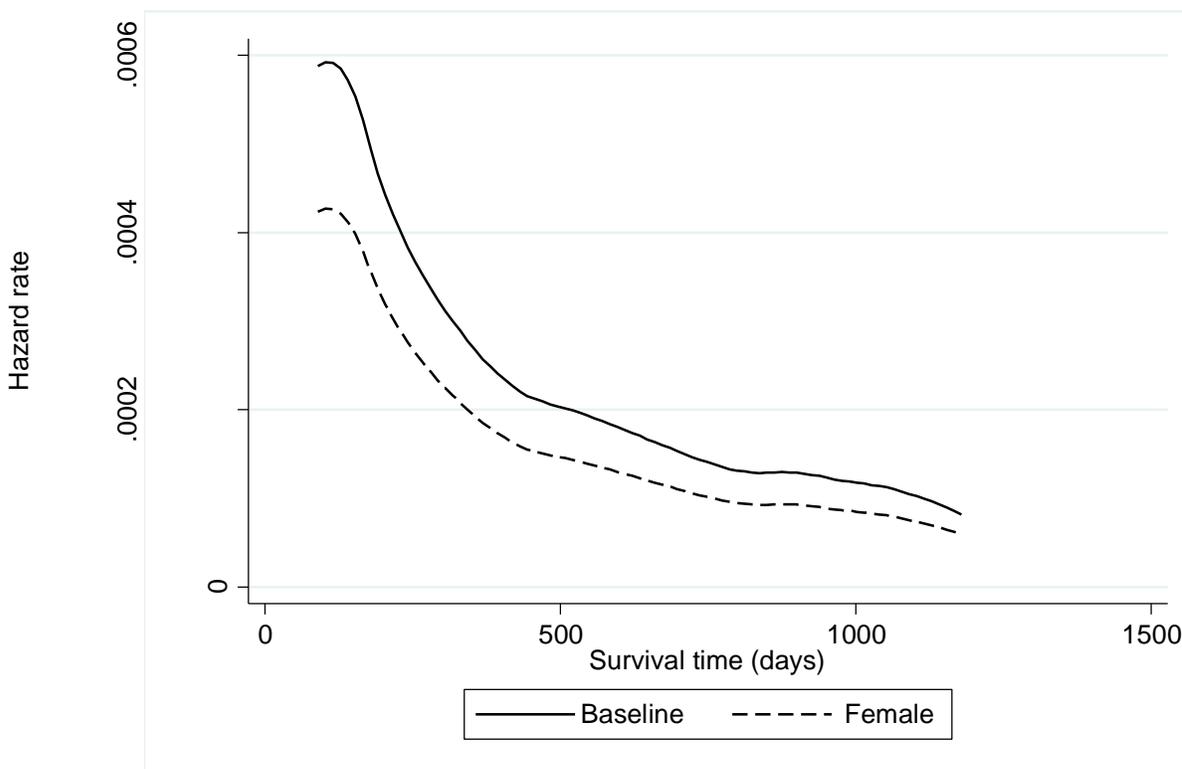
*ii. Hazard Rates, Hazard Ratios, and The Proportional Hazards Assumption*

Closely related to the survivor function is the hazard function, which describes an individual’s instantaneous risk of failure, or hazard rate. Whereas the survivor function equals the cumulative probability of survival until a particular point in time, the hazard rate equals the instantaneous probability of failure within a given time interval, conditioned upon the fact that the subject has survived until the beginning of that interval.

The effects of the independent variables in an estimated multivariate survival model are frequently expressed as hazard ratios. All subjects are assumed to face the same baseline risk of failure, or baseline hazard; each individual’s specific risk varies from the baseline risk based upon the effects of the independent variables. A hazard ratio is the ratio of the hazard rate associated with a one-unit change in an independent variable to the baseline hazard rate, holding the values of all other covariates constant at zero. A hazard ratio greater than 1 indicates that an increase in the value of the covariate increases the probability of recidivism; a hazard ratio less than 1 indicates that an increase in the value of the covariate decreases the probability of recidivism. The Cox model assumes that each independent variable increases or decreases the hazard rate by a fixed amount that does not vary over time—in other words, the explanatory variables may shift the overall level of the hazard function, but do not alter its shape. This assumption is known as the proportional hazards assumption. If the proportional hazards assumption does not hold, and the effect of one or more independent variables changes over time, then the Cox estimates of these variables’ effects will be biased (Box-Steffensmeier and Jones 2004, 132).

Figure 8 illustrates the concepts of the hazard rate and function, the hazard ratio, and proportional hazards. The vertical axis represents the hazard rate, or the probability of re-arrest at a given point in time; time is represented on the horizontal axis. The estimated hazard functions are from Model 1, which includes explanatory variables related to the offender’s demographic background, criminal history, and current charges, as well as an indicator for cases processed at RHCJC.<sup>38</sup> The solid line represents the baseline hazard function, or the risk of re-arrest when the value of all explanatory variables equals zero. The dashed line represents the hazard function for female offenders. Because being female decreases the probability of re-arrest, the hazard function for females is lower than the baseline hazard function, and the hazard ratio is less than 1 (.72, to be precise). Because the relationship between the two hazard functions is proportional, the hazard ratio remains constant over time.

**Figure 8. Estimated Risk of Re-arrest for Catchment Area Misdemeanor Defendants, Baseline v. Female**



The proportional hazards assumption can be tested by analyzing the residuals from the estimated Cox model (Grambsch and Therneau 1994). To correct violations of the proportional hazards assumption, each independent variable whose effect is found to vary over time can be interacted with a function of time, allowing the effect of the covariate to vary over time while preserving the proportional hazards structure of the Cox model (Box-Steffensmeier and Jones

<sup>38</sup> Because the Cox cumulative hazard function is a step function, it is technically impossible to calculate hazard rates based upon an estimated Cox model. For illustrative purposes, the Cox survivor function has been smoothed to allow the calculation of the hazard function. (Cleves, Gould and Gutierrez 2002, 123).

2004, 136). In both models, the variables for any prior bench warrant, any prior probation revocation, arraignment on a marijuana charge, and arraignment on a DWI charge were found to violate the proportional hazards assumption. In the second model, the jail sentence variable was also found to violate the proportional hazards assumption.<sup>39</sup> For each of these variables, a new variable was calculated by multiplying the original variable by the natural logarithm of the subject's survival time. Each of these interaction terms was then included in the models along with the original forms of the variables.

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<sup>39</sup> In order to avoid overspecification of the model, we defined a violation of the proportional hazards assumption as a rejection of the hypothesis of proportionality at the .01 level.

### *iii. Cox Regression Results*

Table 39 displays the two estimated Cox models.<sup>40</sup> In addition to the indicator for RHCJC cases, both models include the background variables related to the offender's demographic characteristics, criminal history, and most serious charge at arraignment; the full model adds the variables designed to test hypotheses about the mechanisms by which RHCJC influences recidivism.

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<sup>40</sup> The models were estimated using the Efron procedure for handling tied survival times (StataCorp 2009, 129; Box-Steffensmeier and Jones 2004, 55-59).

**Table 39. Relative Risks of Re-arrest for Misdemeanor Defendants Arrested in RHCJC Catchment Area, 2008 Dispositions**

Variable	Basic Model		Full Model	
	Hazard ratio	P >  z	Hazard ratio	P >  z
RHCJC (reference = downtown)	0.8	<.01	0.74	<.01
Race (reference = white)				
Black	1.48	<.01	1.49	<.01
Hispanic	1.19	0.05	1.17	0.07
Asian	1.04	0.83	1.09	0.63
Female	0.72	<.01	0.76	<.01
Age	0.97	<.01	0.98	<.01
Criminal history				
Number of prior felony arrests	1.02	0.01	1.02	0.01
Number of prior misdemeanor arrests	1.04	<.01	1.03	<.01
Any prior bench warrant	1.52	0.04	0.78	0.27
Any prior probation revocation	0.57	0.05	0.43	<.01
Any prior parole revocation	1.2	0.06	1.09	0.4
Arraignment charge (reference = public order)				
Drug offense, other than marijuana	1.18	0.07	1.19	0.05
Marijuana	0.27	<.01	0.38	0.01
Crime against person	0.71	<.01	0.75	0.01
Property crime	1.02	0.83	1.01	0.94
Driving while intoxicated	0.04	<.01	0.04	<.01
Other	0.73	0.03	0.76	0.06
Domestic violence case	0.92	0.53	0.98	0.91
Arrested in 76th precinct	1.04	0.57	1	0.96
76th precinct x RHCJC	1.11	0.39		
Community service sanction	1.32	0.03		
Community service x RHCJC	1	0.99		
Sentenced to jail	12.97	<.01		
Time-varying effects*				
Any prior bench warrant	1.11	0.01	1.25	<.01
Any prior probation revocation	1.15	0.02	1.21	<.01
Arraignment charge				
Marijuana	1.29	<.01	1.24	<.01
Driving while intoxicated	1.64	0.01	1.65	0.01
Sentenced to jail			0.68	<.01
number of defendants	2988		2988	
number of defendants re-arrested	1280		1280	

\*Variables with time-varying effects interacted with ln (survival time).

The effect of each independent variable is reported in the form of a hazard ratio, or the ratio between the hazard rate associated with a one-unit increase in the value of the explanatory variable and the baseline hazard rate, holding all other covariates constant at zero. For example, the hazard ratio of .97 for the mean-centered age variable in the basic model implies that a defendant who is one year older than the average defendant is 3 percent less likely to be re-arrested at any given point in time than a defendant of average age, holding all other factors constant. For dummy variables, a hazard ratio greater than 1 indicates that a defendant with the specified characteristic is more likely to be re-arrested than a defendant without the specified characteristic, and a hazard ratio less than 1 indicates that a defendant with the specified characteristic is less likely to be re-arrested than a defendant without that characteristic. For instance, the hazard ratio of .72 on the “female” variable in the basic model indicates that, at any given point in time, a female defendant is 28 percent less likely to be re-arrested than a similarly situated male defendant. A p-value is reported for each hazard ratio. The p-value is used to test the statistical significance of the effect of the independent variable. A p-value of less than .05 denotes strong evidence against the null hypothesis that the hazard ratio is exactly 1.0 and the variable has no effect on the probability of recidivism. A p-value of .05 or greater indicates that the result is not statistically significant.

In the basic model, the Red Hook indicator is the primary variable of interest. The hazard ratio of .80 indicates that, at any given time, a defendant whose case was processed at RHCJC is 20 percent less likely to be re-arrested than a similarly situated defendant whose case was processed in the downtown Brooklyn criminal court. This result is statistically significant.

Although the basic model suggests that the Justice Center does reduce recidivism, it offers no clues as to why this might be the case. The full model addresses this question by directly testing some of the hypotheses about the mechanisms through which RHCJC impacts recidivism. In the full model, the hazard ratio on the Red Hook variable is .74, somewhat lower than the hazard ratio estimated in the basic model. As in the basic model, the RHCJC effect is statistically significant.

The full model provides no support for the deterrence hypothesis. On the contrary, both community service and jail sanctions are associated with statistically significant increases in the risk of recidivism. In the case of jail sanctions, this effect likely results from selection bias: because defendants with a high risk of recidivism are most likely to be sentenced to jail, and it is not possible to measure all risk factors for recidivism and incorporate them directly into the model, the apparent impact of jail sentences on recidivism results at least in part from this unmeasured risk rather than from any effect of the jail sanction itself.<sup>41</sup> Holding all other factors constant, community service is associated with a statistically significant 32 percent increase in the risk of

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<sup>41</sup> The hazard ratios on the indicator variable for jail and the time-interacted jail variable should be interpreted in tandem. Broadly, the hazard ratio of 12.97 on the jail dummy indicates that the overall risk of recidivism is much higher for defendants sent to jail, whereas the hazard ratio of .68 on the jail \* ln(time) interaction indicates that the risk of recidivism levels off more quickly for defendants sentenced to jail than for the general population of defendants. In all, 90 percent of defendants sentenced to jail were re-arrested during the follow-up period, as compared with 39 percent of defendants who were not sentenced to jail.

recidivism. As with jail sanctions, judges may be more likely to impose community service sanctions on defendants who are already at a higher risk of recidivism, although this conclusion is more speculative for community service sanctions than for jail sentences. At any rate, the available data offer no evidence that either jail or community service sanctions deter future offending.

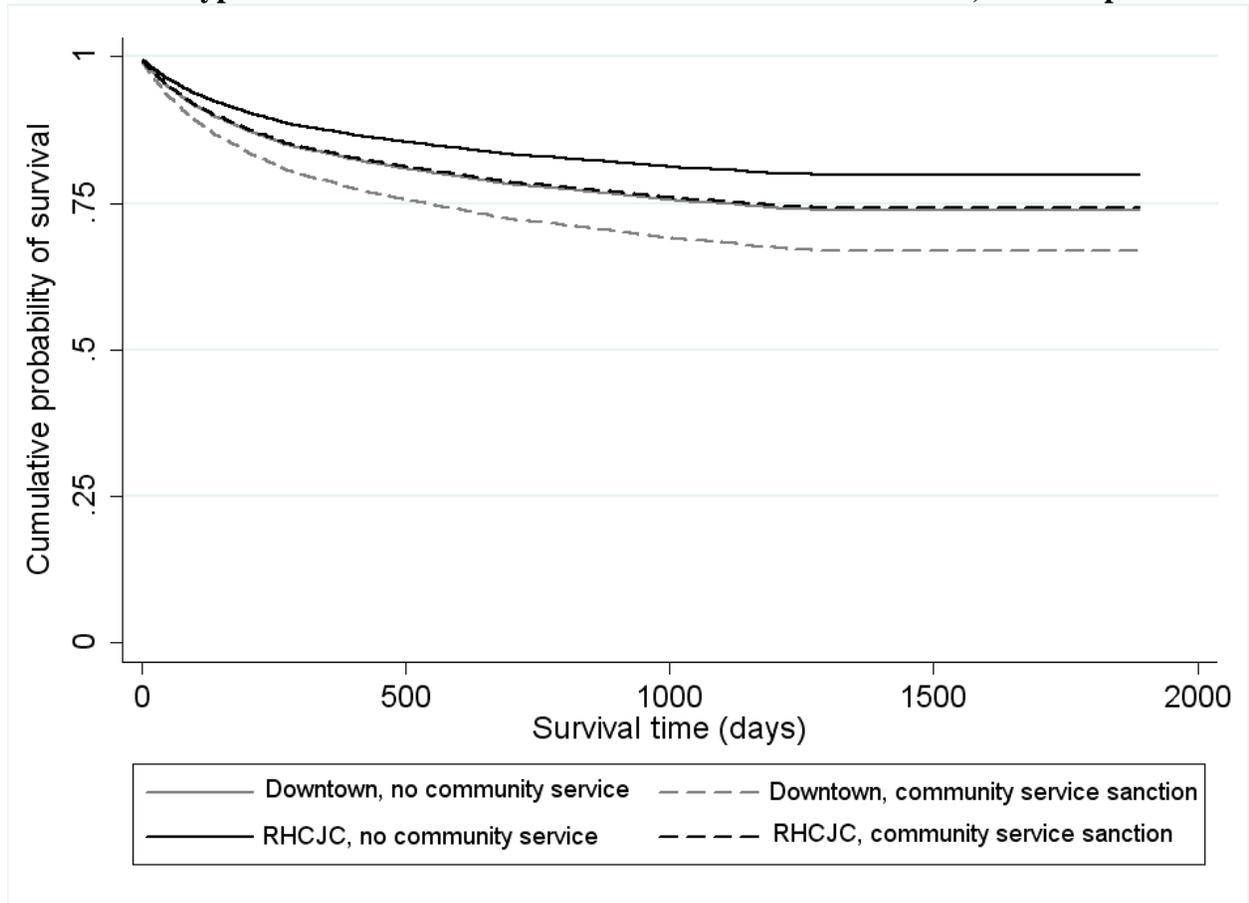
There are many possible reasons why community service sanctions might not produce a deterrent effect. Community service may not be a severe enough punishment to outweigh the potential gains from crime, it may not be imposed soon enough after the offense to be clearly connected to the crime in the offender's mind, or it may not be carried out with sufficient certainty. The Justice Center endeavors to maximize the deterrent power of community service through the immediate scheduling and strict enforcement of community service sanctions. To measure any increase in deterrence associated with these practices, the full model includes an interaction term that identifies RHCJC cases involving community service sanctions.

The effect of the interaction term is best understood by plotting the estimated survivor functions for four separate groups of defendants: defendants processed in the downtown Brooklyn criminal court without community service sanctions, downtown defendants with community service sanctions, RHCJC defendants without community service sanctions, and RHCJC defendants with community service sanctions. In Figure 9, the gray curves represent the survivor functions for downtown defendants, and the black curves represent the survivor functions for RHCJC defendants. Solid lines denote defendants without community service sanctions, and dashed lines denote defendants with community service sanctions. As expected, the likelihood of survival for each group of RHCJC defendants (with community service/without community service) is greater than the likelihood of survival for the corresponding group of downtown defendants. For each court, the survivor function for defendants mandated to community service lies below the survivor function for defendants without community service mandates, reflecting the increase in the risk of recidivism associated with community service sanctions.<sup>42</sup> If the Justice Center enforces community service sanctions with greater certainty, and this greater certainty produces a deterrent effect, then the distance between the two survival curves for RHCJC cases should be less than the distance between the survival curves for downtown cases. This is not the case: in fact, the distance between the RHCJC survivor functions is almost exactly as large as the distance between the downtown survivor functions. The hazard ratio of 1.00 on the community service-RHCJC interaction term underscores this result.

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<sup>42</sup> Because the increase in the risk of recidivism associated with community service sanctions is roughly equal to the decrease in recidivism associated with case processing at RHCJC, the survivor function for RHCJC defendants mandated to community service is nearly identical to the survivor function for downtown defendants not mandated to community service.

**Figure 9. Cumulative Probability of Survival Without Re-arrest By Court and Sanction Type for Defendants Arrested in RHCJC Catchment Area, 2008 Dispositions**

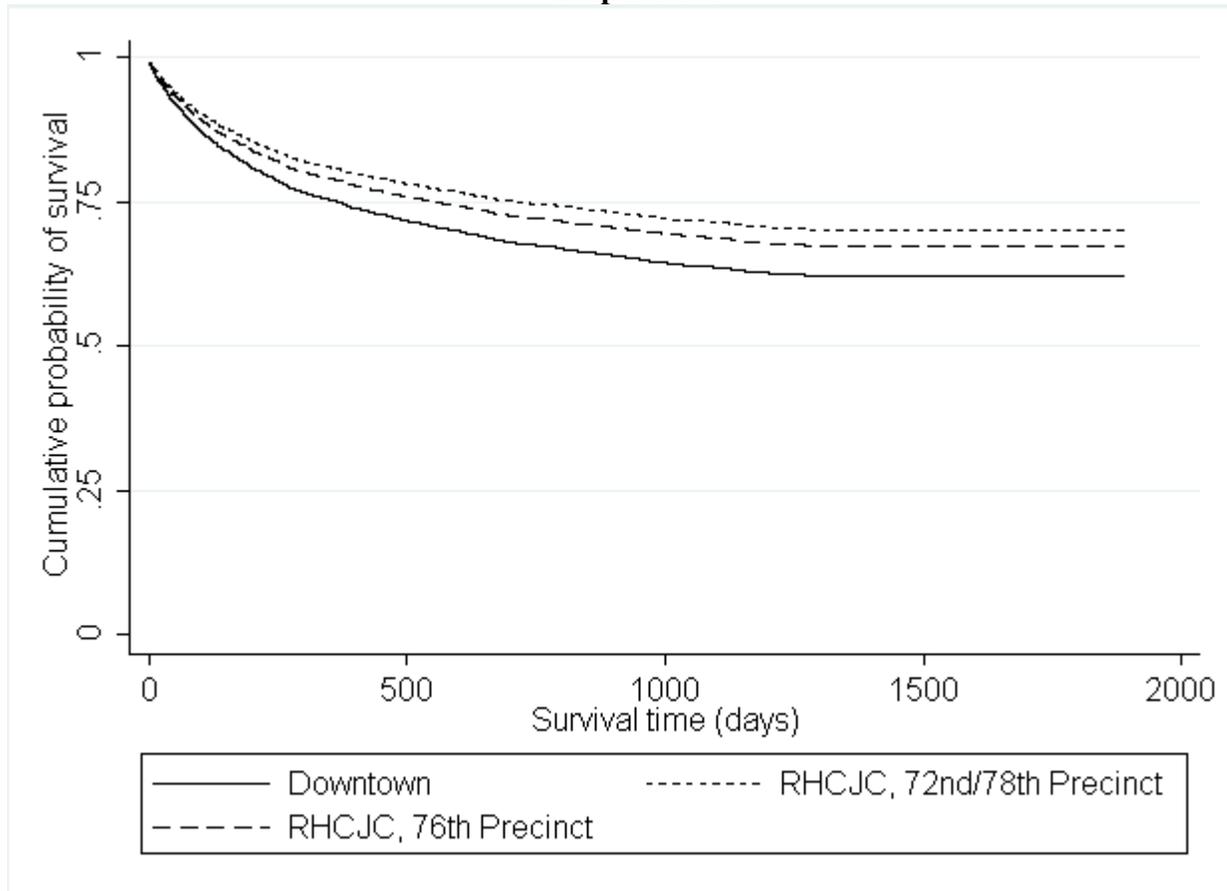


The possible presence of selection bias makes it impossible to give a definitive answer to the question of the extent to which jail and community service sanctions deter, or fail to deter, recidivism. The full model does, however, imply that RHCJC’s efforts to ensure swiftness and certainty in the enforcement of community service sanctions do not produce any additional deterrent effect. Between 2000 and 2009, 80 percent of RHCJC defendants mandated to community service successfully completed their mandates. The Justice Center's relative success in enforcing community service sanctions suggests a failure of theory rather than a failure of implementation when it comes to community service. In other words, the failure of community service sanctions to deter recidivism may result from the fact that community service is simply not burdensome enough to make a former defendant think twice about reoffending, rather than any failure of the Justice Center to ensure that offenders complete their sanctions.

Another hypothesis regarding the mechanisms by which RHCJC reduces recidivism is that the Justice Center's close ties to the Red Hook neighborhood increase its legitimacy and thereby strengthen residents' normative commitment to obey the law. Because the Justice Center's community outreach efforts are targeted almost primarily at the Red Hook neighborhood itself, the impact of the court's community ties might be expected to be confined to the 76th Precinct, which covers the Red Hook neighborhood. Consistent with this expectation, offender interviews conducted as part of the ethnographic analysis component of this evaluation suggest that residents of Sunset Park, one of the outlying neighborhoods in the catchment area, perceive the Justice Center as a less prominent force in the community than do Red Hook residents.

To test the community connections hypothesis, the full model includes a dummy variable for defendants arrested in the 76th Precinct and an interaction term identifying defendants arrested in the 76th Precinct and arraigned at RHCJC. If the hypothesis is valid, then residents originally arrested in the Red Hook neighborhood and arraigned at RHCJC should be less likely to be re-arrested than RHCJC defendants originally arrested outside the neighborhood. Figure 10 shows the estimated survivor functions for RHCJC defendants arrested in the 76th Precinct, RHCJC defendants arrested elsewhere in the catchment area, and downtown defendants. Both groups of RHCJC defendants were less likely to be re-arrested than downtown defendants. Contrary to expectations, however, RHCJC defendants originally arrested in the Red Hook neighborhood itself were slightly more likely to be re-arrested than RHCJC defendants originally arrested outside the 76th Precinct. The hazard ratios on the 76th Precinct dummy and the interaction term are not significantly different from 1.00, indicating that the difference in the risk of recidivism between the two groups of RHCJC defendants is not statistically significant. The model therefore provides no support for the community connections hypothesis.

**Figure 10. Cumulative Probability of Survival Without Re-arrest By Court and Precinct of Arrest for Defendants Arrested in RHCJC Catchment Area, 2008 Dispositions**



## 5. Procedural Justice and Recidivism

The multivariate Cox survival models provide evidence that the Red Hook Community Justice Center does indeed reduce recidivism as compared with "business as usual" processing of misdemeanor cases, but there is no evidence to support either the deterrence hypothesis or the community connections hypothesis as operationalized in the full model. The process evaluation and ethnographic analysis, however, point to procedural justice as the most plausible alternative explanation for the observed reduction in recidivism among RHCJC defendants.<sup>43</sup> As discussed in

<sup>43</sup> The intervention hypothesis is not a plausible alternative. Between 4 and 6 percent of RHCJC defendants are mandated to long-term drug treatment, and these defendants do not appear less likely to recidivate than similarly situated defendants whose cases are processed in a traditional criminal court. Although a larger number of RHCJC defendants are mandated to educational programs of two hours or less in duration, such short-term interventions are not expected to produce any impact beyond motivating some participants to seek additional treatment on their own (see pp. 6-7).

Chapter 6, the process evaluation and ethnographic analysis provide evidence that defendants perceive a high level of procedural fairness in the Justice Center's decision-making processes. The judge is widely viewed as trustworthy, genuinely concerned with the well-being of the parties appearing before him, neutral, respectful, and committed to allowing defendants a meaningful voice in court proceedings. Although defendants perceive the results of cases processed at the Justice Center and in traditional criminal courts as equally fair, they believe that the procedures used to arrive at those results at the Justice Center are more fair than the procedures employed in traditional court. The procedural fairness hypothesis is further corroborated by a previous study of procedural justice at the RHCJC, which indicated that defendants whose cases were processed at RHCJC had more favorable perceptions of procedural justice than defendants whose cases were processed at the downtown criminal court. This study also found that favorable perceptions of the RHCJC judge were the most important contributor to defendants' overall positive perceptions of procedural justice at RHCJC, as would be expected under procedural justice theory (Frazer 2006).

Furthermore, the theory of procedural justice, corroborated by previous empirical work by Tom Tyler and numerous others, predicts that the greater perceptions of procedural fairness held by RHCJC defendants should translate into improved compliance with court orders and increases in future law-abiding behavior (Tyler 2006). Data from the ethnographic analysis hint that this mechanism is at work in Red Hook. When asked whether and why they had changed their behavior since their most recent court appearance, respondents whose last court appearance had been at RHCJC and those whose last appearance had been in the downtown Brooklyn criminal court responded similarly, with one notable exception: a substantial minority of RHCJC defendants specifically cited respect for the judge as a reason for their changes in behavior, while virtually no downtown defendants gave the same answer. The ethnographic interview evidence also suggests that another possible explanation for the differences in recidivism is not credible: there is no significant difference in the extent to which defendants perceive they experienced fair outcomes. Although the ethnographic analysis relies purely on defendants' own statements and cannot tell us whether or why defendants have in fact changed their behavior, the frequency with which Red Hook defendants mentioned respect for the judge in connection with behavioral change is notable.

Although RHCJC clearly promotes a high level of perceived procedural fairness among offenders, it is impossible to disentangle the impact of the Justice Center as an institution on procedural justice from the impact of the judge himself on procedural fairness. On one hand, the Justice Center's commitment to procedural justice results partly from an organizational culture that extends from the judge and court management down to the clinic staff, the court officers, the alternative sanctions staff, and every other employee in the courthouse. On the other hand, the Red Hook Community Justice Center is also a one-judge court, and Judge Calabrese is its face. His name is well known in the community, and he is a frequent participant in public meetings and community events. For many Red Hook residents, Judge Calabrese personifies the Justice Center's mission. As one respondent to the offender survey put it, "He's the man back here."

For court planners and policymakers, the primary lesson is clear: a commitment to procedural justice in all aspects of court operations appears to be essential in order for a community court to achieve a reduction in recidivism among misdemeanor offenders. The selection of a judge

with a proven history of procedural justice in decision-making is one important ingredient in the formula; other ingredients may include defendants' interactions with court staff and attorneys and the physical design of the courthouse.

## **B. RECIDIVISM ANALYSIS: FAMILY COURT**

In addition to adult criminal cases, the Red Hook Community Justice Center hears a small number of juvenile delinquency cases in its family court part. Respondents in these cases are between 12 and 15 years old at the time of arrest. As with adult misdemeanor cases, we employed survival analysis techniques to examine the impact of case processing at the Justice Center on the risk of recidivism for juvenile respondents. Although a lower risk of recidivism was observed for juveniles whose cases were processed at Red Hook than for juveniles whose cases were processed in a traditional family court, this result was not statistically significant.

### **1. Data**

The family court recidivism analysis relies on the comparison data set described in Chapter 2, Section B(2)(b). The data set includes records of 102 juvenile delinquency cases processed at the Justice Center and 102 juvenile delinquency cases processed at Kings County Family Court in downtown Brooklyn. All respondents were arrested between 2006 and 2008. To eliminate any selection bias resulting from differences between the types of cases or respondents processed at the two courts, propensity score matching was used to select the cases in the Kings County Family Court group.<sup>44</sup>

### **2. One-Year and Two-Year Re-Arrest Outcomes**

As with adult misdemeanor cases, to examine the impact of case processing at the Justice Center we employed simple comparisons of re-arrest outcomes as well as survival analysis techniques. Although a lower risk of recidivism was observed for juveniles whose cases were processed at Red Hook than for juveniles whose cases were processed in the traditional family court, this result was not statistically significant.

Table 40 presents our findings for the impact of the Red Hook Family Court on re-arrests over one-year and two-year periods after the initial case was filed, with specific results for misdemeanor, felony, and violent felony re-arrests over two years. The one-year re-arrest rate for youth processed at RHCJC was about one-quarter lower than the downtown sample (33 percent vs. 44 percent). The two-year analysis suggests, similarly, that RHCJC defendants averaged a lower re-arrest rate (48 percent vs. 60 percent) as well as fewer total re-arrests (1.09 vs. 1.58). Although all findings fell short of formal statistical significance due to the small sample size (102 youth in each group), the consistent direction of the RHCJC impact throughout all re-arrest comparisons suggests that the Justice Center is likely to be effective in reducing recidivism among juvenile delinquency respondents.

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<sup>44</sup> See Appendix B for details on propensity score matching.

**Table 40. Family Court Impact on Re-Arrests**

	Court	
	RHCJC	Downtown
N Sample	102	102
N available for the two-year recidivism analysis	97	85
<b>RECIDIVISM</b>		
<b>One Year</b>		
# re-arrests	0.66	0.85
Any re-arrest	33%	44%
<b>Two Years</b>		
# re-arrests	1.09+	1.58
Any re-arrest	48%	60%
# felony re-arrests	0.39	0.58
Any felony re-arrest	23%	32%
# misdemeanor re-arrests	0.7+	1
Any misdemeanor re-arrest	40%+	54%
# violent felony re-arrests	0.26	0.31
Any violent felony re-arrest	16%	22%

+p<.10,\* p<.05, \*\* p<.01, \*\*\*p<.001.

### 3. Survival Analysis

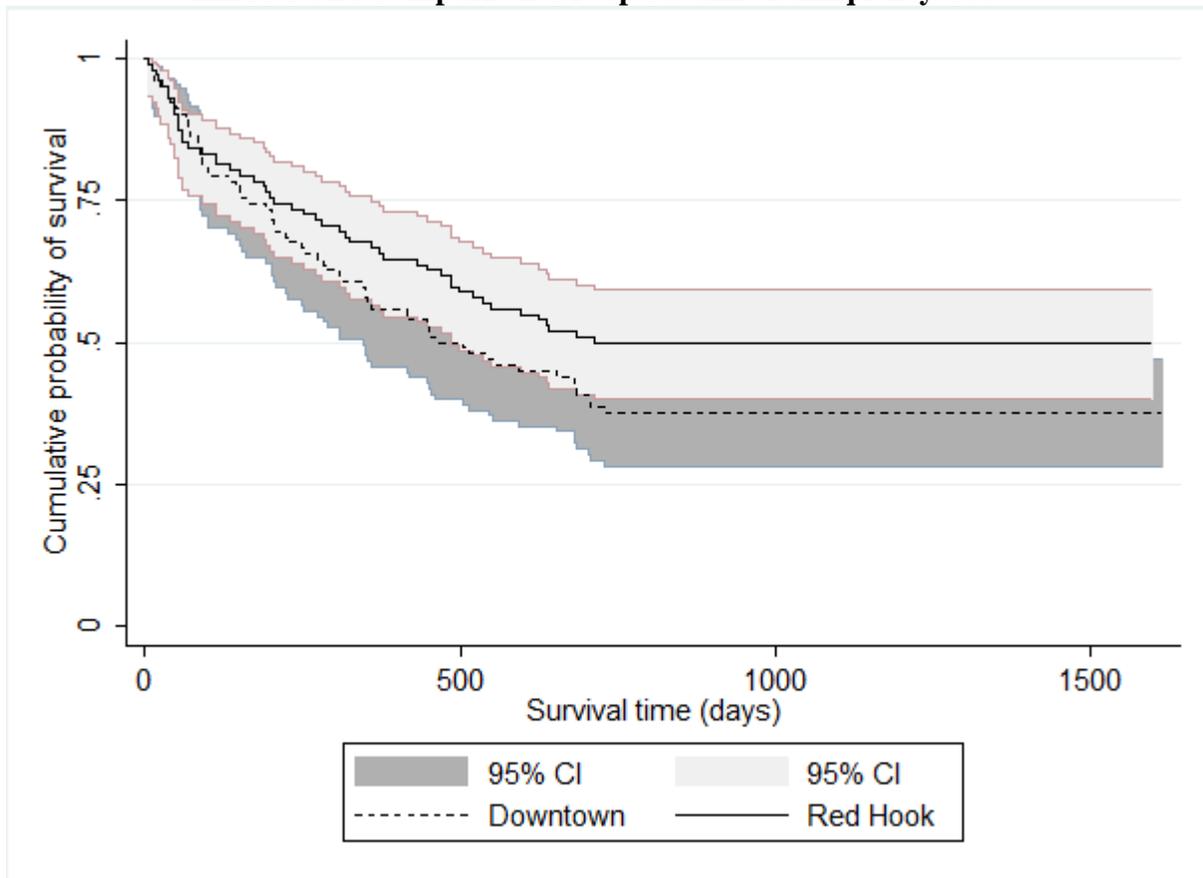
As with the adult criminal court data, we employed both Kaplan-Meier survival analysis and Cox multivariate survival analysis in order to make full use of all available data on time to re-arrest while accounting for the fact that the event of re-arrest was not observed in every case. Because juveniles whose cases are referred to the Justice Center are typically released with a desk appearance ticket instead of being held in custody for evaluation by the probation department, survival times are calculated from the date of arrest. Survival time is defined as the number of days from the original arrest to the first subsequent arrest or the end of the follow-up period, whichever is shorter. Because no data were available on the amount of time youth spent in detention, survival times were not adjusted for time spent in juvenile detention facilities following case adjudication.

Sixty-six percent of youth in the sample were re-arrested at least once. The 204 youth spent a total of 124,845 days at risk for re-arrest. The average survival time was 612 days; the longest period of observation was 1,612 days.

*a. Kaplan-Meier Analysis*

Figure 11 plots the Kaplan-Meier survivor functions for youth whose juvenile delinquency cases were handled at RHCJC and those in the matched downtown comparison group, along with the 95 percent confidence interval for each curve. The survivor function for Red Hook cases lies above the survivor function for downtown cases, indicating a lower risk of recidivism for youth whose cases were processed at the Justice Center. The overlapping confidence intervals, however, reveal that this result is not statistically significant. The log-rank test fails to reject the hypothesis that the survivor functions are equal (p-value = .11). Again, the lack of statistical significance may result from the small sample size, and it is possible that the result would appear statistically significant given a larger sample size.

**Figure 11. Cumulative Probability of Survival Without Re-arrest by Court for RHCJC and Comparison Group Juvenile Delinquency Cases**



***b. Cox Multivariate Survival Analysis***

As with the adult criminal court analysis, we also estimated a multivariate Cox survival model of time to re-arrest for juvenile offenders. The primary covariate of interest is an indicator for cases processed at RHCJC. Background variables include race (reference category = white), gender (reference = male), the youth’s age (centered at 14 to facilitate interpretation), the numbers of prior felony and misdemeanor arrests, the offense category (reference = property offense, other than robbery), and an indicator for felony cases.<sup>45</sup> None of the covariates were found to have time-varying effects.

**Table 41. Relative Risk of Re-Arrest for Family Court Respondents**

Variable	Hazard Ratio	P >  z
RHCJC (reference = downtown)	0.7	0.07
Race (reference = white)		
Black	1.1	0.77
Hispanic	0.8	0.51
Female	1.14	0.6
Age	0.96	0.76
Criminal history		
Number of prior felony arrests	1.5	0.03
Number of prior misdemeanor arrests	1.33	0.1
Arrest charge (reference = property crime, other than robbery)		
Assault	0.69	0.19
Robbery	1.79	0.12
Drug offense	2.02	0.03
Other	1.33	0.36
Felony arrest charge	0.7	0.23
number of respondents	204	
number of respondents re-arrested	114	

Table 41 displays the estimated model. The hazard ratio on the Red Hook indicator is .70, indicating that juveniles in the sample whose delinquency cases were processed at RHCJC faced a 30 percent lower risk of recidivism than juveniles in the matched comparison group whose cases were processed downtown. This result, however, is only marginally significant (p-value = .07). As

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<sup>45</sup> Unlike its adult criminal court part, the Justice Center’s family court part retains jurisdiction of felony cases beyond the arraignment stage.

with the Kaplan-Meier analysis, it is possible that a larger sample size would produce a result significant at the .05 level.

Based on these findings, we conclude that the Red Hook Family Court may reduce recidivism by a noteworthy magnitude. Nonetheless, small sample size limited our capacity to detect effects as statistically significant. Furthermore, even if the Justice Center does succeed in reducing recidivism among juvenile offenders, the Red Hook family court's extremely small caseload renders quite modest any overall benefit to public safety.

### **C. CHANGE POINT ANALYSIS OF CATCHMENT AREA ARRESTS**

The Red Hook Community Justice Center was designed to reduce the overall level of felony and misdemeanor crime in its catchment area. Reducing recidivism rates is one way in which such an impact might be accomplished. The advent of a community court might also result in a change in the behavior and strategies of the local police that, in turn, leads to a reduction in the level of crime. To provide a broader perspective on the Justice Center's general impact on crime and policing, we carried out what is referred to as a change point analysis to compare trends in the number of felony and misdemeanor arrests in the RHCJC catchment area with those in five adjacent Brooklyn precincts. Change point analysis also allows us to identify where statistically significant changes occurred in the overall level of arrests in each precinct. The change point analysis reveals that the total number of arrests in each of the three catchment area precincts fell dramatically around the time when the Justice Center opened, and remained relatively stable thereafter. This change was most pronounced for misdemeanor arrests, although a smaller decrease in felony arrests also occurred. In contrast, no similar changes were observed in the adjacent precincts. The implementation of the Justice Center therefore appears to be associated with an overall decrease in the volume of arrests in the catchment area, as well as increased stability in the number of arrests over time.

#### **1. Data**

We obtained monthly data on the numbers of felony and misdemeanor arrests in each of the three catchment area police precincts (the 76th, 72nd, and 78th precincts). For comparison, we also obtained monthly counts of felony and misdemeanor arrests in each of five Brooklyn precincts adjacent to the catchment area (the 66th, 68th, 70th, 71st, and 84th precincts). Each data series covers the period January 1998 through December 2009.<sup>46</sup>

#### **2. Change Point Analysis**

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<sup>46</sup> For some arrests made in the borough of Brooklyn, data on the precinct of arrest were not available; any of these arrests that did occur in one of the eight precincts under study were therefore omitted from our analysis. In 1998, precinct data were missing for 7.1 percent of arrests made in Brooklyn; in subsequent years, 1.5 percent or fewer of Brooklyn arrests were missing precinct data. Despite the higher rate of missingness in 1998, it was necessary to include the year 1998 in our analysis in order to allow a sufficient period of observation before RHCJC opened in mid-2000.

We employed a Bayesian product partition model (Barry and Hartigan 1993) to detect changes in the level of arrests in each precinct over time. Bayesian estimation methods allow us to compare the likelihood of a change in arrest levels during one month relative to other months within the period for which we have data. Change point analysis divides a series of data into a sequence of blocks, each of which has a constant mean. The number and location of change points, or breaks between blocks, are selected to produce the best “fit” of the observed data within each block to the mean of that block without breaking the series into too many blocks. Another advantage of the product partition model is that it is possible to examine simultaneously multiple data series for common trends. The Bayesian implementation of the product partition model also allows us to consider the probability that a significant change point is located at any particular point in time, rather than testing the statistical significance of one or a handful of preselected break points.<sup>47</sup>

### ***a. Hypotheses Regarding Changes in Arrests***

The number of arrests in an area is not driven solely by the prevalence of crime in that area; arrest trends are also affected by general police department policies and strategies as well as the decisions of individual officers. For example, if misdemeanor crime has increased, but police resources are focused on investigating serious felony cases, the number of misdemeanor arrests may remain constant or even decrease. Similarly, if police officers perceive that the court system tends to release misdemeanor defendants without meaningful consequences, they may choose not to make an arrest in every misdemeanor case. We therefore hypothesized that the Justice Center might have two competing effects on arrests in the catchment area. First, the court’s efforts at deterrence, intervention, and enhancing the legitimacy of the justice system were expected to reduce both misdemeanor and felony crime, leading to a decrease in the number of arrests in the catchment area. Second, the increased certainty of sanctions for misdemeanor offenses was expected to motivate police officers to make arrests in these cases, potentially leading to an increase in the number of misdemeanor arrests in the catchment area. Such an increase might also be associated with a belief by police officers that the services available at RHCJC would alleviate problems such as homelessness and addiction.

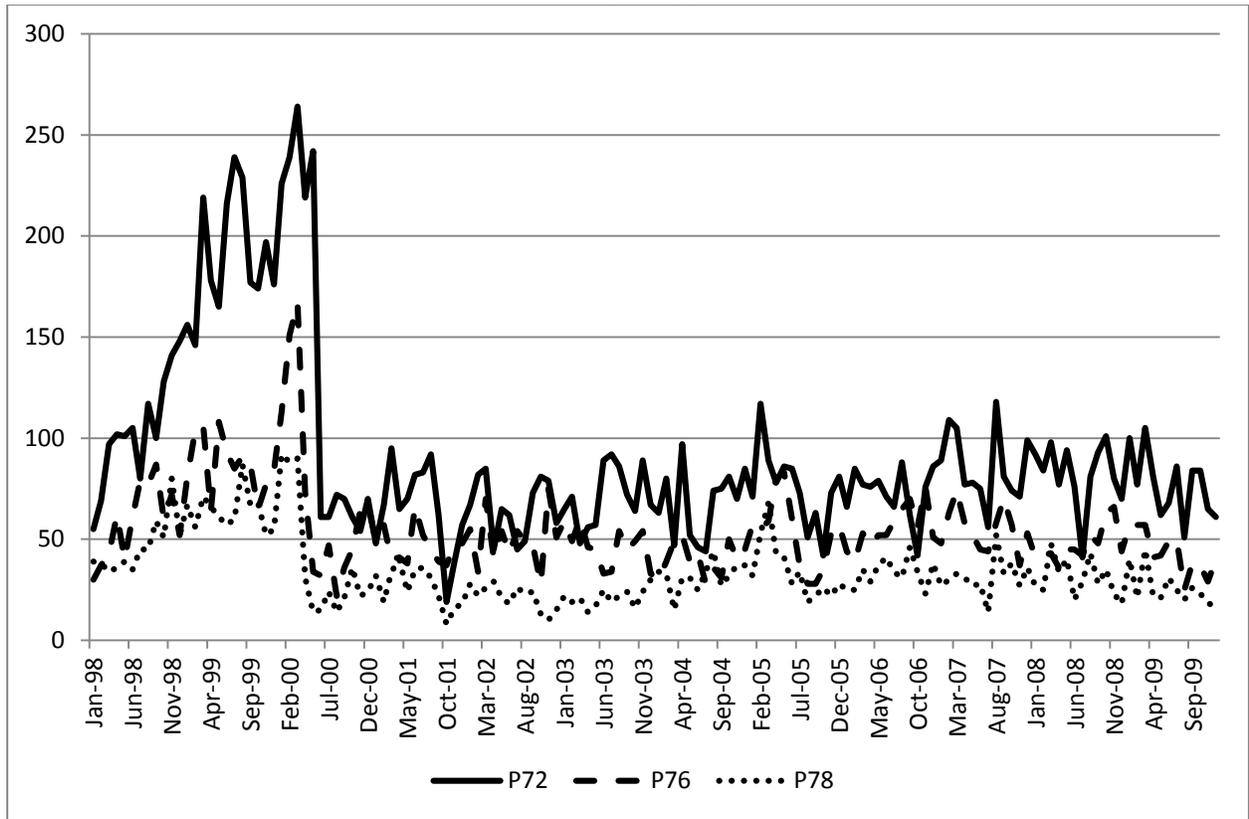
### ***b. Impact of RHCJC Implementation on Arrests***

Figure 12 plots monthly misdemeanor arrests in each of the three catchment area precincts, from January of 1998 through September of 2009. Prior to the Justice Center’s opening in June of 2000, the number of arrests in each precinct is quite variable, with large increases visible in the months leading up to the court’s opening. Arrests in each precinct drop off sharply just before the Justice Center’s implementation in the summer of 2000, and remain comparatively stable thereafter. In contrast, misdemeanor arrests in the adjacent precincts not served by RHCJC evince a general upward trend and a high degree of variability throughout the period of observation (Figure 13).

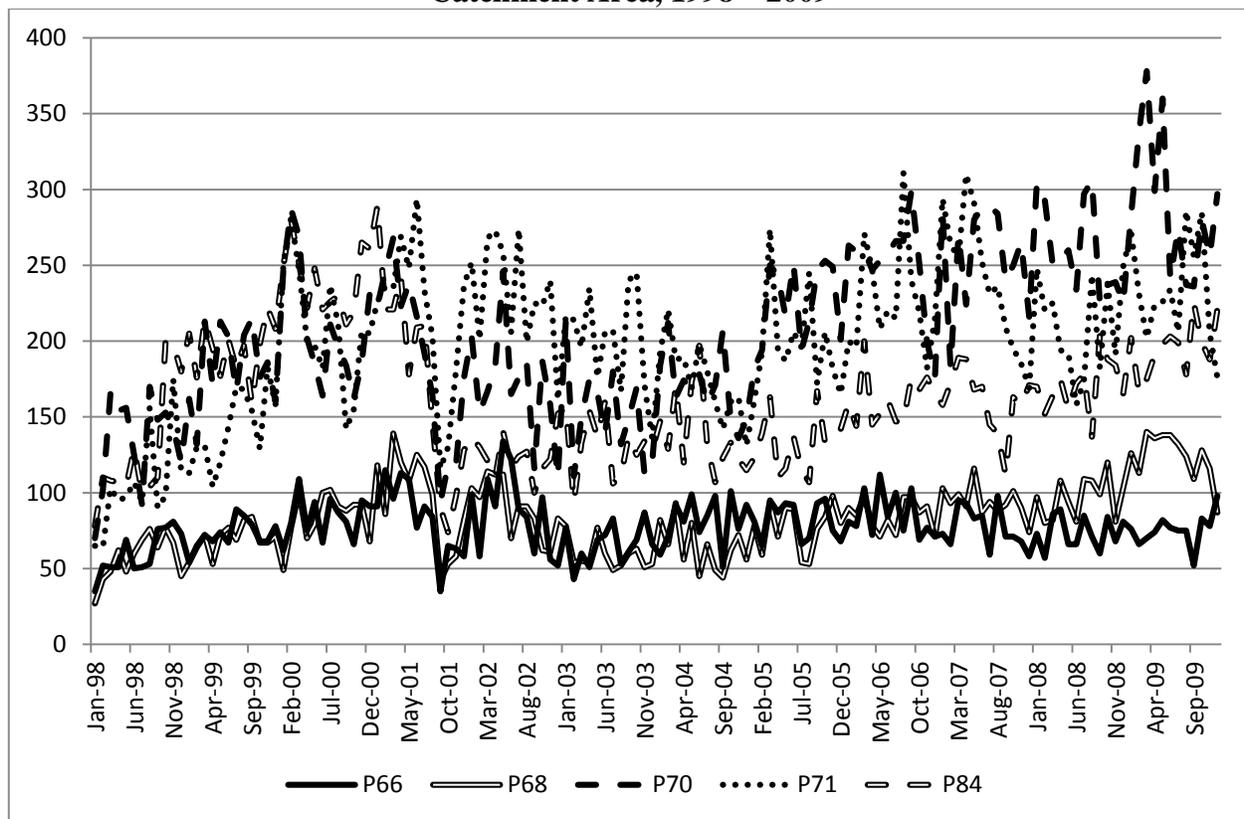
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<sup>47</sup> See Appendix D for a complete technical description of the methodology employed in the change point analysis.

**Figure 12. Monthly Misdemeanor Arrests for RHCJC Catchment Area Precincts, 1998 – 2009**



**Figure 13. Monthly Misdemeanor Arrests for Precincts Adjacent to RHCJC Catchment Area, 1998 – 2009**



Figures 14 through 16 plot estimated mean monthly felony and misdemeanor arrests, along with the estimated probability that a change has occurred in the means of both series, for each month from January 1998 through September 2009. In each graph, the solid line represents the estimated monthly mean for felony arrests, and the dashed line represents the estimated monthly mean for misdemeanor arrests. The shaded area represents the estimated probability of a change point. In each of the catchment area precincts, the product partition model estimates a 100 percent probability of a change point at the time of the RHCJC opening, accompanied by a dramatic decline in estimated average arrests.<sup>48</sup> This result is echoed in Figure 17, which shows the estimated monthly mean total arrests and the estimated change point probability for all three catchment area precincts. In comparison, Figure 18 does not show a comparable decrease in estimated mean arrests, or a high probability of a change point, in the adjacent precincts in the spring or summer of 2000. The decrease in arrests observed in the catchment area therefore appears to be associated with the implementation of the Red Hook Community Justice Center, rather than a part of any trend affecting Brooklyn as a whole.

<sup>48</sup> Each change point probability reflects the estimated likelihood of a change in the following time interval. Precincts 76 and 78 have estimated change point probabilities of 100 percent for March 2000, indicating a change in the number of arrests in April 2000, the month when RHCJC began arraigning defendants arrested in the 76th Precinct. Precinct 72 has an estimated change point probability of 100 percent in May 2000, indicating a change in the number of arrests in June 2000, the month when RHCJC began arraigning defendants arrested throughout the catchment area.

On balance, the opening of RHCJC appears to be associated with an overall reduction in the volume of catchment area arrests, as well as an increase in the stability of the catchment area arrest trend, that did not occur in the adjacent police precincts. Although change point analysis is not capable of establishing causality between any particular event and a change identified in a trend, we were unable to identify any plausible alternative explanation for the changes observed the catchment area arrest trends.

The process evaluation and ethnographic analysis provide no evidence that the changes in the arrest trends in the catchment area resulted from direct coordination between RHCJC and the police, either at the command level or with street-level officers. The primary forms of collaboration between RHCJC and the NYPD appear to consist of attendance by the judge and other court staff at precinct council meetings, and partnerships to put on educational programs and community events. Evidence of limited communication between the court and the police surrounding the transportation of defendants to RHCJC for arraignment suggests that coordination regarding larger issues such as policing strategies is unlikely. The ethnographic analysis reveals that local residents and offenders do not perceive any such coordination between the Justice Center and the police; on the contrary, many respondents described the court as a backstop against unpopular police practices such as “stop and frisk” searches and trespass arrests of visitors to the Red Hook Houses. The observed changes in arrest trends in the catchment area precincts are therefore likely to have resulted from a combination of other factors, which might include changes in underlying crime trends in the Red Hook area that coincided with the opening of the Justice Center, the overall renewal of the Red Hook neighborhood, and/or individual police officers’ perceptions of the usefulness of prosecuting processing defendants at the Justice Center.

### *c. Other Influences on Arrests*

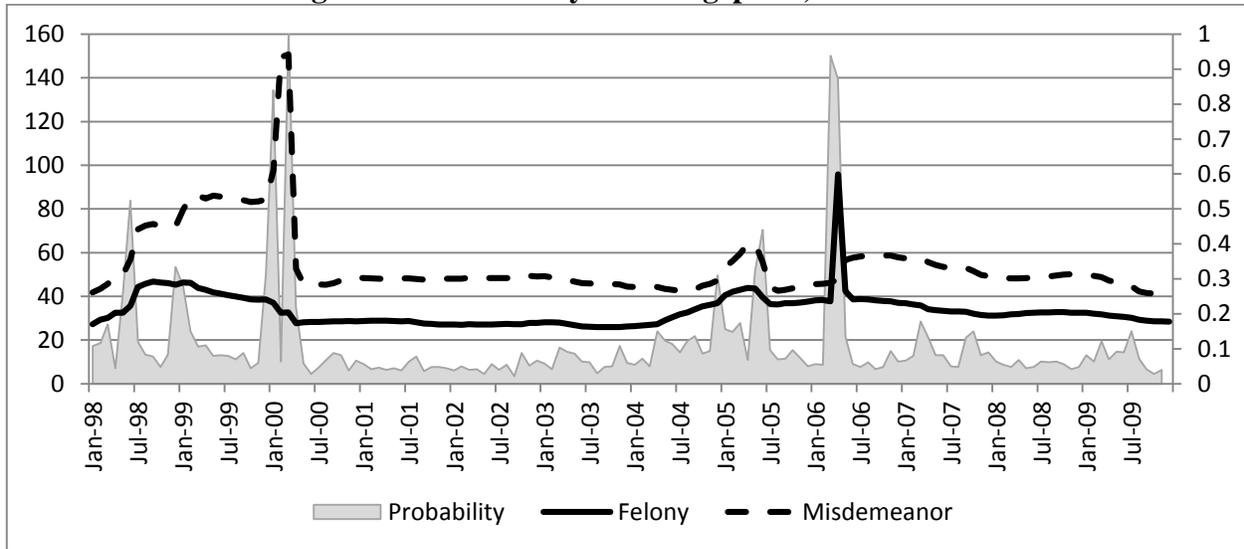
Following the RHCJC implementation, the estimated change point probabilities for the three catchment area precincts generally remain quite low. Two other notable change points were observed in the arrest trends: a decrease in arrests that affected most precincts in the aftermath of the terrorist attacks of September 11, 2001, and a spike in felony arrests in the 76th Precinct in the spring of 2006.

The September 11 attacks coincide with dips in the arrest trends in all of the non-catchment area precincts, and an estimated change point probability approaching 50 percent in these precincts. The decrease in arrests most likely results from a shifting of police resources away from routine patrol duties to security operations and other similar matters. In the catchment area precincts, the probability and magnitude of a change point associated with the attacks are much smaller, probably because the catchment area is more distant than the adjacent precincts from the epicenter of the attacks in Manhattan, as well as from the bridges and tunnels connecting Brooklyn to Manhattan.

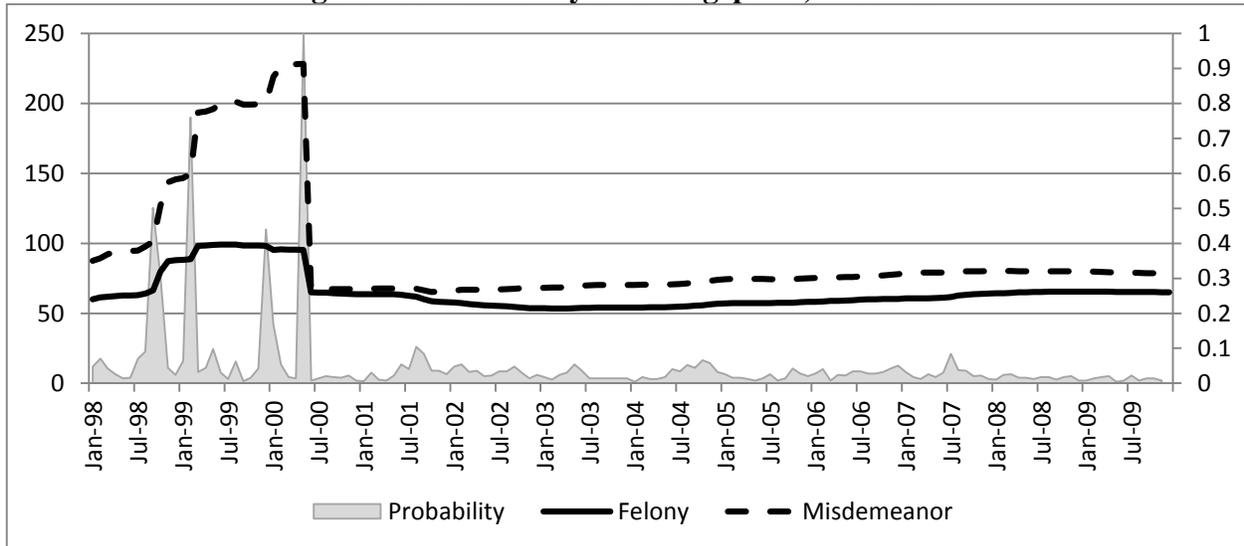
Finally, Figure 14 shows a large but short-lived increase in felony arrests, with an estimated change point probability of around 90 percent, in the 76th Precinct during the spring of 2006. This

spike in felony arrests coincides with a police raid on the Red Hook Houses in April of 2006, which involved 450 law enforcement officers and resulted in more than 150 arrests (Jacobs 2006).

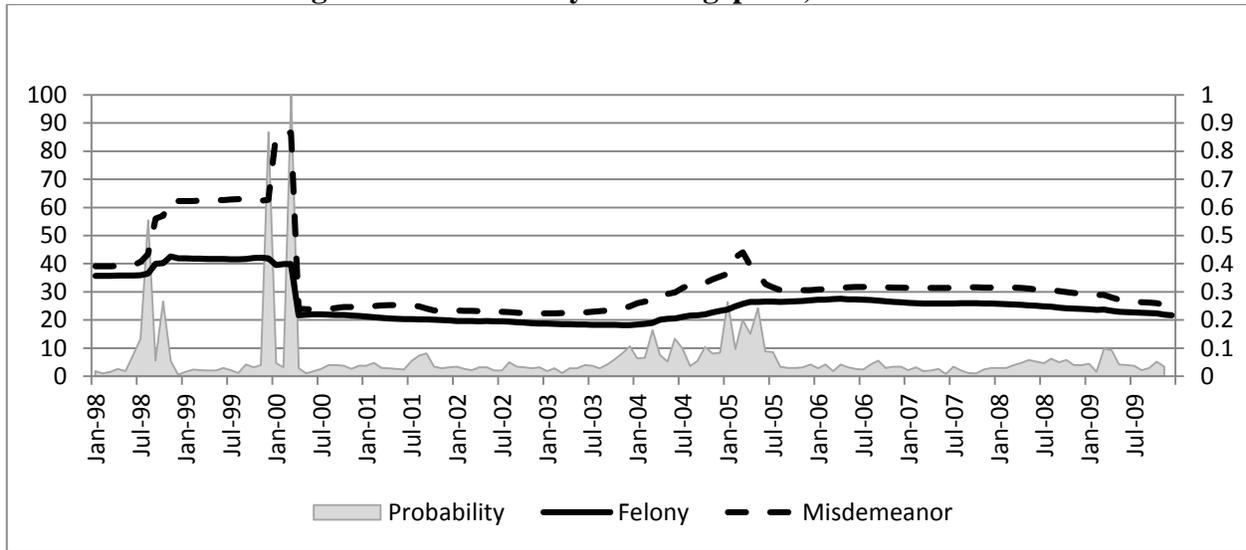
**Figure 14: Probability of Changepoint, Precinct 76**



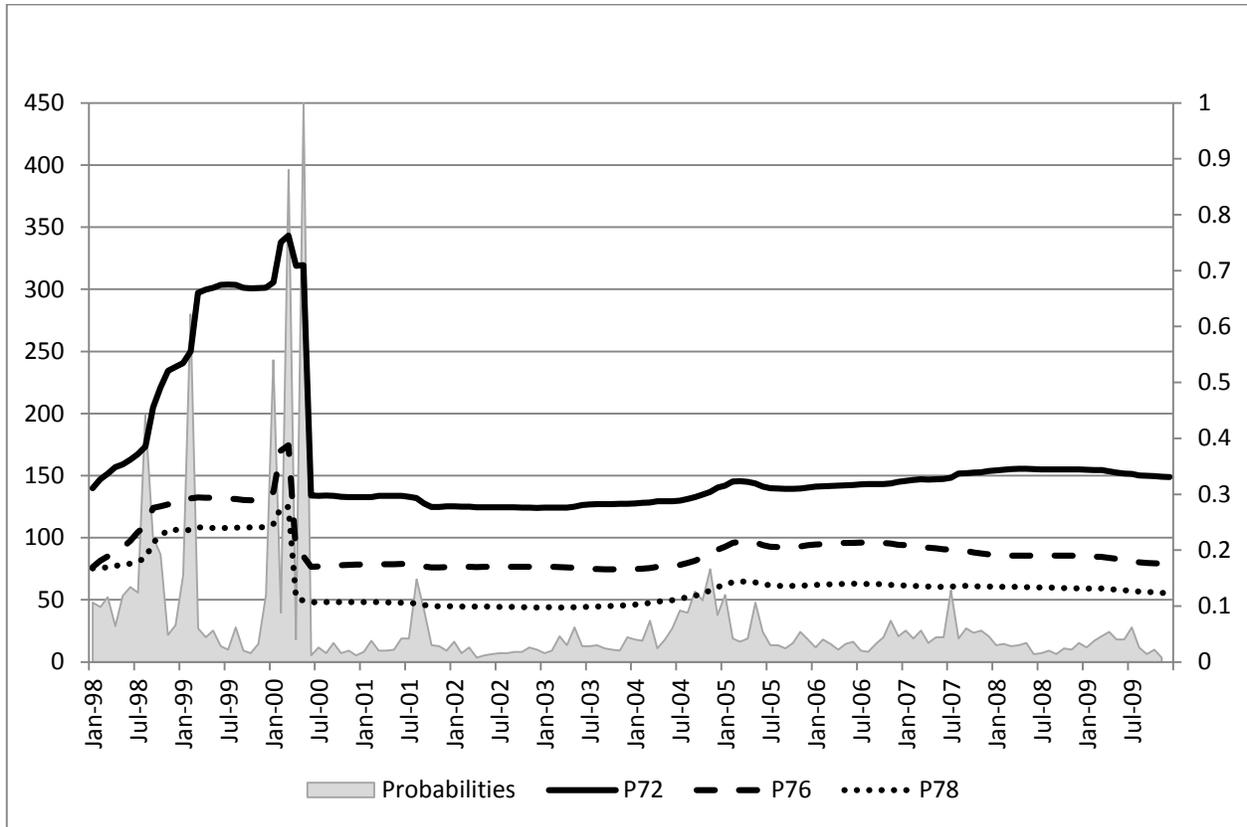
**Figure 15: Probability of Changepoint, Precinct 72**



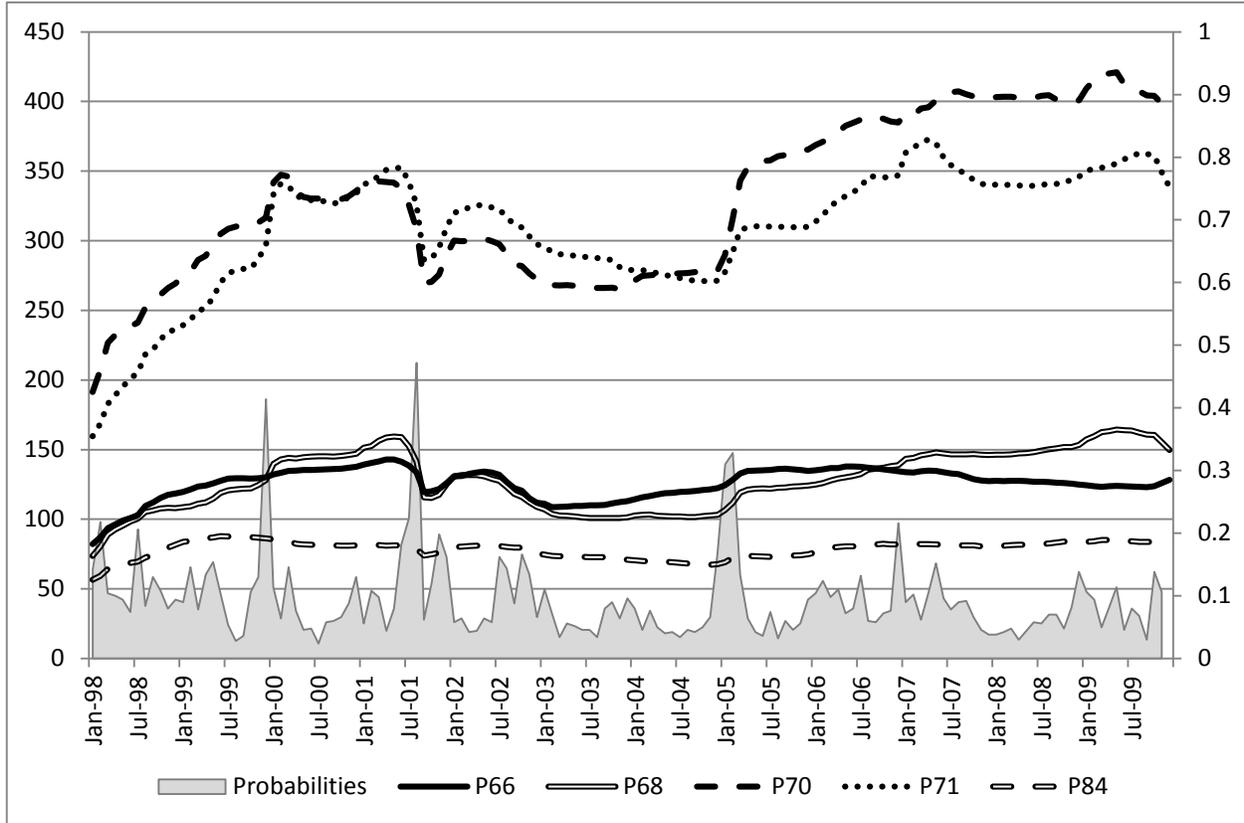
**Figure 16: Probability of Changepoint, Precinct 78**



**Figure 17: Estimated Means and Changepoint Probabilities: Total Arrests, RHCJC Precincts, 1998 – 2009**



**Figure 18: Estimated Means and Changepoint Probabilities: Total Arrests, Non-RHCJC Precincts, 1998 – 2009**



**D. CONCLUSIONS: RECIDIVISM AND ARRESTS**

The analysis of recidivism and arrests provides encouraging evidence that community courts can have a positive impact on offenders, their communities, and the criminal justice system. The data demonstrate that the Justice Center does indeed reduce recidivism among adult misdemeanor offenders, and suggest that the Justice Center also has a broader influence on the general level of crime in the catchment area.

*Conclusion 1. The Red Hook Community Justice Center appears to bring about a robust and sustained decrease in recidivism among adult misdemeanor offenders.*

The results of our multivariate survival analysis indicate that, at any given point in time, a defendant whose misdemeanor case was processed at the Red Hook Community Justice Center is 20 percent less likely to be re-arrested than a similar defendant whose case was processed in a traditional criminal court. This effect is statistically significant and persists over time.

*Conclusion 2. Procedural justice appears to be a key mechanism through which the Justice Center reduces recidivism among adult misdemeanor offenders.*

The observed decrease in recidivism among RHCJC defendants may result from deterrence, social service interventions such as drug treatment, or enhanced defendant perceptions of the court's legitimacy brought about through the court's community connections and by procedural justice in court decision-making. The available data provide no evidence for the deterrence, intervention, or community connections hypotheses as operationalized in our models. Evidence from the process evaluation and ethnographic analysis, however, points strongly to procedural justice as a critical factor behind the court's success in reducing recidivism. The community survey, offender interviews, and courtroom observation all provide evidence that defendants perceive a high level of procedural fairness in the Justice Center's decision-making processes. The judge is widely viewed as trustworthy, genuinely concerned with the well-being of the parties appearing before him, neutral, respectful, and committed to allowing defendants a meaningful voice in court proceedings. Furthermore, all aspects of court operations, as well as the courthouse itself, were designed to preserve individual dignity and support perceptions of procedural fairness in the court process as a whole.

These findings suggest that community court judges should be selected for their ability to project a high degree of procedural fairness. Judicial training in the principles and practices of procedural justice may produce similar benefits for traditional courts.

*Conclusion 3. The Justice Center's juvenile delinquency caseload is too small to allow for a conclusive evaluation of the program's impact on juvenile offenders.*

Although multivariate survival analysis estimates that a youth whose juvenile delinquency case was processed at Red Hook faces a 30 percent lower risk of re-arrest at any given point in time than a similarly situated youth whose case was processed in a traditional family court, this result is not statistically significant at the .05 level. The apparent lack of a significant effect may result from the small sample size ( $n = 204$ ), and it is possible that a statistically significant effect might be detected in a larger sample. The number of juvenile delinquency cases processed at Red Hook, however, is small and steadily declining. Unless steps are taken to increase the Justice Center's family court caseload, the overall public safety benefit of, or cost savings from, any reduction in recidivism would therefore be quite small.

*Conclusion 4. The implementation of the Red Hook Community Justice Center was associated with a decrease in both felony and misdemeanor arrests in the catchment area, along with long-term stability in arrest trends.*

Both felony and misdemeanor arrests in the catchment area precincts dropped substantially upon the Justice Center's opening. Since that time, arrest trends in the catchment area have remained relatively stable, in sharp contrast with the fluctuating arrest trends observed in neighboring precincts. These effects appear to be associated with the presence of the Justice

Center, although they do not seem to result from any formal coordination between the Justice Center and the New York City Police Department.

## CHAPTER 10. COST EFFICIENCY ANALYSIS

The impact evaluation demonstrates that criminal case processing at the Red Hook Community Justice Center produces a robust and sustained effect on recidivism relative to case processing in a traditional misdemeanor court. Over the two-year period following arraignment, Red Hook defendants were 10 percent less likely to be re-arrested than comparable defendants whose cases were processed at Kings County Criminal Court in downtown Brooklyn. Survival analysis confirms that the reduction in the probability of recidivism persists over time and after taking into account characteristics of the offender and the offense. Having established that the Justice Center achieved its goal of reducing recidivism, good public policy requires us to ask the next logical question: Does the benefit to the public justify the investment of resources required to bring about this effect? After all, there are many potential alternative uses for the money invested in the Justice Center (“opportunity costs”) that would also benefit the citizens in the Justice Center catchment area, such as school improvements, public health initiatives, or public works projects. In this chapter, we report on a quantitative analysis and comparison of RHCJC costs and benefits.

### A. METHODOLOGY

The analysis described in the following is designed to ascertain whether continued funding of the RHCJC criminal court is cost-efficient. It does not attempt to answer the related and more difficult to answer question, “Has the RHCJC criminal court been cost-efficient over its lifetime?” Doing so would require a comprehensive comparison of costs and benefits of the criminal court across the lifetime of the project, including start-up costs. Although we provide information about start-up costs, they are not, by definition, part of the current analysis.

To determine whether continued funding of the RHCJC Criminal Court is cost-efficient, we employed a *cost/benefit* approach that requires a comprehensive tallying of RHCJC and Downtown Criminal Court costs and benefits. All costs and benefits are determined from the taxpayer’s perspective. In some cases, the many partner agencies provide their services to the RHCJC without charging a fee to the RHCJC but nonetheless an expense is accrued to the taxpayer. Other approaches to cost-efficiency analysis such as *cost-effectiveness analysis* (comparing cost per unit change in some outcome variable such as recidivism) or *marginal cost/benefit analysis* (analysis of the benefits and costs of the marginal unit of a good or input, e.g., an additional 1% reduction in recidivism) were considered but deemed not as informative as cost/benefit analysis.

In our analysis, costs were classified as either “fixed” or “variable.” On the expenditure side, almost all of the reported expenses can be classified as “fixed” as opposed to “variable” costs. Fixed costs refer to those that are relatively invariant regardless of the number of court cases or other users of the RHCJC—for example, rent (Levin and McEwan 2001). In other words, most of the Justice Center’s expenses would remain relatively unchanged whether the court processed many cases or just a few. Variable costs (e.g., long-term drug treatment) are a function of the

number of users of a good or service.<sup>49</sup> Many of costs of external service providers to the RHCJC can be considered to be variable costs.

The costs of typical property and violent crimes were based on estimates made by Miller, Cohen, and Wiersema in 1996, adjusted for inflation using a calculator available from the Bureau of Labor Statistics website.<sup>50</sup> These are the same estimates used by Waller, Carey, Farley, and Rempel (2013) for determining the effectiveness of the Judicial Diversion Program in New York.

We experienced only partial success in obtaining information about the costs and benefits of the business-as-usual alternative to the RHCJC Criminal Court, the Kings County Criminal Court in downtown Brooklyn. We were unable to obtain defendant-level data about the type and dosage of services provided by the downtown court. However, based on our interviews with personnel at the downtown court, it is clear that downtown defendants rarely receive services of any kind. The primary exception would be offenders processed by the Brooklyn Misdemeanor Drug Court, which in 2011 had an average daily caseload of 170 cases. We were also unable to obtain budget information from the Downtown Brooklyn Court that would enable us to calculate fixed and variable costs.

We were, however, able to compare costs and benefits for some specific activities (e.g., use of jail) that will be described below. We were able to calculate the marginal cost of jail usage, property victimization, and personal victimization between the RHCJC and the downtown court as well as the marginal value of community service work between the two courts. If the differences in marginal costs favor the RHCJC they are counted as positive “benefits” or “avoided costs” following the procedure, for example, of Waller et. al. and Carey and Finigan (2004). Then, these benefits or avoided costs were compared to the RHCJC program costs, fixed and variable combined, for a determination of cost-efficiency. We did not have the data required to do a similar calculation for the Downtown Criminal Court. Generally, although the cost-efficiency analysis described in this chapter cannot provide a comprehensive tally of program costs to be compared to a similar tally of tangible benefits, it does provide sufficient information to draw a tentative conclusion about the cost efficiency of the adult criminal court component of the RHCJC project.

## **B. COSTS**

### **1. Start-Up Costs**

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<sup>49</sup> Transactional and Institutional Cost Analysis, or TICA (Crumpton, Carey, and Finigan 2004), provides a powerful framework within which to analyze such “variable” costs. TICA was developed to better estimate the cost of drug courts and other problem-solving courts. The TICA approach would be appropriate to identify the cost of transactions between the RHCJC and external organizations that provide services to RHCJC Criminal Court participants on a per-case basis. To the extent that we could, we implemented TICA (e.g., taking the taxpayer’s perspective when determining costs and benefits) but ultimately were unable to obtain all of the information that would be required to fully implement TICA. Consequently, alternative methods were used to estimate variable costs.

<sup>50</sup> That calculator is available at: [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm).

The current analysis attempts to determine whether continued funding of the RHCJC is cost-beneficial, and therefore does not take start-up costs into account. Because we were able to compile data on RHCJC's start-up costs, however, we present these data to provide general information on the costs of establishing the program that might prove helpful to other community court planners.

Table 42 provides a summary of the Justice Center's start-up costs and the sources of funding for these costs for fiscal years (FY) 1994 – 2000, prior to the court's opening in April of 2000. Funds were initially provided solely by private donors and foundations, but the total project budget quickly grew from \$35,000 to over \$7 million with the addition of funding from New York City, New York State, and the Bureau of Justice Assistance. Three types of expenditures dominated the start-up costs, which totaled \$7,358,714: construction (63 percent), contract services (architects, construction site management, and program consultants) (19 percent), and personnel (14 percent).

**Table 42: Start-up Costs for the RHCJC 1994-2000**

<b>Project Funds</b>	Project	Project	Project	Project	Project	Project Total	Project Total	<b>TOTAL</b>
BJA (construction soft costs)				402,699	504,698	387,028	89,562	1,383,987
OJDP								-
NYS DCJS						89,369		89,369
NYS UCS						148,682	411,118	559,800
NYC EDC		34,862	45,138				132,085	212,085
NYC DDC (construction hard costs)					165,689	4,068,200	1,242,111	5,476,000
Foundations/Donations	35,000	50,000	223		8,297	73,136	28,543	195,199
<b>TOTAL PROJECT FUNDING</b>	<b>35,000</b>	<b>84,862</b>	<b>45,360</b>	<b>402,699</b>	<b>678,684</b>	<b>4,766,414</b>	<b>1,903,420</b>	<b>7,916,440</b>

\* Excludes operating expenditures

<b>Project Costs</b>	Project	Project	Project	Project	Project	Project Total	Project Total	<b>TOTAL</b>
Subtotal Personnel	7,300	74,420	31,531	121,307	253,200	269,511	22,298	779,567
Fringe	2,409	24,559	11,194	43,064	83,556	90,213	7,916	262,910
<i>Total Personnel</i>	<i>9,709</i>	<i>98,979</i>	<i>42,725</i>	<i>164,371</i>	<i>336,756</i>	<i>359,724</i>	<i>30,213</i>	<i>1,042,477</i>

*OTPS*

*CONTRACTUAL*

Architect				164,658	115,276	91,104	36,086	407,124
Construction Site Management Services				56,101	100,983	800,077		957,161
Program Consultants				-	7,500	57,848		65,348
<b>CONTRACTUAL SUBTOTAL</b>				<b>220,758</b>	<b>223,759</b>	<b>949,029</b>	<b>36,086</b>	<b>1,429,632</b>

Art-Photography				44	7	547		598
Audit					2,562			2,562
Special Mailing				254	624	265		1,142
Car Rental					310			310
Cleaning Services					479	1,705		2,183
Accommodations	343	-	-		250	306		899
Conference Fees	-	360			150	225		735
Duplication	14	185		1,509	4,597	226		6,530
Equipment Maintenance				263	76	2,428	492	3,258
Food	77	610	26	194	1,040	1,126	445	3,517
Design and Mechanics				322				322
Furnishings		1,303		592	1,308			3,203
Insurance					1,441	40,130	18,059	59,630
Legal	742							742
Meals	202	64		87		338		690
Memberships				60				60
Messenger				217	797	707		1,721
Postage					124	160		283
Printing	45			3,296	3,715	32		7,088
Publications		10		35	273	483		801
Rent					11,094	6,389		17,482
Space Allocation						1,257	330	1,587
Supplies	34	95	6	72	1,164	138		1,509
Telephone	5	706		2,590	6,105	8,615	1,008	19,029
Temporaries					120	1,015		1,134
Travel (Local)	275	618	36	795	977	4,764	612	8,077
Travel (Long Distance)	468	472		844	501	1,591		3,876
Gratuities		6			20			26
Software (Misc)						143		143
Construct/Renovation		4,087			61,136	3,337,824	1,242,111	4,645,159
Want Ads - Recruiting					811	1,527		2,338
Office Repairs/Maintenance		1,670		22	270	417	1,107	3,487
Educational Fees					200			200
Stipends					2,560	8,500		11,060
Video Expense					269			269
Application Fee				150		200		350
Supplies - Program					1,752	1,091	1,209	4,052
Supplies - other				1,706		9		1,715
Consultant Expense					10,354	17,084		27,438
Professional Services				2,800	343			3,143
Equipment Acquisition	4,026			1,717	2,744	4,981		13,469
Electric						242		242
Donations/Gifts						53		53
Facilities		1,200				869		2,069
Indirect Service Charge	956	6,622	2,568			12,277		22,422
<i>TOTAL OTPS</i>	<i>7,188</i>	<i>18,007</i>	<i>2,635</i>	<i>238,327</i>	<i>341,928</i>	<i>4,406,690</i>	<i>1,301,460</i>	<i>6,316,237</i>
<b>TOTAL PROJECT COST</b>	<b>16,897</b>	<b>116,986</b>	<b>45,360</b>	<b>402,699</b>	<b>678,684</b>	<b>4,766,414</b>	<b>1,331,673</b>	<b>7,358,714</b>

Excess Expenditures over Revenues	(18,103)	32,124	(0)	(0)	1	(0)		(557,726)
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*A Community Court Grows in Brooklyn*

## 2. Funding and Expenditures for Justice Center Operations

The Center for Court Innovation (CCI) provided the FY 2010 budget for the RHCJC project, which totaled \$2,219,423, to the research team. The project receives about one-third of its funding from federal agencies, in particular the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office of National and Community Services, which funds the AmeriCorps program at the RHCJC. The project also receives about 40 percent of its funding from two New York State agencies: the Division of Criminal Justice Services and, the Unified Court System. Another 21 percent of the RHCJC’s funding comes from the New York City Economic Development Corporation. Finally, about six percent of the project’s funding out of private foundation grants and donations.

Nearly all of the reported expenses can be classified as “fixed” as opposed to “variable” costs.” In other words, most of the Justice Center’s expenses would remain relatively unchanged whether the court processed many cases or just a few.

Turning to expenditures, personnel and associated fringe benefits expenses account for the bulk of the charges (56 percent). Table 43 lists the CCI project personnel and their FTE status. Personnel expenses are distributed among project administrators (30 percent), clinic staff (20 percent), alternative sanctions staff (10 percent), community and youth programs staff (28 percent), technology staff (3.6 percent), and research staff (8.5 percent).

**Table 43: RHCJC Project Personnel**

<u>Position</u>	<u>FTE</u>
Project Director	100%
Deputy Project Director	100%
Deputy Project Director	100%
Office & Facilities Manager	100%
<u>Clinical</u>	
Clinic Coordinator	100%
Social Worker	100%
Case Manager	100%
Avodah Case Manager	100%
Social Worker	100%
<u>Alternative Sanctions</u>	
Community Service Supervisor	100%
Community Service Supervisor	100%
Coordinator, Alternative Sanctions	100%
<u>Community &amp; Youth Programs</u>	

Director, Youth & Family Services	100%
Asst Program Coordinator	100%

**Table 43: RHCJC Project Personnel**

<u>Position</u>	<u>FTE</u>
Hsg Resource Ctr Coord. & Mediation	100%
Intake Specialist	100%
Americorps & Youth Prog Director	100%
Community Outreach Organizer	100%
ReServ Member	100%
<u>Technology</u>	
Technology Lead	25%
Programmer/Manager	20%
<u>Research</u>	
Research Director	5%
Associate Director, Research	10%
Sr Research Associate	20%
Sr Research Associate	100%

Other categories of fixed costs, shown in Table 44, include those related to RHCJC programs such as stipends, program supplies, food, local travel, and professional fees. Collectively, this accounts for 4.8 percent of all expenditures. Other categories include capital and equipment costs (1.6 percent), expenses related to AmeriCorps<sup>1</sup> (19.8 percent), and indirect costs (15.2 percent of all expenditures).

**Table 44: Other Overhead Costs**

Training Fees
Conference Fees
Dues/Membership Fees
Printing
Postage
Special Mailing

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<sup>1</sup> Including FICA for AmeriCorps members, stipends-payroll, health and accident insurance.

Travel (long Distance)  
Telephone  
Telephone Maintenance Contract

**Table 44: Other Overhead  
Costs**

Internet line Charge  
On-line services  
Equipment Maintenance  
Contract  
Equipment Maintenance  
Equipment Rentals/Leases  
Insurance  
Office Supplies  
Office Maintenance/Repairs  
Furnishings  
Janitorial Supplies  
Building Maintenance/Repairs  
Donations/Gifts  
Facilities/Retreats/Events

The costs described in this section do not include expenses incurred by RHCJC “partners,” most of which are essential to the operation of the court. For example, the most prominent partner was the NYS Office of Court Administration, which paid for almost all court personnel. While it may seem somewhat counterintuitive to consider the court system to be a “partner”, the RHCJC is a CCI project, conceived of and administered by this organization. Partner costs are explored further in the next section.

**3. Partner Expenses**

Community courts, like other problem-solving courts, are complex organizations that rely on a variety of federal, state, and municipal agencies as well as private organizations. Tables 45 and 46 below list the justice system partners and the principal community partners of the RHCJC, respectively, and the contributions that they make to the Center. All fixed partner expenses total \$4,244,627, almost twice the size of the Justice Center’s internal operating budget—a significant contribution of resources.

**Table 45: Red Hook Community Justice Center Community Fixed Justice System Partner Expenses FY 2010\***

<b>Organization/Personnel</b>	<b>Number of Personnel</b>	<b>FTE</b>	<b>% of Total Partner Expenses</b>
<b><u>NYS Office of Court Administration</u></b>			6.3%
Judge	1	100%	
Clerks & Clerical	7	100%	
Interpreter	1	100%	
Reporter	1	100%	
Court Officer	13	100%	
Court Officer (Lt.)	2	100%	
Court Officer (Sgt.)	2	100%	
Resource Coordinator	1	100%	
<b><u>Legal Aid</u></b>			7.7%
Attorneys	3	100%	
Paralegal	1	100%	
<b><u>District Attorney</u></b>			8.2%
ADA	3	100%	
Bureau Chief	1	100%	
Administration	2	100%	
<b><u>NYPD</u></b>			15.9%
Sergeants	2	100%	
Officers	5	100%	
Officers for class (“What to do when stopped by police”)	1	1 day/mo	
<b><u>Probation</u></b>			2.7%
Officer	1	100%	
Administration	1	100%	
<b><u>NYC Criminal Justice Agency</u></b>			1.5%
ROR Interviewer	2	100%	

**Table 46: Red Hook Community Justice Center Community Fixed Community Partner Expenses FY 2010\***

<b>Organization/Personnel</b>	<b>Number of Personnel</b>	<b>FTE</b>	<b>% of Total Partner Expenses</b>
<b><u>Dept. of Ed.</u></b>			1.8%
GED Teacher	1	100%	
<b><u>Safe Horizon</u></b>			1.8%
Mediation Coordinator	1	40%	
Victim Advocate	1	100%	
Childcare Teacher	1	100%	
<b><u>Housing Coordinator</u></b>			2.7%
Pro Se Court Attorney	1	100%	
		24 weeks/3 days	
<b><u>Opportunities for a Better Tomorrow</u></b>			1.3%

\*We do not provide salary information because that might reveal the compensation of specific individuals or a group of individuals.

These fixed partner expenses are not “additional” costs to the taxpayer because in the absence of the RHCJC, nearly all of these resources would have been expended on processing the same cases at Kings County Criminal Court in downtown Brooklyn. These costs, however, need to be included in a comprehensive tally of costs and benefits.

Table 47 lists additional partner agencies serving clients referred by RHCJC for which we had no cost data and which were, with the exception of the South Brooklyn Health Center (whose costs are estimated below), not subsequently included in the cost/benefit analysis. Relatively few offenders processed at the RHCJC will be served by these organizations that are onsite for only limited periods of time.

**Table 47: Red Hook Community Justice Center Community Partners FTE FY 2010 (No Cost Data)**

<b>Organization/Personnel</b>	<b>FTE</b>
<b>South Brooklyn Health Center</b>	3 hrs/week
<b>Health First</b>	2 days/week
<b>Fortune Society</b>	
-HIV testing	1 day/month
<b>NYC Human Resources Administration</b>	1 day/week
<b>Adult Protective Services</b>	Summer
<b>Falconworks</b>	
-Police teen theater	Periodic

Most of the services that incur variable costs are of very short duration and are provided relatively inexpensively on an “outpatient” basis (e.g., treatment readiness). The largest variable cost will be for the small percentage of offenders referred to long-term drug treatment. Given that only 4.3 percent of dispositions result in a referral to long-term drug treatment, it is likely that no more than 135 of the 3,210 defendants arraigned at RHCJC in 2008 would receive such a referral. The costs of funding long-term referrals are measured through an estimate developed in New York for determining the effectiveness of the Judicial Diversion Program (Waller et.al.) of \$5,971 per offender throughout the course of treatment. If 135 offenders receive this treatment, the total cost will be \$806,085, as shown in Table 48 below. This represents as an upper estimate of the cost of such services to the taxpayer, as the proportion of cases referred to long-term drug treatment is calculated based on dispositions, and some cases arraigned at the Justice Center are transferred downtown for disposition.

**Table 48: Estimated Cost of Long-Term Drug Treatment for 2008 RHCJC Arraignments**

Total Number of Arraignments	Percent Referred to Long-Term Drug Treatment	Estimated Number of Arraignments Referred to Long-Term Drug Treatment	Cost of Long-Term Drug Treatment per Participant	Total Cost of Long-Term Drug Treatment
3,210	4.3%	135	\$5,971	\$806,085

Nearly all of the classes to which offenders are referred by the court are staffed internally and are consequently included in the fixed cost tally. The exception is the fixed cost for the Marijuana Group which is taught by staff from the South Brooklyn Health Center.<sup>1</sup> Staff (usually one person) from the latter are at the RHCJC facilitating the Marijuana Group 3 hours per week. If we assume conservatively that this class will be offered 52 weeks per year that will involve 156 hours. The average salary of a licensed substance abuse counselor in New York City is \$59,000 per year (<http://www.indeed.com/salary/q-Substance-Abuse-Counselor-l-New-York,-NY.html>) or assuming 252 working days in a year, \$234 a day or (assuming an 8 hour work day) \$29.25 per hour. Thus we estimate the cost of this class to be (\$29.25 per hour) X (3 Hours) X 52 weeks or \$4, 563 per year, as shown in Table 49 below.

**Table 49: Estimated Fixed Costs For South Brooklyn Health Center's Marijuana Group**

Weekly Hours for Marijuana Group	Estimated Number of Weeks per Year that Marijuana Group is in Session	Annual Number of Hours of Marijuana Group	Estimated Hourly Wage of Licensed Substance Abuse Counselor	Total Cost of Marijuana Group
3	52	156	\$29.25	\$4,563.00

<sup>1</sup> *Narco Freedom* currently runs the adult treatment readiness group at a nearby treatment facility in Red Hook, and *CSEDNY* runs the adolescent marijuana group at a treatment facility in downtown Brooklyn.

Table 47 (above) lists other fixed-cost services that are provided to RHCJC criminal court defendants by external agencies for which specific cost data could not be obtained. All of these services are provided onsite at the RHCJC, which makes office space available to the providers. The resources used by these agencies consist almost entirely of personnel, and the total staffing of these services appears to add up to less than one full-time equivalent employee.

#### 4. Other Costs and Benefits

Including both the Justice Center’s operating budget and the fixed expenses incurred by partner organizations, the total fixed cost of operating the Justice Center, including the cost of the marijuana group was \$6,468,613 in FY 2010. Adding \$806,085 for variable costs yields a total *estimated* cost to taxpayers of around \$ 7,274,698 for FY 2008, which is probably slightly exaggerated given that the operating budget for FY 2010 was almost certainly larger than the similar budget for FY 2008. We were unable to get exact budget figure for FY 2008 because a change in accounting software at CCI made this highly problematic. Because we are missing costs for the services listed in Table 47, and in an effort to not underestimate costs, we increase our estimate of the cost of the RHCJC to taxpayers to be \$7,500,000.

### C. BENEFITS

#### 1. The Cost of Jail Use

Red Hook defendants are far less likely than downtown defendants to receive an initial sentence of jail, and initial jail sentences handed down at Red Hook are shorter on average. The Justice Center, however, uses secondary jail as a sanction for noncompliance with social service and community service mandates far more frequently than does the downtown court, and these “secondary jail” sentences tend to be considerably longer than sentences imposed at the downtown court. As shown in Table 50, taking into account both primary and secondary jail sanctions, the average number of jail days served by all defendants is higher at Red Hook than downtown (4.75 days versus 3.06 days).

**Table 50: Comparison of RHCJC and Downtown Court Use of Jail per 3,210 Defendants**

	<b>Red Hook</b>	<b>Downtown</b>
Average Number of Days Sentenced to Jail	4.75	3.06
Total number of jail days for 3,210 defendants	15,248	9,823
Cost of Jail-Day	\$187.02	\$187.02
Total Cost of Jail	\$2,851,681	\$1,837,098
<b>Difference</b>		<b>-\$1, 014,583</b>

The FY 2011 *NYC Mayor's Management Report* indicates that the cost of keeping an offender one day in a New York City jail is \$187.02. Table 50 shows that for every 3,210 offenders (total FY 2008 arraignments at RHCJC) processed by the RHCJC and for every 3,210 processed downtown, jail expenses for RHCJC will exceed those of the downtown court by slightly more than \$1 million. We treat this as a *negative benefit*, rather than a cost, because avoided jail is typically considered a benefit in most cost/benefit analyses of problem-solving courts.

## 2. Value of Community Service

Both the RHCJC and the downtown court provide a benefit to their communities in the form of community service provided by supervised offenders. RHCJC participants are more likely to receive a sentence to community service than their Downtown counterparts although, if they receive such a sentence, it will be shorter than the typical Downtown mandate. Table 51 shows that for every 3,210 offenders processed by the RHCJC and the downtown court, respectively, RHCJC participants will return about \$64,000 more in community service than their Downtown counterparts. In this analysis, we assumed that the 77% compliance rate for community service at the RHCJC also held for the downtown court, but this is almost certainly an overestimate because community service is monitored more stringently at the RHCJC than Downtown and defendants at the former are consequently more likely to actually perform the work than those from the latter.

**Table 51: Comparison of Value of Community Service Provided by RHCJC and Downtown Defendants per 3,210 Defendants**

	<b>Red Hook</b>	<b>Downtown</b>
% Sentenced to Community Service	33%	12%
Assuming 3,210 Offenders in Each Group, Number Sentenced to Community Service	1,059	385
Average Length of Mandate (days)	2.803	3.914
Total Number of Days of Community Service	2,969	1,508
77 percent compliance rate X Community Service Days	2,286	1,161
NY Minimum Wage 2008 (\$7.15/hour) X 8 hours	\$57.20	\$57.20
Value of Community Service	\$130,759.20	\$66,409.20
<b>Difference</b>		<b>\$64,350.00</b>

## 3. Avoided Victimization Costs

The reduced recidivism rate for RHCJC participants relative to their Downtown counterparts produces savings to the criminal justice system and to victims of crimes. Because we were not able to obtain the data required to do a complete accounting of criminal justice

system costs, this part of the cost-efficiency analysis is speculative. Costs to the criminal justice system for offenders processed in the RHCJC and the downtown court (e.g., arrest, pre-arraignment detention) will be similar up to the point of arraignment. However, any differences in the initial cost of processing offenders between the RHCJC and the downtown court will be in part offset by the reduced cost to the criminal justice system that results from the lower recidivism rate found for the RHCJC relative to the downtown court.

We are able to estimate the costs avoided related to victimization resulting from reoffending. Offenders processed by the RHCJC demonstrated significantly lower recidivism for both property and violent offenses than their Downtown counterparts. Tables 52 and 53 show that these differences in recidivism produced more cost-avoidance of victimization costs for the RHCJC relative to the downtown court for both property re-arrests and violent re-offending. The costs of typical property and violent crimes are based on estimates made by Waller et. al (2012). When victimization costs for property and violent offenses are combined, 3,210 offenders processed in the RHCJC will generate \$15,266,760 in avoided victimization costs relative to a similar number of offenders processed at the downtown court.

**Table 52: Comparison of Victimization Costs for Property Re-Arrests**

	<b>Red Hook</b>	<b>Downtown</b>
Average Number of Property Re-Arrests <sup>1</sup>	0.31	0.42
Victimization Cost for a Property Re-Arrest	\$12,881	\$12,881
Total Cost	\$3,993	\$5,410
<u>Average Victimization Cost Avoided</u>		\$1417
Total Cost Avoided for 3210 RHCJC Participants		\$4,548,570

<sup>1</sup> Re-arrest within two years of arraignment.

**Table 53: Comparison of Victimization Costs for Violent Re-Arrests**

	<b>Red Hook</b>	<b>Downtown</b>
Average Number of Violent Felony Re-Arrests <sup>1</sup>	0.07	0.1
Average Number of Violent Misdemeanor Re-Arrests	0.09	0.14
Total Number of Violent Re-Arrests	0.16	0.24
Victimization Cost for a Violent Re-Arrest	\$41,728	\$41,728
Total Cost	\$6,676	\$10,015
<u>Average Victimization Cost Avoided</u>		\$3,339
Total Cost Avoided for 3,210 RHCJC Participants		\$10,718,190

<sup>1</sup> Re-arrest within two years of arraignment.

#### **4. Other Costs and Benefits**

The RHCJC does not enjoy the economies of scale that the larger, more conveniently located downtown court enjoys, increasing the costs of case processing for the former relative to the latter. The RHCJC is located in an isolated neighborhood, resulting in large fixed costs relative to the number of offenders that it processes. Transporting offenders and their paperwork to RHCJC was often noted as a problem in our interviews with stakeholders. Many offenders eventually processed by the RHCJC are initially detained at the downtown court while others require paperwork (e.g., the case file) that must be transported from the downtown court to the RHCJC manually, not electronically. Finally, because offender compliance is monitored more closely at RHCJC than the downtown court and cases take longer to receive a disposition in the former than the latter, it is likely that initial court processing costs for the RHCJC will exceed those of the downtown court.

On the other hand, it is likely the close case monitoring at RHCJC produces a higher proportion of offenders paying fines than is the case downtown counterparts because of closer case monitoring. Also, pre-trial detention, at an average cost of \$19,000, is less likely to be used at the RHCJC than the downtown court. Defendants at the downtown criminal court are 15 times more likely to have bail set than their RHCJC counterparts.

There are also intangible benefits realized through RHCJC's contribution to the ongoing revitalization of the Red Hook neighborhood. It is not possible, however, to estimate the size of its contribution or to subsequently associate its contribution with a dollar amount. The revitalization of the Red Hook neighborhood occurred almost in front of the research team's eyes during repeated site visits and was quite striking. The presence of IKEA and the Fairway grocery store as well the emerging artists' colony attest to the change. Anecdotally, many of those interviews by the research team, both of court personnel and local residents and business people, feel that the RHCJC is an important contributor to the change.

The RHCJC also generates intangible value as a demonstration site for other jurisdictions considering community courts. The court hosts many visitors, domestic and international, who are interested in learning more about community courts. Some of these visitors have used the RHCJC as a model for their own community courts. Because it is a demonstration site, the RHCJC incorporates several features that increase its fixed costs, such as an on-site research presence, that would not necessarily be included in other courts replicating the RHCJC model. Likewise, potential replicators should carefully weigh whether the potential value added by an on-site clinic is worth the investment. The clinic's functions could be performed by an external party by contract in such a replication.

#### **5. Summary of Benefits**

Table 54 provides a summary of the estimated benefits that we were able to monetize, generated by the 3,210 FY 2008 arraignments at the RHCJC relative to their counterparts at the downtown court. These benefits total more than \$14 million.

**Table 54: Value of Benefits Generated for 2008 Arraignments**

<u>Benefits</u>	<u>Value</u>	<u>Value per Arraignment</u>
<b>Costs Avoided:</b>		
Jail	-\$1,014,583.00	-\$316.07
Property		
Victimizations	\$4,548,570.00	\$1,417.00
Personal		
Victimizations	\$10,718,190.00	\$3,339.00
<b>Community Service</b>	\$64,350.00	\$20.05
<b>Total</b>	<b>\$14,316,527.00</b>	<b>\$4,459.98</b>

#### **D. CONCLUSIONS AND RECOMMENDATIONS**

Because we lack precise information about variable costs at either the RHCJC or the downtown court, as well as costs to the criminal justice system (including courts) for re-offending, we cannot provide a comprehensive comparison of costs and benefits for either the RHCJC or the downtown court. However, we have presented sufficient data to form some tentative conclusions.

As shown in Table 55, total estimated costs for the RHCJC and its community partners amounted to \$7,500,000 during FY 2010, including \$ 6,693,915 in fixed costs and an estimated \$ 806,085 in variable costs. We regard this as an upper-limit estimate of the total cost to taxpayers of the RHCJC. We took several steps to avoid underestimating costs and exaggerating benefits, including:

- Basing estimates of the costs of long-term drug treatment on the number of arraignments (as opposed to dispositions, because good data was not available for the latter)
- Likely overestimating the extent of compliance with community service by Downtown defendants, thereby reducing the value of this benefit
- Likely overestimating the number of times that the marijuana group is in session, increasing the cost for this service

- Adding \$225,302 to our estimates of cost to account for the missing costs described in Table 47 plus any other we have missed.

**Table 55: Comparison of Costs and Benefits Generated by 2008 Arraignments at RHCJC**

<u>Costs</u>		<u>Value</u>	<u>Value per Arraignment</u>
	Fixed	\$6,464,050.00	\$2,013.72
	Variable	\$1,000,000.00	\$311.53
<b>Total Costs</b>		<b>\$7,464,050.00</b>	<b>\$2,325.25</b>
<b><u>Benefits</u></b>			
<b>Costs Avoided:</b>			
	Jail	-\$1,014,583.00	-\$316.07
	Property Victimizations	\$4,548,570.00	\$1,417.00
	Personal Victimizations	\$10,718,190.00	\$3,339.00
	<b>Community Service</b>	<b>\$64,350.00</b>	<b>\$20.05</b>
<b>Total Benefits</b>		<b>\$14,316,527.00</b>	<b>\$4,459.98</b>
<b>Net Benefit</b>		<b>\$6,852,477.00</b>	<b>\$2,134.73</b>
<b>Ratio of Benefits to Costs</b>		<b>1.92</b>	<b>1.92</b>

Table 55 also provides a summary of monetized benefits generated by the 3,210 RHCJC arraignments in FY 2008 (when our sample of cases was selected), relative to their downtown court counterparts. The table shows benefits totaling \$14,316,527. Despite the small difference in time frames used to calculate these statistics, the estimated benefits exceed the total costs of the RHCJC and its community partners by a factor of nearly 2 to 1. In addition, the criminal justice system avoided costs as a result of the lower recidivism rate for the RHCJC relative to the downtown court are likely to be significant, further off-setting any differences in the cost of initial processing between the two courts. Thus, RHCJC is almost certainly cost-effective relative to the downtown court.

Clearly, our analysis rests heavily on the difference in victimization costs between the RHCJC sample and the comparison group. Because victimization costs are at best, estimated using, principally, victimization data, this approach may leave some readers uncomfortable. However, an element which missing from our analysis, costs to the criminal justice system (including courts) for re-offending, will clearly favor RHCJC over the comparison group because of the latter's lower recidivism rate. If this benefit was added to the analysis and victimization costs excluded, it is still likely that the RHCJC will produce a positive cost benefit

ratio. To just break even in such an analysis, cost savings per arraignment (for all criminal justice system processing costs excluding jail, which is already explicitly accounted for in this analysis) for RHCJC participants relative to the comparison group would only have to exceed \$296. Because this is likely, given the difference in recidivism rates, we conclude that the RHCJC is likely cost-effective even when victimization costs are excluded from the analysis.

From a strictly economic perspective, the impact of the significant amount of fixed costs the RHCJC incurs could be lessened if additional defendants were processed there. This would reduce the cost per defendant *if* the fixed costs remained the same. It might prove the case, however, that additional staff might be needed to accommodate a larger caseload without sacrificing the quality of justice at RHCJC. This suggests that consideration be given to identifying ways to improve the efficiency of RHCJC's operation in ways that might permit it to serve a larger caseload without sacrificing individual justice. This report identifies a number of potential opportunities for increasing efficiency. For example, delay in getting the case file and sometimes the defendant from the downtown court to the RHCJC occurs regularly, and, if corrected, could permit more cases to be processed in Red Hook.

## CHAPTER 11. CONCLUSIONS AND OBSERVATIONS

In 2001, the Red Hook Community Justice Center opened its doors in an abandoned schoolhouse in the Red Hook neighborhood of Brooklyn, New York. The goal was to create a criminal court that would halt the “revolving door” of the traditional criminal justice system by providing a constructive response to crime, as well as by working closely with the community to prevent crime before it occurred.

The Justice Center’s planners sought to reduce crime through three separate but interrelated mechanisms: deterrence, intervention and enhanced legitimacy. *Deterrence* was expected to result from the certainty of meaningful punishment for misdemeanor offenses, including follow-up sanctions in response to a defendant’s noncompliance with the court’s original mandate. *Intervention* for juveniles and some adult defendants would involve judicially supervised treatment for drug abuse and other factors that originally led to the defendant’s involvement in crime. *Legitimacy* was expected to arise from the practice of procedural justice in judicial decision-making, as well as through the cultivation of close ties to the community, and would lead to voluntary compliance with the law.

Nearly a decade later, the National Institute of Justice funded a comprehensive independent evaluation of the Red Hook Community Justice Center. The research was conducted by the National Center for State Courts in partnership with the Center for Court Innovation and the John Jay College of Criminal Justice. The evaluation is a rigorous multi-method investigation that includes (a) a process evaluation to document the planning and operations of the Red Hook Community Justice Center and determine if the program plan was implemented as intended; (b) a comparison of defendants processed at the Justice Center with similarly situated defendants processed in a traditional criminal court in downtown Brooklyn to measure differences in sentencing practices and the risk of recidivism; (c) an analysis of arrest levels in the Justice Center’s catchment area and surrounding neighborhoods to detect changes in the overall level of crime associated with the opening of the Justice Center, (d) a cost-efficiency analysis to estimate whether the Justice Center’s impact on recidivism justifies the investment of taxpayer dollars, and (e) an ethnographic analysis to examine community and offender perceptions of the Justice Center.

This chapter has three objectives. First, it distills and connects the principal findings that emerged from our multi-method evaluation of the Justice Center. Second, it steps back from findings specific to the Justice Center to consider what lessons the Red Hook experience holds for anyone interested in community courts specifically or problem-solving courts generally, as well as for policymakers and practitioners interested in the role of procedural justice in justice system reform. Finally, it offers guidance on how some of the policies and practices that have proven effective in community courts can be applied in the setting of a centralized misdemeanor court.

### A. PRINCIPAL FINDINGS

Six principal findings emerge from our evaluation research.

First, the Justice Center was for the most part implemented in close accordance with the original program plan and, more than a decade after its opening, continues to operate in a manner consistent with this plan.

Second, offenders processed at the Justice Center are significantly more likely than defendants in traditional misdemeanor courts to receive meaningful sanctions that are carefully monitored for compliance.

Third, the Justice Center reduces the rate of re-arrest within two years by 10 percent in comparison with the re-arrest rate for similar defendants whose cases were processed in a traditional criminal court.

Fourth, the level of crime in the Justice Center's catchment area, as indexed by the number of arrests, dropped sharply upon the opening of the Justice Center and has remained relatively stable since that time. This is in marked contrast to arrest levels in the adjacent police precincts, which did not display a similar decrease at the time of the Justice Center's opening, and have fluctuated considerably throughout the entire period of observation.

Fifth, the Justice Center achieves these reductions in recidivism and arrest levels in a manner that is cost-efficient from the perspective of taxpayers.

Finally, based on the available evidence, it appears that the Justice Center's impact on crime and recidivism results primarily from the Justice Center's ability to project its legitimacy to offenders and the local residential community rather than from strategies of deterrence or intervention. The Justice Center's legitimacy arises primarily from the exercise of procedural justice in judicial decision-making, but also from its perceived status as a genuine community institution that shares and upholds the values of local residents. This legitimacy appears to motivate offenders and residents to obey the law voluntarily, rather than out of fear of punishment.

### **1. Fidelity to the Program Theory in the Implementation Process**

The qualitative and quantitative evidence gathered during the course of the process evaluation demonstrate that the Justice Center was implemented, and continues to operate, largely as intended by its planners and in accordance with the program theory. There have been some departures from the project plan over the years, but these include revisions to the plan based on opportunity and experience.

Before it could open, the Justice Center needed to have in place an array of resources, internal management mechanisms, and inter-organizational relationships to facilitate the planned changes in sanctioning practices, reinforce perceptions of procedural justice, and support a wide range of youth and community programming. In support of the goal of deterring crime through meaningful sanctions, the Justice Center's alternative sanctions office connects defendants with opportunities to fulfill community service and short-term social service mandates and monitors

compliance with these mandates. In support of the Justice Center's goal of intervention, the court clinic is capable of making assessments, linking defendants and juvenile delinquency respondents with community-based providers of services such as drug treatment, and assisting the judge in monitoring and enforcing treatment mandates. A wide array of youth and community programs provides intervention services to residents not involved in court cases, and aids in establishing the court's legitimacy as a community institution. The Justice Center's physical design is capable of accommodating a wide range of services not usually found in a misdemeanor court. The building also provides the setting for a decision-making process that meets the expectations for procedural justice, although some minor changes in the courtroom itself (e.g., amplification of sound) could further enhance participants' understanding of and engagement in the proceedings. Program planners also took steps to ensure that a cadre of court officers committed to the program theory would be stationed at the Justice Center.

Jurisdiction over landlord-tenant disputes involving residents of public housing was a critical way in which the Justice Center's crime reduction strategy was tailored to fit the distinctive features of the community. Whereas such disputes initially accounted for a substantial share of the overall caseload, housing cases now occupy just a half-day on the court's calendar every other week. Nonetheless, our research strongly suggests that housing court has been a major factor in the Justice Center's success in establishing legitimacy in the eyes of the residents of the Red Hook Houses, largely by demonstrating that the Justice Center is responsive to residents' values and concerns.

The Justice Center's most significant divergence from its project plan is a lack of alignment between the cases it hears and its target population. On one hand, nearly one-third of weekday arrests in the catchment area are routed to downtown Brooklyn rather than to the Justice Center for arraignment, representing a significant loss of potential program participants. At the same time, three-quarters of cases arraigned at the Justice Center arise in areas of the catchment area that lie outside the Red Hook neighborhood itself. The inclusion of other neighborhoods in the catchment area was necessary in order to ensure a caseload sufficient to sustain a freestanding courthouse, but the primary focus of the Justice Center's community programming and outreach remains confined to the Red Hook neighborhood. This dichotomy means that, although the Justice Center is very much a part of the Red Hook community, it may not be perceived as a true "community court" by the majority of its defendants. This dilutes the Justice Center's ability to make a difference in the lives of offenders by engaging them in their community.

Finally, although a significant share of the Justice Center's resources are devoted to the adult and juvenile clinics, these clinics serve approximately 5 percent of adult criminal defendants and only a few dozen juvenile delinquency respondents each year. The apparently small proportion of adult defendants participating in treatment may reflect the overall rate of drug addiction among misdemeanor offenders whose cases are processed at the Justice Center, the court's lack of legal leverage over these low-level offenders, or implementation issues such as the selection of which defendants to screen for drug addiction or the assessment process itself. It should be noted, however, that the proportion of defendants receiving long-term treatment at

the Justice Center is significantly larger than in the downtown courts, where it is a rare occurrence.

## **2. Sanctioning in the Criminal and Family Courts**

As intended, the pattern of sanctioning in the Justice Center's criminal court differs significantly from sanctioning practices in a traditional misdemeanor court. The primary goal is to replace short-term jail and "walks" (case dispositions that impose no further obligation upon the offender) with meaningful sanctions such as community service and short-term social service interventions. At the Justice Center, 78 percent of conditional discharges (CDs) and 69 percent of adjournments in contemplation of dismissal (ACDs) entered at initial disposition carry a requirement that the defendant complete community service, a short-term social service intervention, or both. This is in marked contrast to the pattern in the downtown Brooklyn criminal court, where the majority of defendants receive "walks" or short-term jail sanctions.

The Justice Center closely monitors compliance with community service and social service mandates, resulting in completion rates of more than two-thirds. Although the Justice Center rarely uses jail as an initial sanction, it does impose jail as a follow-up for noncompliance with the terms of the original mandate. These secondary jail sentences tend to be longer than the jail sentences imposed (mostly at initial disposition) in the traditional criminal court located in downtown Brooklyn, resulting in a greater usage of jail bed days by Red Hook defendants. (Defendants who receive a community or social service sentence at the Justice Center are commonly told up front that they will face jail time should they fail to comply.) The overall result is that the Red Hook Community Justice Center sanctions defendants with greater certainty, but generally with less severity, than a traditional misdemeanor court.

In juvenile delinquency cases, the Justice Center has succeeded in increasing the rate of "adjustment" (pre-filing diversion) and the availability of youth and family services. When adjustment fails or is deemed inappropriate, however, only about one-half of juvenile delinquency cases arising in the catchment area that are referred for prosecution are filed at the Justice Center, with the remainder being filed in a traditional family court. This limits the Justice Center's ability to meet its goal of retaining and treating juvenile offenders in the local community.

## **3. Recidivism Among Adult Misdemeanor Defendants**

The Red Hook Community Justice Center appears to bring about a robust and sustained decrease in recidivism among adult misdemeanor offenders. The rate of re-arrest within a two-year period following arraignment is 10 percent lower for misdemeanor defendants whose cases are processed at the Justice Center than for similar defendants whose cases are processed in a traditional criminal court. The 10 percent reduction in re-offending is comparable to other proven criminal justice interventions, many of which are of long duration. Multivariate survival analysis concludes that at any given point in time, a defendant whose case was processed at Red Hook faces a 20 percent lower risk of re-arrest than a defendant whose case was processed in a traditional court. This effect is statistically significant and persists over time.

A similar analysis of family court cases estimates that a youth whose juvenile delinquency case was processed at Red Hook faces a 30 percent lower risk of re-arrest at any given point in time than a similarly situated youth whose case was processed in a traditional family court. This finding is not statistically significant at the .05 level, perhaps as a result of small sample size, but its magnitude renders it substantively relevant.

#### **4. Crime Rates**

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

#### **5. Cost Efficiency**

The cost efficiency analysis asks whether continued funding of the Justice Center makes sense from the taxpayer's point of view. In estimating costs and benefits, the research team was careful to avoid either underestimating costs or exaggerating benefits, but was confronted with significant gaps in the relevant information available both at the Justice Center and the traditional courts used for comparison. Our upper-limit estimate of the costs to taxpayers incurred by the Justice Center and its community partners during fiscal year (FY) 2010 is \$7,500,000, nearly all in the form of fixed costs. We estimate that for the 3,210 adult criminal arraignments held at Red Hook in FY 2008 (when our case samples were selected), taxpayers realized \$14,316,000 worth of additional benefits beyond those that would be achieved through traditional case processing. The benefits occurred primarily in the form of lower victimization costs associated with reductions in recidivism. Because the marginal benefit of processing cases at the Justice Center outweighs the program's total cost by a factor of nearly two to one, we are confident in the conclusion that the Justice Center is producing its impact in a cost-efficient manner.

#### **6. Mechanisms Responsible for the Justice Center's Success**

This evaluation documents the Red Hook Community Justice Center's success in realigning sentencing patterns, reducing recidivism and stabilizing arrest rates. This raises a key question: which aspects of the program theory contributed the most to the Justice Center's impact? Based upon the available evidence, the practice of procedural justice appears to be the key mechanism through which the Justice Center reduces recidivism among adult misdemeanor offenders. We considered the plausibility of two standard instrumental explanations for decreases in recidivism: intervention through short-term and long-term treatment for drug addiction and other criminogenic needs, and deterrence in the form of greater certainty of sanctions. In the context of a community court, the strength of community connections may also be expected to

promote voluntary compliance with the law by enhancing the court's legitimacy. Although the Justice Center achieved most of its goals in implementing the intervention, deterrence, and community connections portions of the project plan, the evidence suggests that it is procedural justice that plays the most important role in achieving the observed impacts on recidivism and arrests.

The pivotal role of procedural justice at Red Hook is supported by evidence gathered during the course of the process evaluation and ethnographic analysis. The community survey, offender interviews, and courtroom observation all provide evidence that defendants perceive a high level of procedural justice in the Justice Center's decision-making processes. The judge is widely viewed as trustworthy, genuinely concerned with the well-being of the parties appearing before him, neutral, respectful, and committed to allowing defendants a meaningful voice in court proceedings. The ethnographic analysis finds that perceptions of procedural justice, or the justice of the decision-making process, are higher among offenders whose cases are processed at the Justice Center than among offenders whose cases are processed in a traditional misdemeanor court. In contrast, there is no statistically significant difference between Red Hook defendants and downtown defendants in their perceptions of the fairness of the case outcome (distributive justice).

Although the interaction between the judge and the individual defendant lies at the core of procedural justice, at Red Hook the procedural justice effect appears to extend beyond the judge-defendant interaction. Other aspects of court operations, as well as the courthouse itself, are designed to preserve individual dignity and support perceptions of procedural justice in judicial decision-making. On a larger scale, programs such as the housing court appear to have fostered perceptions among the community at large that the Justice Center makes decisions through fair processes, treats residents with respect, offers them a voice, practices neutrality, and has trustworthy motives. It is the element of trustworthiness, perhaps the most complex component of procedural justice, that may be making the greatest difference: the qualitative evidence suggests that residents believe the Justice Center shares their values and is not simply another government outpost placed in their midst.

Further research using more precise indicators of deterrence, intervention, and community effects is needed to confirm our conclusions about the predominance of procedural justice in explaining how the Justice Center has reduced crime and recidivism. However, our findings regarding the role of procedural justice are consistent with a growing body of criminal justice research concluding that seeking voluntary compliance with the law is more effective than instrumental strategies that rely upon deterrence or intervention (Sunshine and Tyler 2003; Jackson et al. 2012).

## **B. LESSONS FOR POLICY AND PRACTICE**

The evaluation results offer guidance on effective responses to a variety of issues likely to arise in the planning, implementation, or operations of a community court. (Lessons for applying community court practices in mainstream misdemeanor courts appear in Part C of this chapter.) It is important to keep in mind that community courts tend to differ more from one

another than do other types of problem-solving courts. Red Hook is a unique community; although other communities may have social, economic, and housing conditions similar to those in Red Hook during the planning and implementation process, none will have the identical needs. Instead of attempting to precisely replicate the Red Hook Community Justice Center, court planners and managers should look to this evaluation for lessons that can be adapted and applied in the unique context of their courts' own communities.

### **1. Issue: Selecting Community Court Judges**

A community court judge should be chosen carefully; presiding over a community court requires judicial qualities and interpersonal skills that are not taught as part of conventional legal or judicial education. Based on the research team's work at the Justice Center and in other community courts, we have identified a short list of attributes that tend to be shared by successful community court judges. These attributes may be difficult to express in a job description because they cannot be specified in terms of measurable factors such as prior judicial experience, knowledge of the law, or ability to manage a docket; they can, however, be identified through interviews, reputation, and court observation.

First, a community court judge must be comfortable interacting directly with offenders. Within the bounds of due process, community court judges are expected to interact with defendants themselves, not only with their attorneys, and to demonstrate from the bench a personal interest in the outcome of the case and the well-being of the offender.

Second, a community court judge should have a temperament that allows him or her to serve simultaneously as a source of encouragement and motivation for the offender and as a strict enforcer of the court's orders.

Third, presiding over a community court docket requires a considerable amount of patience. Judges in community courts tend to see the same offender repeatedly over an extended period of time and cannot expect that one or two interventions will make a lasting difference in the offender's behavior. The ethnographic analysis suggests that it is repeated interaction with the same judge, perhaps over the course of several separate cases that creates a lasting impression in the minds of some defendants that may inspire them to alter their behavior.

Fourth, community court judges must be able to receive, process, and make use of considerably more information about offenders than is typically available in misdemeanor courts. The difference is not only in the sheer amount of information, but also in the diversity of information sources: community courts draw information from criminal justice, social service, and treatment agencies. A successful community court judge must be able to comprehend all of these data, and then apply this additional knowledge in the context of the legal proceeding.

Fifth, a community court judge must have the ability to step out from behind the bench and engage in ground-level interaction with the community at large. Judge Calabrese's regular demonstrations of his commitment to the community have encouraged neighborhood commitment to the court. Such demonstrations include the judge's well-known tours through the

neighborhood, sometimes on court business (e.g., visiting public housing projects to view repair issues firsthand), and sometimes on his way to lunch at a local restaurant, greeting and being greeted by residents and shopkeepers along the way. He is also a frequent presence at meetings of community boards, tenant associations, and other local organizations. In short, Judge Calabrese is the face of the Justice Center in the Red Hook community. It is difficult to be a community court judge while remaining aloof from the life of the neighborhoods served by the court.

Sixth, community court judges should welcome the assignment. Many community courts have benefited from being seen as high-profile judicial assignments that provide an opportunity to do meaningful work and the potential for developing a reputation as a leader. Where such incentives and motivations are not present, community courts have had difficulty in recruiting judges well suited to the role, and may be forced to accept the assignment of judges with little interest in or commitment to the program. This can have devastating consequences for the court's success (Cheesman et al. 2009). Other things being equal, a judge whose philosophy is more strictly focused on issues of legal process and just deserts, or who may be more reticent to engage in community outreach, to speak directly to defendants, or to make open demonstrations of caring and compassion from the bench, may experience difficulty in settling into the role of a community court judge.

## **2. Issue: Benefits and Costs of Being Multijurisdictional**

By design, the Justice Center is a multijurisdictional court that includes criminal, family (juvenile delinquency), and housing parts. Its multijurisdictional nature has proven to be an advantage, although not in the anticipated manner. The expected benefits were improved outcomes resulting from the ability to combine information across multiple cases involving a single individual or family. While most of what we know is anecdotal, there is no evidence that these expected benefits were realized.

Instead, the evaluation identified two other major benefits associated with the Justice Center's multijurisdictional design. First, the Red Hook experience suggests that a multijurisdictional court may be better able to address a variety of local concerns than a single-jurisdiction one. Arguably, the inclusion of the housing court is a major reason why the Justice Center became closely identified with the Red Hook neighborhood and its residents, bringing the judge into the community to inspect conditions in housing units. Acknowledging the importance of public housing for the quality of the local peoples' lives was a powerful symbolic statement of the Justice Center's concern and sincerity and no doubt increased the credibility of both the judge and the court in the Red Hook neighborhood. Second, hearing housing cases also clearly made Judge Calabrese far more knowledgeable about local conditions than would otherwise have been possible—for example, in criminal trespass cases, his knowledge of the location of crack dens in the Red Hook Houses has helped him to distinguish legitimate visits from trips to purchase drugs. These benefits were likely idiosyncratic, products of the unique composition of the Red Hook neighborhood.

The process evaluation also revealed the potential disadvantages of being a multijurisdictional court. The processing of housing disputes or other civil cases can distract a community court from its focus on criminal and juvenile cases. Moreover, the politics of landlord-tenant relationships can be subtle and complex, presenting the danger of a misstep from which a community court may have difficulty recovering its credibility. Finally, finding a judge with the requisite legal knowledge and experience to hear a mixture of case types (e.g., juvenile delinquency or family law cases as well as civil cases) may be difficult. Perhaps most importantly, in a court which primarily processes criminal cases, other case types may become a secondary priority. Other community courts considering a multijurisdictional model should carefully consider whether they have sufficient resources to fully implement such a court, including whether a single judge can effectively and efficiently hear all case types. Court rules and dockets should be designed so that matters related to one type of case will not routinely be interrupted by emergency hearings stemming from the other types of cases in the court's docket.

### **3. Issue: Staffing a Community Court**

Community courts can be complex workplaces. They require the assembly of an interdisciplinary team located in the same building but whose members are often not court employees. Treatment and social service providers, for example, are often on assignment to the court from other agencies. At the Justice Center, the composition of the staff is complex because the Center for Court Innovation (CCI) is the direct employer of many but not all of the treatment and social service staff, as well as the manager of the non-traditional features of the court such as on-site research services, youth programming, and building maintenance. On the other hand, the standard misdemeanor court complement of court officers (bailiffs), clerks, and others report to the New York City Criminal Court. This presents a significant management challenge. The various components of a community court need to move in a common direction with a common understanding of the court's mission and program theory. The Justice Center has met that challenge through careful planning, diplomacy, and the promotion of a shared work culture across the courthouse. Continuity due to a low rate of staff turnover has also aided in the establishment of a distinctive work culture.

A unity of purpose is fully shared by the court officers. RHCJC's planners took steps to ensure that the court officers would support the program theory. While it is unlikely that court staff acting in even the most procedurally fair manner can compensate for the negative impact of a judge who does not demonstrate procedural justice in decision-making, it is reasonable to expect that when both the judge and the staff act in a procedurally fair manner, a positive effect is enhanced. The Justice Center achieved buy-in by recruiting court officers to transfer to RHCJC well in advance of the court's opening, encouraging word-of-mouth recruitment among court officers, and weeding out officers who did not take to the RHCJC culture. Some of the original court officers assigned to the RHCJC facility before it opened were longtime neighborhood residents. These steps are similar to those previously taken by the Midtown Community Court, which carefully selected supervisors and placed them in charge of newly recruited officers who had not already been inculcated into traditional approaches and attitudes. The community court culture has also been enhanced by the voluntary, and in some cases long-term, assignment of prosecutors and defense attorneys to the Justice Center.

#### **4. Issue: Establishing a Community Identity**

The Justice Center experience provides the best evidence we have that a community court can become a part of a community in a fundamental way, present in spirit as well as physical location. The Justice Center is viewed by Red Hook residents as a community institution belonging to the neighborhood itself, not as an outpost of city government placed there by policymakers with little understanding of the community's needs and priorities. The process evaluation and the ethnographic analysis indicate that this sense of ownership is not as strongly held in the other neighborhoods within the court's catchment area, some of which were located more than three miles from the courthouse. Physical distance is not the only factor: housing cases arising from the other large public housing projects in the RHCJC catchment area are heard in the downtown housing court. Still, awareness of the RHCJC, including knowledge of how it operates, is widespread throughout the catchment area in the context of what is known from other studies of public awareness of community courts' existence. For example, in the evaluation of the Midtown Community Court, only 20 percent of local residents were aware of the Court's existence, and almost none were familiar with how it operated (Sviridoff et al. 2002). In contrast, resident interviews conducted as part of the ethnographic research found that 87 percent of Red Hook residents knew about the RHCJC, a figure similar to the 93 percent of residents who reported knowing about the Justice Center in the Justice Center's 2009 neighborhood survey (Swaner, 2010).

What forged the strong connection between RHCJC and community residents? Procedural justice offers one possible explanation. A community court can arguably demonstrate procedural justice by embodying qualities such as respect and trustworthiness both in the conduct of one-on-one interactions with defendants in the courtroom and in the court's interaction with the broader residential and business community. The process and ethnographic evaluations suggest that this has taken place in Red Hook.

Community courts may serve geographical areas that range from an entire city (Hartford, Connecticut), to a mixture of business and residential areas (the former Philadelphia Community Court), to a set of historically distinct neighborhoods (as in the Red Hook Community Justice Center). There is no formula that can establish the optimal size and degree of heterogeneity for a community court's community. As noted under Issue 7 below, community court planners and managers often have little control over the court's geographic and case type jurisdiction. Some community courts (notably those located in Washington, D.C. and Hartford) hear cases from several different neighborhoods in a central location. Our research suggests that such an arrangement may still be effective to the extent that procedural justice characterizes the relationship between the judge and defendants.

The Red Hook experience suggests that the beneficial effects associated with a style of judge-offender interaction that is consistent with procedural justice can be replicated in other community courts. An ability to communicate a high level of trustworthiness is perhaps the key to identifying who is likely to be an effective community court judge. Both defendants and the community need to see evidence that a community court judge is benevolent, caring, motivated

to treat people fairly, and sincerely concerned about people (Tyler 2004, 447). The latter attribute, the ability to be perceived as a trustworthy institutional decision-maker by an entire community, seems to have been realized at RHCJC. The court's multifaceted engagement with the community tends to reassure defendants that the court will be better able to consider local conditions and circumstances in its decision-making. However, it is uncertain whether a centralized community court can foster such a connection with individual neighborhoods.

### **5. Issue: The Importance of Local Knowledge**

Judges in community courts tend to accumulate considerable knowledge of the neighborhoods within their jurisdiction. Critics of community courts have argued that these judges will tend to develop sentencing practices that differ from those applied by other misdemeanor courts in the city because local sentiment is taken into account. The result could be systematic variations among courts in sentencing practices. The impact of local sentiment on sentencing practices, however, must be distinguished from the impact of the judge's knowledge of what is happening in the community. Community court judges have access to local knowledge through their presence at community meetings and other off-bench interactions with local residents. At the Justice Center, the research team heard several times that the judge's knowledge of local conditions, achieved in large part through his hearing of housing cases, provides contextual understanding that aids in more accurate decision-making. Such differentiation in the sentencing of cases based on factors that shed light on the nature of the offense, such as the judge's knowledge of the location where the offense occurred, is consistent with the principles of due process of law.

### **6. Issue: Serving as a Resource for the Local Community**

The RHCJC houses a wide array of programs and resources available free of charge to any resident of its catchment area. These programs and resources were developed in response to needs expressed by Red Hook residents in surveys, focus groups, and interviews conducted by court planners. Precise statistics about community residents' use of services and resources are not available, although the voluntary use of the opportunities appears high for some offerings such as youth programs, but low for others such as drug treatment.

### **7. Issue: Meeting the Caseload Imperative**

It is rarely possible to implement a community court in a manner that serves a single, cohesive community. Politics, practicalities, and policy decisions may alter the intended geographical and case type jurisdiction of a community court, especially in the time immediately surrounding its opening. Whatever the ambitions of court planners and their community partners, community courts must typically carry a proportional share of the entire court system's caseload. In order to be fiscally and politically feasible, a community court must resolve as many cases per judge as is typical in the primary courthouse. A community court like the Justice Center is in reality a replacement for some of the case processing capacity of the centralized court. Ensuring a sufficient flow of incoming cases for a new community court will almost certainly involve tinkering with the community court's geographic boundaries and with its subject matter

jurisdiction in a manner that may compromise the planners' original intentions. To secure a sufficient number of cases, the catchment area may need to be widened beyond the target neighborhood, as in Red Hook, or the pool of defendants for a targeted case type may need to be enlarged by directing such cases from the downtown court to be adjudicated in the community court, as with prostitution cases at the Midtown Community Court.

### **8. Issue: Courtroom Design**

The Justice Center courtroom was designed with a number of distinctive features, most notably the placement of the bench on the same level as the courtroom well and audience gallery. As in other community courts such as those in Midtown and Philadelphia, however, the physical structure of the courtroom can undermine the intended differences between adjudication in a community rather than in a traditional court. Defendants and litigants, as well as the professionals providing support to them, have difficulty seeing or hearing what is taking place in the well of the courtroom—as do researchers evaluating the court. When the proceedings are neither visible nor audible, the court as “theater,” in which all defendants observe the treatment of others, is ineffective. Because procedural justice is a critical component of the community court model, community courts must endeavor to make their courtrooms physically conducive to the parties' and observers' understanding of the proceedings, as well as to direct and respectful interaction between the judge and the parties appearing before her or him.

### **9. Issue: Working with Local Law Enforcement**

Planners of community courts should be attentive to the potential role that local law enforcement can play in reinforcing their program plan. Achieving coordination with the police has practical benefits. Patrol officers, for example, have significant influence over whether in practice defendants are adjudicated at the community court as intended rather than in its traditional counterpart. More generally, the Midtown Community Court demonstrated the benefits of establishing an early and close operational bond with local police officers at all levels. Court personnel and NYPD officers shared a sense of common purpose and a belief that each organization was making the other more effective. Joint programs were undertaken to improve quality of life in the area. Similarly, an evaluation of the Philadelphia Community Court found that an effective liaison with local police precincts was one of the main factors that made it possible for the court to function as long as it did. While our research at the RHCJC did not directly address this issue, the ethnographic and process evaluations suggest that the Justice Center does not have a comparable depth of connection with rank and file police officers. While the priority and extent of any coordination with the police will vary among community courts, planners should consider the merits under their circumstances of placing priority on developing ties with the police officers who patrol the streets.

### **10. Issue: External Support for Community Court Programs and Management**

The ambitious goals of the Red Hook Community Justice Center are supported by a unique partnership between the Center for Court Innovation (CCI) and the New York State Unified Court system. In effect, CCI is the employer and manager of all Justice Center staff who

do not fill traditional courthouse roles, such as the staff of the clinic and youth and community programs. Many aspects of the Justice Center's success depend on the quality and durability of that relationship, as well as CCI's ability to find the financial and other resources needed to support the Justice Center's non-traditional functions. While CCI provides significant resources and leadership to the Justice Center, it requires a large and costly staffing structure that may not be needed in every community court. Many community courts may find it possible to establish these connections without relying on a non-court organization to perform essential management functions.

## **C. IMPLEMENTING COMMUNITY COURT PRINCIPLES IN CENTRALIZED MISDEMEANOR COURTS**

In our review of the defining features of community courts, many also emerged as good practices that can be adopted by any misdemeanor court. Five such possibilities include the use of assessment tools, monitoring and enforcement of court orders, the use of information technology, procedural justice, and expanded sentencing options.

### **1. Use of Assessment Tools**

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

### **2. Monitoring and Enforcing Court Orders**

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

### **3. Use of Information Technology**

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

### **4. Procedural Justice**

Procedural justice perceptions at Red Hook are a recurring theme in this report. Procedural justice is a social psychological theory and an associated set of practices that explains whether decision-recipients comply with decisions made by a decision-maker. Community courts appear to provide a type of court venue that is conducive to achieving procedural justice effects. The principles of procedural justice, however, are at play in any interaction between a decision-maker and a decision-recipient. A community court is not required for experimentation with ways in which to maximize the contribution that procedural justice can make to offender behavior. Indeed, procedural justice has been called the ‘organizing theory for which 21<sup>st</sup> Century court reform has been waiting’ (Rottman 2008, 32), with broad application in all aspects of court policy and operations.

Community court judges can serve as models for the types of interactions between a judge and offenders that improve offender satisfaction with the court and willingness to comply with its orders. Video recordings showing community court judges on the bench are one way in which judges within the centralized court system can make self-assessments of their style of communication on the bench and consider how closely that style conforms to the principles of procedural justice. Self-improvement efforts based on procedural justice principles are already underway in courts around the country (Wolf and MJ Yim 2012). By viewing video recordings of effective community court judges and then comparing and evaluating recordings of their own interactions with defendants, judges can gauge the degree to which they are effective in applying procedural justice principles.

### **5. Expanding sentencing options**

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

## **6. Mechanisms for Incorporating Community Court Practices into Mainstream Courts**

Potential mechanisms for encouraging the transfer of community court practices to mainstream courts include rotation of staff between locations, programs that bring other judges and court staff to the community court to observe new practices that could be implemented at the main courthouse, as well as active participation on the part of the community court judge in meetings of the main court's judiciary. Those same mechanisms will help ensure that the often physically isolated community courts do not become the stepchildren of the larger court system of which they are part.

### **D. PRIORITIES FOR FUTURE RESEARCH ON COMMUNITY COURTS**

This evaluation represents the fourth effort to combine the research methods associated with process evaluations, ethnographic research, and impact analysis to a community court. Our experience from conducting this evaluation and the evaluations of the Midtown Community Court (CCI/NCSC collaboration) in the 1990s and the Philadelphia Community Court in the late 2000s, along with the recent findings from a comprehensive evaluation of a community court in Melbourne, Australia, leads us to suggest some directions for future research on community courts.

First, comprehensive evaluations of an individual community court like the one on which we are reporting are inherently costly and long in duration. The wide variety of contexts in which community courts have been established may in itself justify additional case studies. In the medium term, however, such intensive studies of a single court should be complemented by comparative research, applying identical research methods to a sufficiently large number of community courts in order to capture the main ways in which they vary. In this way, a research design can be implemented that holds some factors constant across the subject courts and allows some factors to differ. Research questions for a multi-site study might include what features or elements are most directly associated with lower recidivism rates, whether some types of offenders fare better than others by being processed at a community court, and what types of "communities" are best suited for different community court models, or, indeed, for any community court. The act of designing such a comparative study would enhance the rigor in how we think about community courts by establishing a standard for the kind of data that should be collected.

Second, opportunities should be sought to conduct process evaluations that focus on the networks community courts establish with local treatment and service providers, business and civic leaders, and other local institutions. This might require sophisticated forms of network analysis to measure the frequency and intensity of these relationships. The development and maintenance of these networks is arguably a defining characteristic of community courts, distinguishing them from traditional misdemeanor courts. One contribution of such research would be to provide more complete cost information from service and treatment providers than we were able to collect for use in our cost-benefit analysis of the Justice Center.

Third, perhaps the most difficult aspect of a community court to study is how it is perceived by the community it serves on a fundamental level. The Justice Center appears to differ from other community courts in the extent to which it is seen as and acts like a part of the community rather than as just another government institution located near where residents live. In tackling this research topic, Tom Tyler's work, which has proved so helpful in guiding our understanding of the Justice Center, may again be helpful (see Sunshine and Tyler 2003). Further research is needed to document and understand the various ways in which a community court can demonstrate procedural justice, not only to offenders but also to communities.

Fourth, targeted research is needed on the interaction between community courts and police precincts in their catchment areas. Existing evaluations paint very different pictures of the nature and depth of that interaction. The Midtown Community Court and the adjacent police precinct house developed a close, collaborative relationship that included joint programs. The patrol officers were supportive of the court and its mission. The Red Hook experience, in contrast, is one in which court-to-police interaction appears to be sporadic and largely confined to the command level. On the surface, there is little evidence of close collaboration beyond participation by individual officers in a few programs such as the baseball league and Police-Teen Theater. There is no evident sense of a larger partnership in responding to crime problems in Red Hook. The Philadelphia Community Court (PCC) took steps to build a positive relationship with the police department by hiring a retired and highly respected police sergeant as liaison. Even there, the PCC faced difficulties when a captain from an adjacent precinct chose to push misdemeanants from his area into the PCC's catchment area, affecting crime statistics. With hindsight, we realize that we should have looked more closely at the perceptions local patrol officers have about the Justice Center, a gap we hope other researchers will fill.

Fifth, research is needed on the nature of community service, the most common form of sentencing in a community court, to understand its meaning and value to offenders, local residents, businesses, and service providers. A key research question is under what circumstances, if any, do community service sanctions have a deterrent or re-integrative effect on offenders. Another question related to the use of community service is to what extent it serves to improve the physical landscape of the community or have concrete effects on the local conditions of disorder.

Sixth, there is a need for additional research on procedural justice in the community court setting. In recent decades the majority of significant new research on procedural justice in criminal justice has been set in law enforcement contexts. Students of trial courts, including community courts, should pay attention to the findings from these studies and seek to replicate them when possible. For example, a recent randomized experiment demonstrates that even a very brief encounter with police—at traffic roadblocks—can make not only a short term difference in perceived police legitimacy but also the global view a person holds on the legitimacy of the police as an institution (Mazerolle et al. 2013). The average police-citizen encounter lasted for about 20 seconds. Community courts also often involve relatively brief encounters between defendants and the judge. How deep and long-lasting an impact can be provoked by experiencing procedural justice in a misdemeanor court? The possibility of conducting such research on

procedural justice in community courts should be considered as a priority despite the difficulties of designing an experimental or quasi-experimental study.

Finally, it is critical that any future community court evaluation closely examines not only whether the court has any impact on crime or justice system costs, but also the exact mechanisms by which this impact is achieved. Like this evaluation, future research on community courts should begin with the formulation of a program theory that clearly articulates the causal mechanisms through which the court is believed to bring about its intended outcomes and then systematically test as many of these causal hypotheses as possible. Our research would have been stronger had we systematically compared procedural justice perceptions among Justice Center and downtown defendants and among Red Hook and other neighborhoods served by the Justice Center.

## **E. CONCLUSION**

This comprehensive evaluation of the Red Hook Community Justice Center demonstrates that a community court can reduce recidivism and achieve other key criminal justice objectives by improving upon the traditional model for processing misdemeanor offenses. Moreover, the evaluation demonstrates that those improvements can be cost-effective from the viewpoint of the taxpayer. These are impressive findings.

For those interested in learning from the RHCJC experience, our report describes in some detail the structure, operations, and programming that were implemented. To an impressive degree, the intentions of the RHCJC's planners were realized in the implementation of the Justice Center and were still present a dozen years later. Not everything went exactly as planned, but some of the divergences were positive and others can be remedied by periodic monitoring of the Justice Center's caseload.

We know that a community court can dramatically change the pattern of sentences imposed and, arguably as a consequence, reduces recidivism and keeps crime rates low. The report also provides a tentative answer to the question of which features of the RHCJC are responsible for producing results significantly better than those of traditional misdemeanor courts. Procedural justice as practiced in the courtroom and in the court's relationship to the community emerges as the component of the program theory that can most plausibly explain why the Justice Center enjoys an advantage over the downtown courts in recidivism rates and other desired criminal justice impacts. The ethnographic research, which provides us with insight into the perceptions of RHCJC held by offenders and community residents, also gives us confidence that procedural justice is the best explanation for the outcomes and impacts we measured. Further confidence comes from the extent to which our focus on procedural justice is consistent with recent research findings on adult drug courts, as well as prior research carried out to compare the Justice Center with the downtown courts.

## APPENDIX A. PROPENSITY SCORE MODELING, CRIMINAL COURT

Propensity score modeling for the adult criminal court analysis proceeded as follows. We first conducted bivariate comparisons between the Red Hook and downtown samples on all baseline characteristics for which we had data. As shown below in Table A.1 (left-most columns), we found several substantively small, though statistically significant, differences in defendant demographics (age, sex, and race). Furthermore, across many individual measures, the Red Hook sample averaged fewer prior arrests and convictions and fewer prior instances of noncompliance (e.g., warrants or supervision revocations) than the downtown sample. The samples also differed in their breakdown of arrest and arraignment charges, with a higher proportion of marijuana cases in the Red Hook sample and a higher proportion of DWI and domestic violence cases in the downtown sample. Due to our relatively large sample sizes (1,576 Red Hook and 1,671 downtown cases), many of the differences we observed, although statistically significant, were modest in real magnitude. Still, the samples were clearly not comparable in their criminal history and current charges, justifying the application of propensity score modeling methods.

We next entered select baseline characteristics into a backward stepwise logistic regression, for which the dependent variable was sample membership (0 = downtown sample, 1 = Red Hook sample). The independent variables were those for which the bivariate sample difference yielded a p-value of .50 or higher. Such a liberal variable inclusion criterion can maximize the balancing effect of the resulting propensity scores (see Rosenbaum 2002; Rubin and Thomas 1996). We then added a backward stepwise removal criterion of .50 as well, again seeking to maximize the array of variables that the final regression model would take into account.

For 326 cases that were missing data on one or more independent variables, propensity scores were computed based on more limited models that omitted certain variables (Rosenbaum and Rubin 1984). In practice, it was necessary to compute three total models, although the first of these generated propensity scores for the vast majority (95 percent) of cases (regression results in Table A.2). We did opt to delete 11 downtown cases at this stage due to systematic missing data across a large number of baseline characteristics.

**Table A.1. Background Characteristics of Defendants Arrested in RHCJC Catchment Area, 2008 Dispositions**

	Unadjusted		Adjusted	
	RHCJC	Downtown	RHCJC	Downtown
Number of Cases	<b>1564</b>	<b>1563</b>	<b>1564</b>	<b>1563</b>
<b>Precinct of Arrest</b>				
Precinct 72	55%	56%	55%	56%
Precinct 76	25%	26%	25%	25%
Precinct 78	21%	18%	19%	19%
Age	32.3	32.7	32.6	32.4
Female	18%	19%	18%	18%
<b>Race/Ethnicity</b>				
White	19%	15%	17%	17%
Black/African-American	22%	25%	24%	24%
Hispanic / Latino	54%	54%	53%	53%

**Table A.1. Background Characteristics of Defendants Arrested in RHCJC Catchment Area, 2008 Dispositions**

	Unadjusted		Adjusted	
	RHCJC	Downtown	RHCJC	Downtown
Asian	5%	7%	6%	6%
<b>Prior Criminal History</b>				
# prior arrests	4.14	5.65	4.85	4.89
Any prior arrest	47%	55%	51%	51%
# felony arrests	1.57	2.3	1.90	1.94
Any felony arrest	33%	43%	38%	38%
# misdemeanor arrests	2.57	3.35	2.96	2.96
Any misdemeanor arrest	43%	49%	46%	46%
# violent felony arrests	0.49	0.7	0.59	0.6
Any bench warrant on a prior case	34%	38%	37%	36%
Any prior probation revocation	7%	9%	7%	8%
Any prior parole revocation	5%	8%	6%	7%
Arrest year				
2006 or earlier	2%	1%	2%	1%
2007	18%	20%	19%	19%
2008	80%	79%	79%	80%
<b>Arraignment Charges</b>				
Arraignment charge type				
Drug charge	20%	20%	21%	20%
Marijuana charge	16%	11%	14%	14%
DWI charge	2%	7%	5%	5%
Crime against person charge	27%	24%	26%	25%
Petit larceny	5%	3%	4%	4%
Other property charge	9%	9%	8%	9%
Prostitution charge	1%	1%	1%	2%
Other public order charge	15%	17%	16%	16%
Other	5%	8%	7%	6%
Domestic violence case	6%	11%	9%	9%

**Table A.2. Logistic Regression For Propensity Score Model Predicting Court Of Case Processing (RHCJC V. Kings County Criminal Court)<sup>1</sup>**

N sample	3155
N Red Hook defendants	1572
N Downtown defendants	1583
	<b>Odds Ratio</b>
<b>POLICE PRECINCT</b>	
Precinct 72	.787*
<b>DEMOGRAPHICS</b>	
Age	.982
Age categories	
16-19 years	.438+
20-25 years	.371*
26-35 years	.450**
36-45 years	.753
Female	.885
Race/Ethnicity	
White	1.462**
Hispanic / Latino	1.241*
<b>CRIMINAL HISTORY</b>	
<u>Prior Arrests</u>	
# prior arrests	.954**
Any prior arrest	.619*
# drug arrests	1.065**
Any drug arrest	0.862
# felony arrests	0.959
# misdemeanor arrests	1.584*
# violent felony arrests	1.074
Any weapons arrest	0.83
# child victim arrests	1.226
# sex offense arrests	0.862
<u>Prior Convictions</u>	
Any prior conviction	0.761+
Any drug conviction	0.794
# weapons convictions	1.670*
Any weapons conviction	.507+
# youthful offender convictions	1.112

**Table A.2. Logistic Regression For Propensity Score Model Predicting Court Of Case Processing (RHCJC V. Kings County Criminal Court)**

**Table A.2. Logistic Regression For Propensity Score Model Predicting Court Of Case Processing (RHCJC V. Kings County Criminal Court)<sup>1</sup>**

N sample	3155
N Red Hook defendants	1572
N Downtown defendants	1583
<u>Prior Warrants and Supervision Revocations</u>	
# of prior cases with bench warrants	1.074*
Any prior probation revocation	1.168
Any prior parole revocation	0.756
<b>CURRENT CRIMINAL CASE</b>	
Arrest year	
2006 or earlier	.400***
<u>Arrest Charges</u>	
Arrest charge type	
Drug charge	1.339+
DWI charge	.066***
Crime against person charge	.331***
Petit larceny	1.854**
Prostitution charge	.407*
Other Public order charge	1.286
Other	1.225
Charge severity	
B or U misdemeanor	2.358***
A misdemeanor	1.981***
<u>Arraignment Charges</u>	
Arraignment charge type	
Drug charge	.899**
Marijuana charge	.599**
Crime against person charge	4.251***
Other	.537**
Charge severity	
B or U misdemeanor	2.009***
<u>Domestic Violence Status</u>	
Domestic violence case	.418***
Constant	2.14

+p<.10, \*p<.05, \*\* p<.01, \*\*\*p<.001.

<sup>1</sup>Stepwise removal from propensity score model: prior felony conviction, # prior drug convictions, public order arrest, number felony convictions, year 2007, # prior violent felony convictions, other arrest, prior felony arrest, other property arraignment, prior bench warrant ordered, probation violation - technical, prior youth arrest, prior conviction, prior violent felony conviction, prostitution arraignment, public order arraignment charge, prior violent felony arrest, marijuana arrest charge, prior misdemeanor conviction, black, age66, prior weapons arrest.

From examining the resulting propensity scores, 88 downtown cases had lower propensity scores than the lowest score to be found in the Red Hook sample; and four Red Hook cases had higher propensity scores than the highest score to be found in the downtown sample. These total cases lacked “common support” across both samples and were thus deleted. Furthermore, realizing that there were some cases whose arrest year was much earlier than the disposition year, especially in the downtown sample, we decided to eliminate 28 cases that were arrested prior to 2006, because they were not generalizable to the experience of most criminal court cases. (Cases arrested earlier than 2006 had disappeared on a warrant for an extremely lengthy period before finally returning to court custody and having their case resolved in our target disposition year of 2008). The final samples included 1,564 Red Hook and 1,563 downtown cases.

We next had to select a propensity score adjustment method. Matching is typically preferred when starting with many more comparison than treatment cases. In such a situation, only those comparisons that provide a statistical match to a treatment case are retained, and the remaining comparisons are deleted. However, matching was unfeasible, given that we began with nearly identical numbers of cases from each sample (i.e., we lacked excess downtown cases from which to choose the best matches). We opted instead for a covariate adjustment—controlling for the propensity score itself as a single, scalar covariate in all impact analyses (see Rosenbaum and Rubin 1983).

Confirming that a covariate adjustment would be effective in controlling for baseline differences, we performed all of the same comparisons of baseline characteristics that we had conducted initially—but after inserting propensity score as a control variable. As shown in Table A.1, after controlling for propensity score, every one of the many significant differences that initially existed between the samples was eliminated. To see this effect, compare the results in the right-most and left-most columns of the table, which provide the same baseline comparisons pre-adjustment and then post-adjustment.

The covariate adjustment is employed in the cost-effectiveness analysis and the one-year and two-year re-arrest comparisons. Including the propensity score as a covariate rather than controlling directly for all variables that predict outcomes has been shown to bias the estimated effects of the explanatory variables in nonlinear models; thus, the Cox survival models of time to re-arrest (survival analysis) do not control for the propensity score and instead include background and offense variables directly (Austin et al. 2007).

## APPENDIX B. SAMPLING AND PROPENSITY SCORE MATCHING, FAMILY COURT

### 1. Sampling Frame

Our research sample included 595 cases, 102 processed in the Red Hook Family Court and 493 processed in the downtown Brooklyn Family Court. These youth were all arrested from 2006 through 2008, but unlike the Criminal Court analysis, the arrest for comparison cases could have taken place outside the Red Hook catchment area—but within Brooklyn, New York.

It is important to note that the sampling frame includes only those cases that were filed in court. Not all juvenile delinquency arrests result in the filing of a court case. Rather, delinquency cases may first be diverted for a number of reasons along the way. When a juvenile is arrested, he or she first meets with a probation officer, who has authority to “adjust” the case. Adjustment is a form of pre-filing diversion whereby, if the juvenile complies with probation-ordered services, probation may exercise its authority to close the case. Approximately 30 to 40 percent of cases are referred for adjustment (see Table 26, p. 104). We were unable to obtain any usable data from the city’s Department of Probation about cases that were adjusted. If a case is not adjusted, probation refers the case to the New York City Corporation Counsel, which is the prosecutorial agency for juveniles. Corporation Counsel may also opt not to file the case in court, due to insufficient evidence or for other reasons. If, however, the case makes it through Corporation Counsel’s case screening procedures, the case is filed with either the Kings County Family Court in downtown Brooklyn or the Red Hook Family Court. Red Hook delinquency cases may arise from felony or misdemeanor arrests. The primary official requirements for a case to be sent to Red Hook are that the youth was arrested in the Red Hook catchment area, and that the youth is not detained. Most juveniles held in pretrial detention following the initial court appearance are held because they are deemed to be at high risk of additional criminal behavior. Some low-risk juveniles are also detained overnight following arrest because the arresting officer is unable to contact a parent. Even though these respondents are typically released from detention following the initial court appearance, their cases are also processed downtown.

Respondents who would otherwise be eligible for the Red Hook Family Court may also have their cases processed downtown at the discretion of the Department of Probation and/or Corporation Counsel, based upon the characteristics of the respondent or the offense. The Red Hook Family Court is known for keeping delinquency cases open for a much longer time than the downtown court. Over the past few years, as seen in the process evaluation data, the number of juvenile cases sent to Red Hook has decreased, and Red Hook’s program staff is exploring possible explanations. But it is clear that discretion on the part of the Corporation Counsel—discretion that does not exist for the prosecutorial agency in the case of Red Hook’s adult criminal court—plays a role in leading many cases to be re-routed downtown.

We received our initial dataset from the Department of Technology (DOT) of the New York State Unified Court System. DOT staff drew cases from a statewide family court database, known as the Family Court Universal Case Management System (UCMS). Based on sample eligibility criteria that we provided, DOT sent us data on 8,432 cases, all of which were filed in Brooklyn with an arrest date from 2006-2008, and 209 of which were Red Hook cases. We first eliminated those cases that had no charge listed. We lost 51 of the 209 Red Hook cases for a lack of any charge data. We then eliminated all downtown respondents that were arrested on a charge that was

wholly unrepresented in the Red Hook sample or was also missing charge data and lost well over 2,000 cases this way (but ensured a better matched comparison sample through this exclusion).<sup>1</sup>

In order to avoid violating standard independence assumptions in our planned statistical analyses, we required the final sample to include a maximum of one case per individual respondent. When the same respondent had multiple eligible cases, our final sample included the first, based on arrest date. We eliminated 29 additional Red Hook cases, but obviously did not lose any defendants, for this reason. At this point, we still had 4,018 downtown family court cases, which was a much larger comparison sample than we could possibly use. Using a random selection method, we selected a sample of 1,114 comparison cases for which to request recidivism data.

In order to conduct our analysis, we requested data from the New York City Criminal Justice Agency (CJA), a nonprofit agency that runs all pretrial services in New York City and maintains a comprehensive dataset on both juvenile and adult city arrests. Since juveniles are not assigned a formal person-based identification number when they are arrested, cases were matched to the CJA dataset using name, date of birth, and incident date. This laborious and imperfect method of matching led to an additional loss of usable cases, resulting in a final sample of 102 Red Hook and 493 downtown cases.

## **2. Propensity Score Matching**

To reduce selection bias in the comparison group, we implemented a standard propensity score adjustment, using the methods previously described in Chapter 2, Section B(2)(a) and (b) as shown in Table B.1 (left-most columns). Prior to implementing our adjustment, we found a statistically significant difference between the samples in race, criminal history, and arraignment charge. The Red Hook sample averaged fewer prior arrests and convictions than the downtown sample across a number of specific measures. The samples also differed in their breakdown of arraignment charges, with a higher proportion of certain property-related charges in the Red Hook sample and a higher proportion of robbery in the downtown sample. We concluded that the application of propensity score modeling methods was justified.

At the propensity modeling stage, we had to compute two propensity models, with the second model omitting the variable of race, which was missing data for 1 percent of cases. From examining the resulting propensity scores, 29 downtown cases had lower propensity scores than the lowest score to be found in the Red Hook sample. These 29 total cases lacked “common support” across both samples and were deleted. With the cases that remained (102 Red Hook and 464 downtown cases), we relied on a one-to-one matching algorithm. (Each Red Hook case was matched to the nearest downtown case among those that had not already been matched.) This algorithm was successful in eliminating baseline differences between the samples (see Table B.1, right-most columns). The final samples included 102 Red Hook Family Court and 102 matched downtown family court cases. Because there were a sufficient number of comparison group cases to permit one-to-one matching of Red Hook cases to comparison group cases, it was not necessary to implement a covariate adjustment for the propensity score. However, because relying on propensity score matching without controlling directly for all variables that predict outcomes has been shown to bias the estimated effects of the explanatory variables in nonlinear models, the Cox survival models of time to re-arrest reported in Chapter 2, Section B(4) include background and offense variables as covariates (Austin et al. 2007).

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<sup>1</sup> Cases that were eliminated were missing charge data. Other case characteristic variables were not available at this point in the analysis.

**Table B.1. Baseline Characteristics for Juvenile Delinquency Respondents, Original and Matched Samples**

	Sample:		Matched		
	Red Hook Status:	Original	RH	Downtown	
<b>Number of Cases</b>		102	493	102	102
<b>DEMOGRAPHICS</b>					
<b>Female</b>		25%	22%	25%	23%
<b>Age</b>					
Mean age		14.27	14.27	14.27	14.26
Age categories					
	12	4%	4%	4%	1%
	13	13%	13%	13%	20%
	14	35%	28%	35%	31%
	15	58%	51%	48%	48%
<b>Race</b>		**			
Black		56%	74%	56%	57%
Hispanic		34%	18%	34%	33%
White/Other		10%	8%	10%	10%
<b>CRIMINAL HISTORY</b>					
Prior Arrests		0.37***	0.89	0.37	0.38
Prior Arrest?		24%***	46%	24%	23%
Prior Felony Arrests		0.19***	0.47	0.19	0.02
Prior Felony Arrest?		15%***	29%	15%	17%
Prior Misdemeanor Arrests		0.19***	0.41	0.19	0.19
Prior Misdemeanor Arrest?		15%***	29%	15%	13%
<b>CURRENT CRIMINAL CASE</b>					
Arrest Charge		**			
Assault		33%	30%	33%	31%
Robbery		14%	32%	14%	15%
Other property related		29%	17%	29%	28%
Drugs or Marijuana		12%	10%	12%	10%
Weapons		8%	7%	8%	10%
Other		4%	3%	4%	7%
Arrest Severity					
Felony?		23%***	43%	23%	21%

+p<.10, \*p<.05, \*\* p<.01, \*\*\*p<.001.

**APPENDIX C. IMPACT OF DRUG TREATMENT ON TWO-YEAR RE-ARRESTS FOR SPECIFIC CHARGE TYPES**

**Table C.1 Impact of Drug Treatment on Two-Year Re-Arrests for Specific Charge Types**

	Court	
	Red Hook	Downtown
N Sample	252	252
<b>Two Years</b>		
# felony re-arrests	0.44	0.41
Any felony re-arrest	24%	25%
# misdemeanor re-arrests	1.39+	1.05
Any misdemeanor re-arrest	44%	37%
# drug re-arrests	0.82	0.69
Any drug re-arrest	35%	29%
# violent felony re-arrests	0.07	0.06
Any violent felony re-arrest	6%	6%
# violent misdemeanor re-arrests	0.07	0.10
Any violent misdemeanor re-arrest	7%	8%
# property re-arrests	0.73	0.54
Any property re-arrests	28%	24%

+p<.10, \*p<.05, \*\*p<.01, \*\*\*p<.001.

## APPENDIX D. CHANGE POINT ANALYSIS OF RED HOOK ARREST SERIES

Among the data made available to analyze the impact of the Red Hook Community Justice Court (RHCJC) were several time series of monthly arrests in Kings County precincts from 1995 to 2009. In all, data from eight precincts were included, three from the RHCJC catchment area (the 76th, where the court is located, the 72nd and the 78th) and five adjacent precincts in the same county for comparison (the 66th, 68th, 70th, 71st and 84th). The series tabulated the number of arrests overall per month in each precinct as well as felony and misdemeanor arrests separately. In order to explore whether the opening of the RHCJC had any effect on arrests, we subjected the data series to a change point analysis, a technique intended to identify the position and (potentially) number of structural breaks and use this information to organize the time series into one or more sequential blocks of data within which distributional parameters are consistent (Chen and Gupta 2000). Specifically, we used a Bayesian product partition model (Barry and Hardigan 1993) to detect changes in the mean of the series. The method is implemented in the R statistical software environment (R Development Core Team 2011).

We hypothesized that the implementation of the RHCJC would have an influence on arrest rates in the catchment area of the court, in particular on misdemeanor arrests. The specific mechanism for this influence was proposed to be the level of police confidence that their arrests would result in meaningful consequences for the arrestees (Wilson and Kelling 1982). One of the objectives of the Red Hook Community Justice Center (RHCJC) was to increase the certainty of meaningful consequences for the offender, which it has accomplished as borne out by the data. Thus, we hypothesized that after some short period of time, during which the police were becoming aware of differences between the RHCJC's and business-as-usual sanctioning, police would eventually come to appreciate the high probability of meaningful sanctions for cases processed by the RHCJC and that arrests would tend to increase over time, eventually leveling off at a new, higher (than before implementation of the RHCJC) arrest rate. Conceivably, this new higher arrest rate could impact crime rates and arrests in the long-run could decrease, realizing that crime rates are influenced by a complex array of factors, of which law enforcement is only one. In total, this ambitious hypothesis suggests an inverted U-shaped relationship between arrests and time in the catchment area of the RHCJC.

Before analyzing the series, a missing data problem needed to be addressed. Approximately 3.5 percent of the arrests in Kings County from 1995 to 2009, 41,578 arrests, did not have precinct information. The arrests could be attributed by year, but not month or precinct, and there was no information about which precincts were missing data. Fortunately, the majority of arrests without month or precinct data were in the period from 1995 to 1998, during which the percent of county-wide arrests with missing information were 20.2 percent, 15.1 percent, 13.8 percent and 7.1 percent respectively. Missingness in subsequent years never rose above 1.5 percent. Without being able to determine which of our sampled precincts in which months were missing arrests, or the proportion of arrests missing, we decided not to use the data from 1995 to 1997. Although 1998 had a substantially higher rate of missingness than the subsequent years, we decided to use the data from that year in order to have a series leading up to the mid-2000 opening of the RHCJC long enough to identify any patterns or trends preceding the event.

The resulting data series are presented in Figures D1 through D4. Figure D1 graphs monthly felony arrests in the five non-RHCJC precincts, Figure D2 contains felony arrests in the three Red Hook precincts, and Figures D3 and D4 display misdemeanor arrests for the same groups, respectively. In order to more rigorously examine whether there were substantial changes in the pattern of arrests, we applied a Bayesian change point method to detect shifts in the level of the

data series, or in the estimated mean of the distribution from which monthly observations are drawn (Barry and Hartigan 1993). The problem addressed by Barry and Hartigan is identifying the position(s) of one or more partitions that divide a set of ordered observations into contiguous sets or blocks with constant mean within each block (Barry and Hartigan 1993, 309). Given a series of observed values,  $n$ , the values could be divided into a number of contiguous blocks from one (the distribution of the series does not change) to  $n$  (each observed value is its own block.) The change point problem, essentially, is arriving at a set of points dividing the series into blocks that produce the best “fit” of the observed data within each block to the mean of that block, without breaking the series into too many blocks.<sup>2</sup> In contrast to other approaches to analyzing time series data, change point analysis allows us to identify if and when a series undergoes a significant change, without having to specify where we believe the change has taken place.

The product partition model, one of several possible solutions to change point problems, arrives at estimates of the number and location of change points, as well as the mean at each point in time, by iteratively sampling from a distribution of partition indicators given the data, the current partitions, and the product of prior “cohesions,” representing the similarities between contiguous observations. The draws form a Markov chain, with transition probabilities (the likelihood of observing a change point at a given month, given a null prior) a function of the cohesions and the relative sizes of the sums of the between-block sums of squares and within-block sums of squares. Estimated means, which function as a smoothed representation of the data series similar to local regression, and other parameters at each point in the series are updated from these sums of squares (Erdman and Emerson 2008).<sup>3</sup>

Change point analyses were done for each precinct, eight in all, entering felony and misdemeanor arrest series together, and two analyses using total arrest series, one for the group of three RHCJC catchment precincts together and one grouping the five non-RHCJC precincts. This permits us to compare overall trends in the Red Hook districts with whatever trends are apparent in the collection of comparison precincts. Figures D5, D6, and D7 present the estimated means over time (the line graphs indexed on the left axis) for the felony and misdemeanor arrest series and the change point probabilities (the shaded areas rising from the x-axis and indexed on the right axis).

Turning attention to these RHCJC precincts, some clear patterns emerge. All three analyses uncover a change point with 100% probability in early 2000, accompanied by dramatic declines in estimated average arrests. Precincts 76 and 78 both demonstrate such a spike in March 2000, the month before the RHCJC opened, while Precinct 72 has such an indicator in May of that year. Since the probabilities reflect the likelihood of a change in the following time interval, precincts 76 and 78 appear to have experienced a substantial change in average arrests in the month the court

---

<sup>2</sup> Obviously, the best fit of change points to the data would be to define each time period as the mean of its own block.

<sup>3</sup> The Bayesian product partition model has several advantages over similar methods. First, it allows one to adjust the prior expected likelihood of observed changes (set higher if a large number of change points are anticipated) and a prior for the signal-to-noise ratio (set higher if change points are indicated by smaller absolute changes in value.) The model, estimated via Markov chain Monte Carlo (MCMC), produces as output the probability of a change point at every time interval in the series (characterized by the proportion of iterations of the Markov chain in which a change point is fitted at each position.) Thus, the researcher can decide what threshold to use when identifying a mean shift in the series. Also, the product partition model has been extended to multivariate series by Erdman and Emerson (2011), so information from more than one series, such as misdemeanor and felony arrests for a precinct or the total arrests from several precincts, can be used simultaneously to identify when a change in arrest patterns occurs. The product partition model for change point problems has been implemented in R by the package *bcp* (Erdman and Emerson 2011). Priors for the signal-noise ratio and change point probabilities were set to the default values (.20, .20) recommended in Barry and Hartigan (1993), based on MCMC simulations. Default values were also used for the burnin iterations (the number of links in the Markov chain permitted for convergence) and the links used to characterize the posterior distributions.

opened, while in the 72nd the decline occurred two months after the court began operations. Moreover, the periods following those change points are characterized by relatively unusual stability. In Precinct 72, the probability of a change point only rises above 10 percent once between June 2000 and the end of 2009—in August 2001. The estimated average arrests during this long stable period are similar to those observed at the beginning of the time series, before a number of step-like increases observed between September 1998 and the end of 1999.

The other two precinct graphs of the RHCJC catchment feature similarly profound change around the time the court opened, but more activity in the years following. The Precinct 76 graph has a dramatic, but short-lived, spike in felony arrests observed in March and April 2006. The arrest series for Precinct 78 are largely flat, except for a rise in misdemeanor arrests in the early months of 2005, peaking in March of that year. The estimated arrest average in Precinct 76, like that for Precinct 72, falls to about the same level as seen at the very beginning of the series two years earlier. Also, the level seen before the mid-2000 drop rose in several steps in 1998 and 1999.

A possible explanation for the unusual rise in felony arrests estimated in March and April 2006 is a police raid on the Red Hook Houses in April. As reported in the *New York Times* (Jacobs 2006), the raid involved 450 law enforcement officials and produced 153 arrests, with additional arrests following. According to a statement from Police Commissioner Raymond Kelly referenced in the article, arrests were expected to continue as additional suspects were tracked. The mean estimates for Precinct 76 suggest that whatever additional arrests took place within the precinct were primarily for misdemeanor offenses, as the felony arrest average returned to the same level observed in the month before the raid almost immediately, while the level of misdemeanor arrests tapered down over more than a year after rising appreciably in May, 2006. The *Times* article also refers to a three-day sweep in 1998, month unspecified, but a change point probability above 50% appears in June of that year in Precinct 76.

The results provide no evidence of the effects hypothesized earlier. While there does appear to be a change in the level of arrest activity corresponding with the introduction of the community court, the change is a dramatic drop in arrests that occurs in one step and persists for all or most of the remaining years examined. No increase in arrests, misdemeanor or felony, is evident in these smoothed trend lines, except for short term spikes the 76th and 78th precincts more consistent with a concerted police action than a change in behavior.

We performed another pair of analyses grouping the total arrest series for the Red Hook precincts together and the comparison precincts together. The results of these can be seen in Figures D8 and D9.

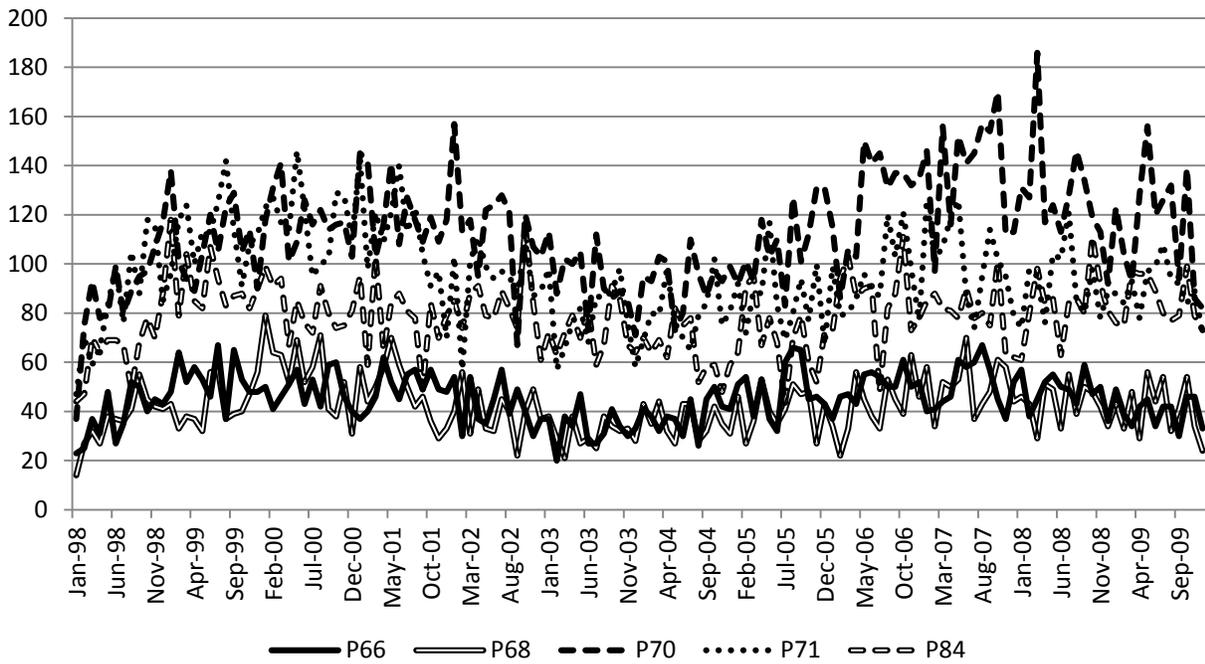
The first thing noticeable from the non-Red Hook precincts graph is that the most likely change point appears in the late summer of 2001. The timing and direction of the change suggest the impact of 9/11. Another consistent movement occurs around the beginning of 2005. Several of the precincts see upward swings of different magnitudes at this point, and the most pronounced of them, in the 70th and 71st precincts, persist at or above the new level. The arrest averages of Precinct 84 are almost flat for the entire period of study. Overall, no change points are indicated with much certainty.

The combined Red Hook precincts graph in Figure D9 evinces several increases in arrests in the first two years under observation, followed by a dramatic and sustained fall in arrests around the time that the Red Hook court opened. In each case, the “equilibrium” level of arrests following the early-2000 change points are at about the same numbers observed at the onset of the time series in 1998, although the 1998 data may have substantially more unattributed arrests, so the level

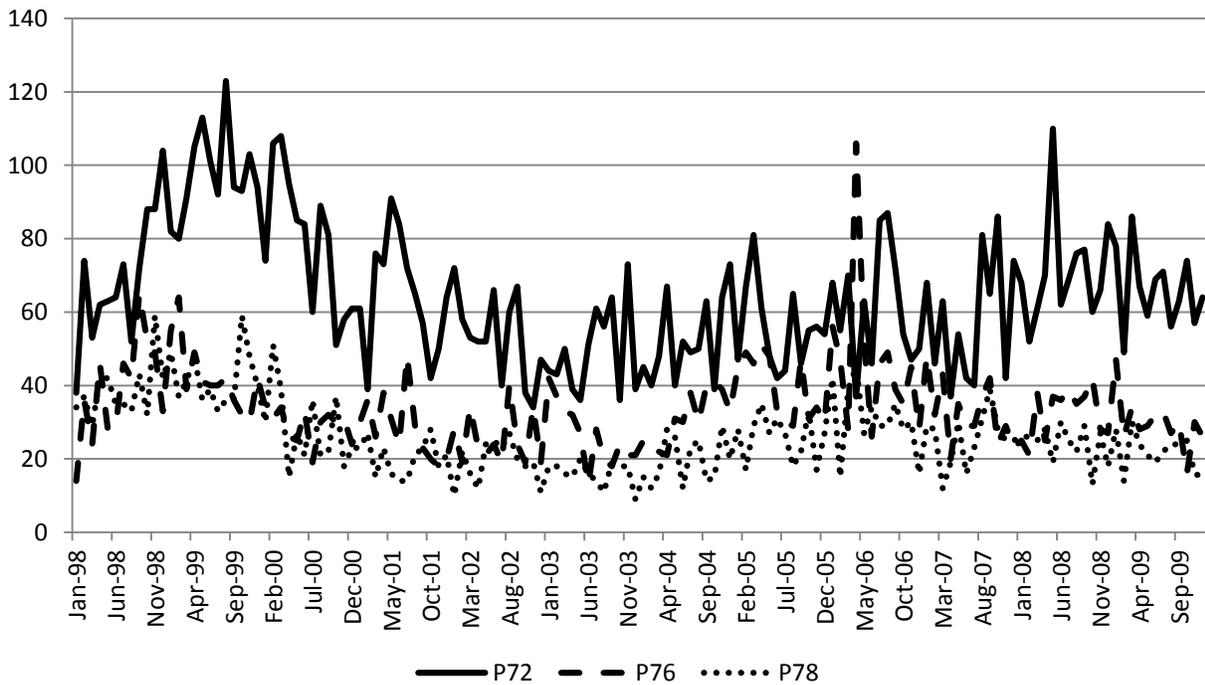
shown may be lower than what was actually occurring in 1998. In comparison with the first thirty months of the series, the remaining years are very still. No change points are indicated with more than 20 percent likelihood and the estimated average arrest series are flat. All three precincts see a small increase around the end of 2004 to beginning of the next year, but the three arrest averages are notable for how closely they mirror each other throughout this time. Differences between the two graphs can be seen rather clearly. The estimated means of the non- RHCJC precincts drift up and down over the period observed, and the spikes in change point probabilities are spread across the decade, reaching a zenith that corresponds with 9/11. That high point approaches 50 percent, a stark contrast with the peak change point probabilities observed for the Red Hook districts. The relative uncertainty of change points identified in the non-Red Hook precincts, despite the greater volatility found in the estimated means, is a result of the cohesion parameters in the product partition model, which allow for more short-term variation within blocks based on the overall variability in the series. The comparative stability of arrest levels in the Red Hook districts allows for a much more confident identification of the primary change points in that graph.

Without a qualitative analysis of events occurring in the precincts at the time that these arrests were performed, it is not possible to deduce what produced the patterns observed here. Possible explanations for the remarkable stability of the arrest rates in the RHCJC precincts after the court opened include a greater degree of coordination between the courts and police after the opening of the community court, decreases in the crime rates, an increase in informal social controls, or more certainty in sentencing, incarceration and supervision, leading to fewer re-arrests of the same offenders. The change point analysis singled out the opening of the Red Hook court as a pivotal time period, but it cannot answer the question of why such a change would take place. The smoothed average arrest trends, meanwhile, do not conform to the expectations hypothesized for the RHCJC.

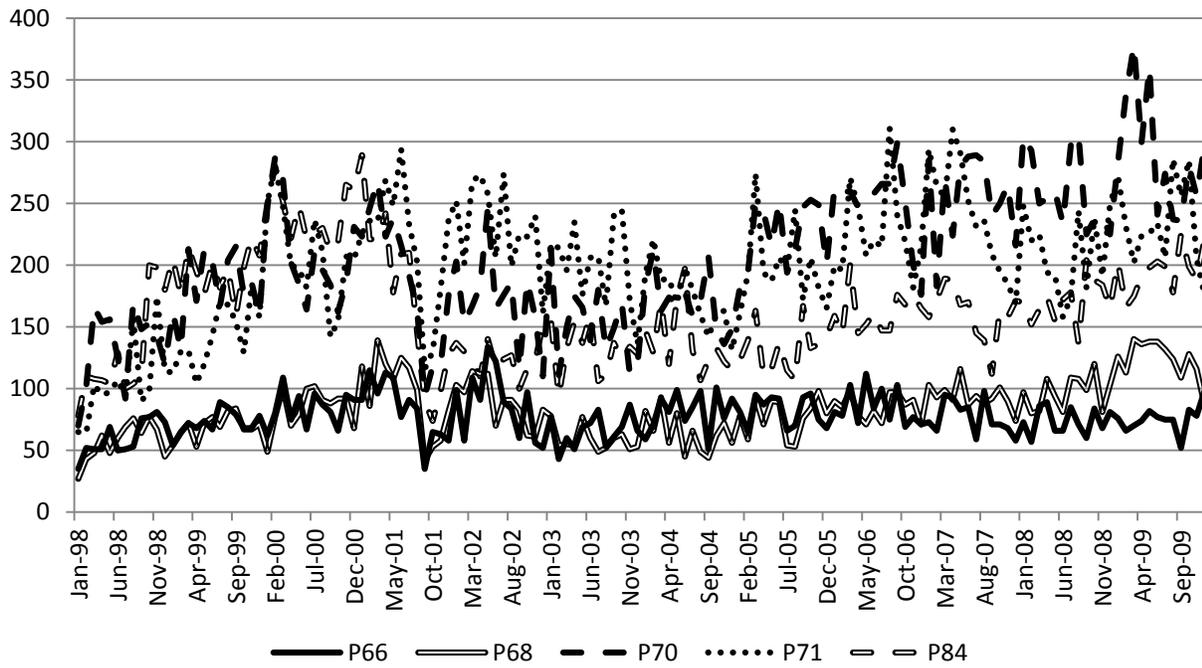
**Figure D1: Felony Arrests for Non-RHCJC Precincts  
by month, 1998 - 2009**



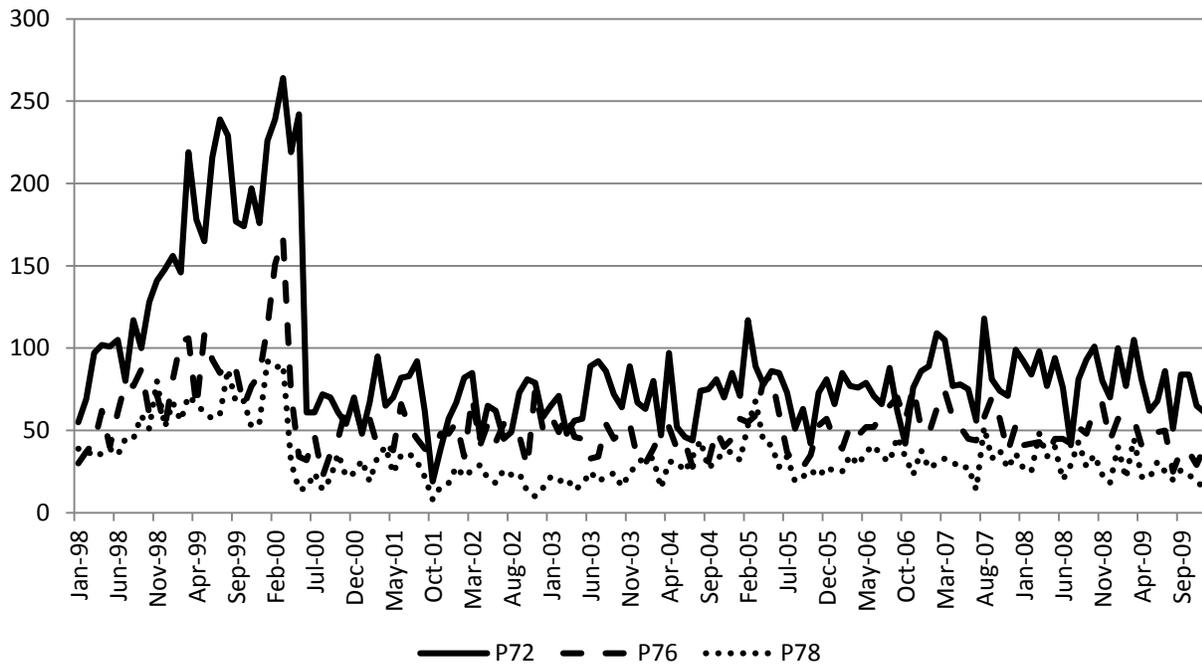
**Figure D2: Felony Arrests for RHCJC Precincts  
by month, 1998 - 2009**



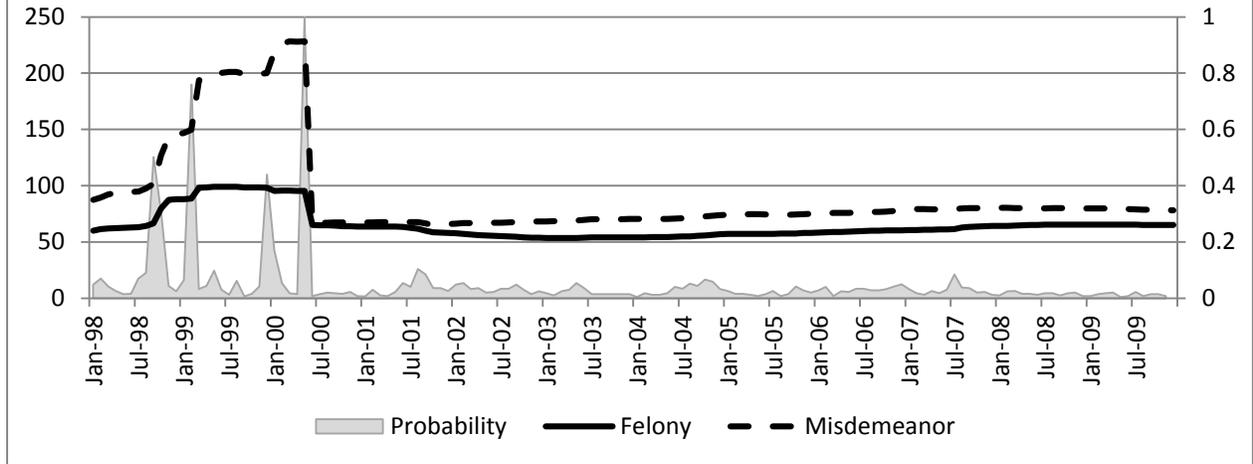
**Figure D3: Misdemeanor Arrests for Non-RHCJC Precincts  
by month, 1998 - 2009**



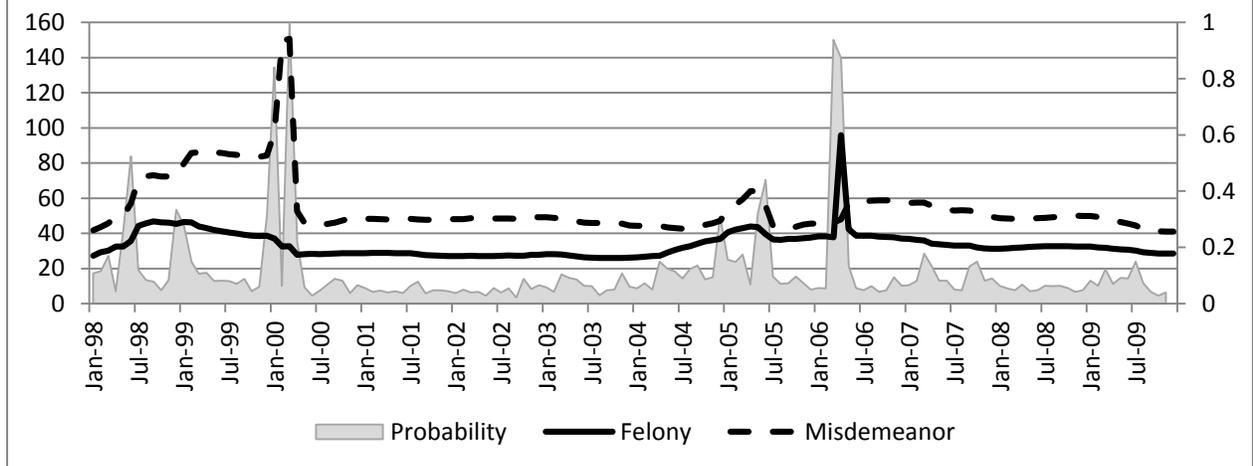
**Figure D4: Misdemeanor Arrests for RHCJC Precincts  
by month, 1998 - 2009**



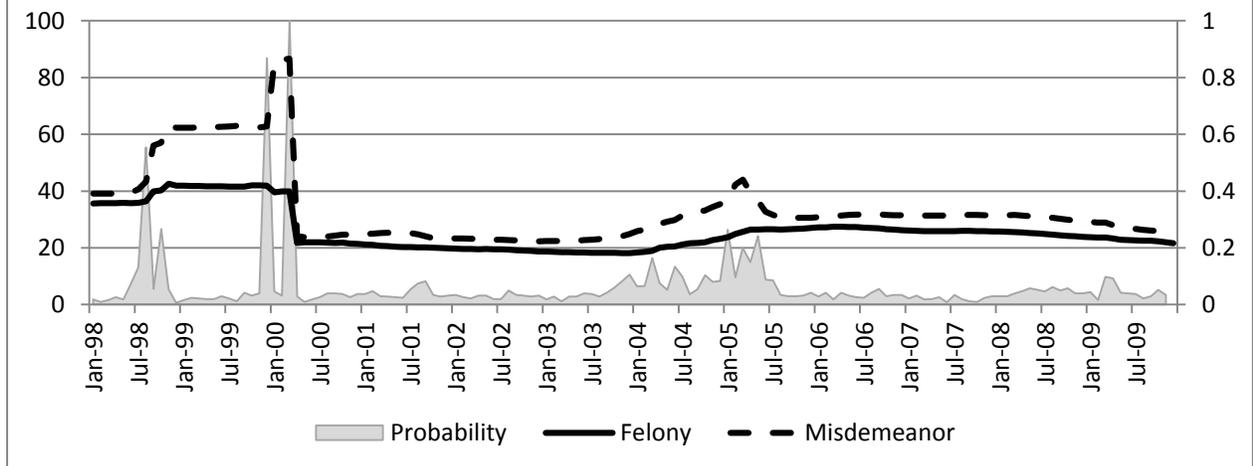
**Figure D5: Probability of Changepoint, Precinct 72**



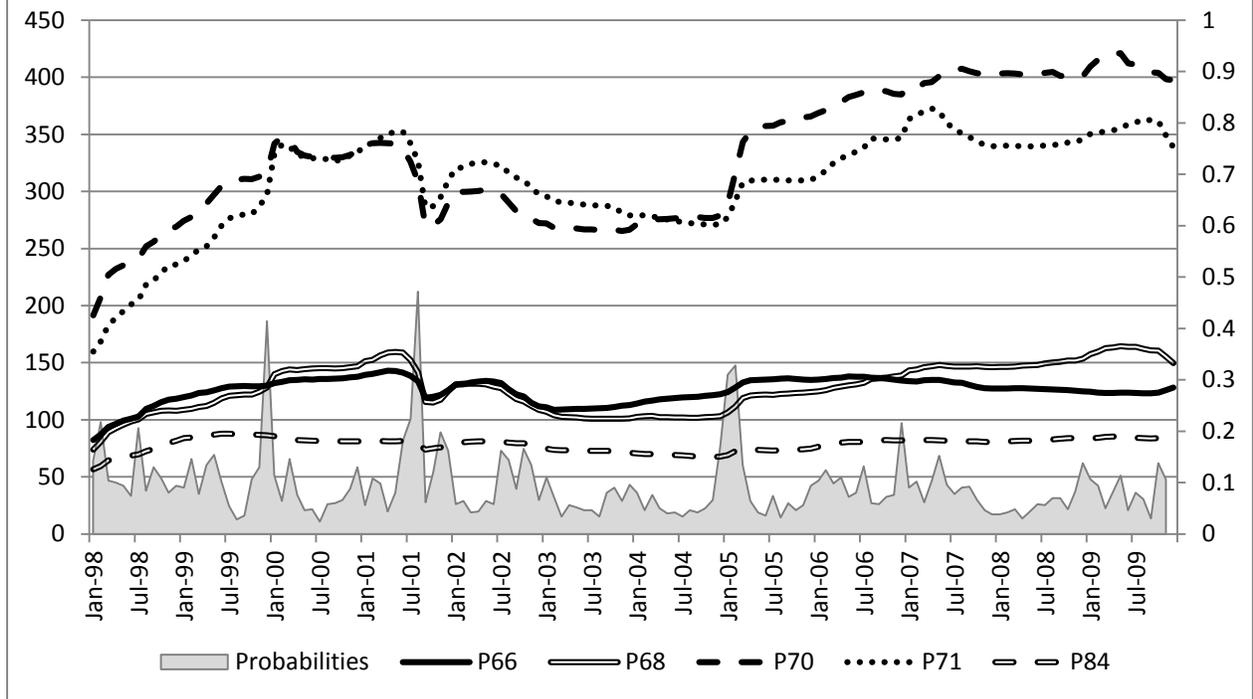
**Figure D6: Probability of Changepoint, Precinct 76**



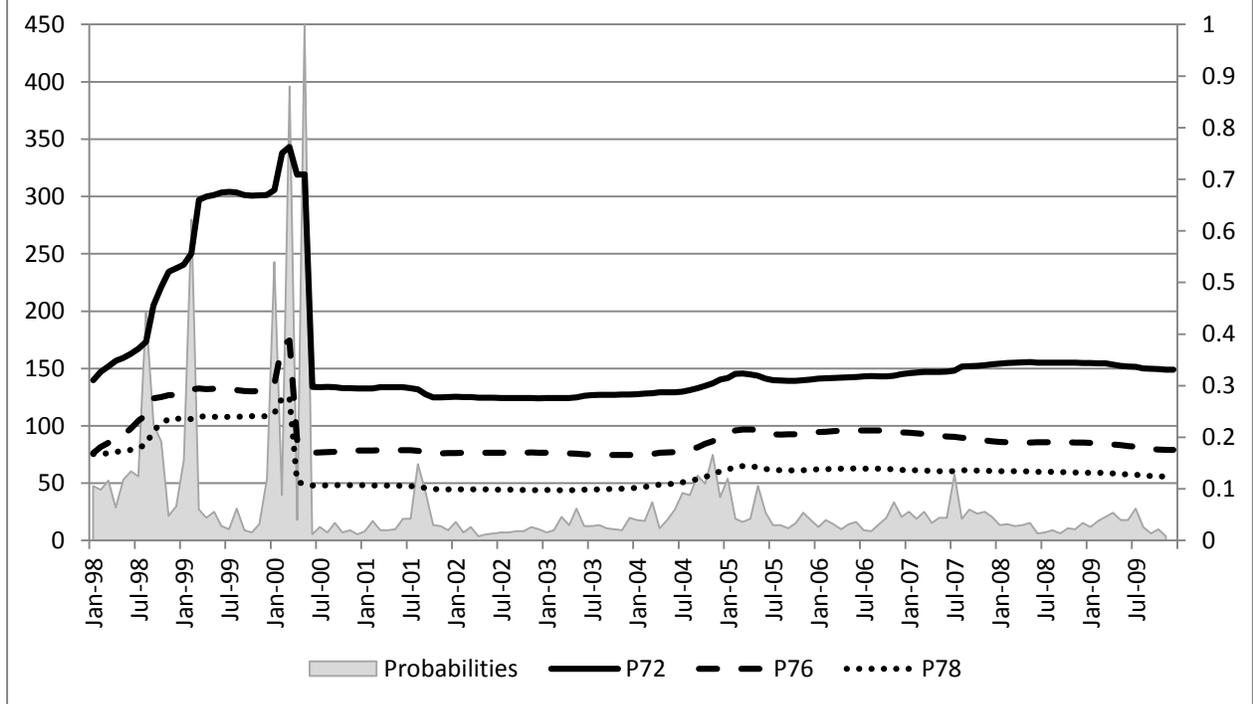
**Figure D7: Probability of Changepoint, Precinct 78**



**Figure D8: Estimated Means and Change-point Probabilities**  
**Total Cases, Non-RHCJC Precincts 1998 - 2009**



**Figure D9: Estimated Means and Change-point Probabilities**  
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**APPENDIX E: ETHNOGRAPHIC REPORT: THE RED HOOK COMMUNITY JUSTICE CENTER**



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## **ETHNOGRAPHIC REPORT: THE RED HOOK COMMUNITY JUSTICE CENTER**

### **A. INTRODUCTION**

The Red Hook Community Justice Center is located in a neighborhood that had long been the home of Italian, Irish and Puerto Rican families who worked at the docks and related jobs. The neighborhood was the setting for Elia Kazan's well known film *On the Waterfront* (1954), starring Marlon Brando. More recently it was featured in Spike Lee's *Red Hook Summer* (2012). The majority of the population in Red Hook lives in the Red Hook Houses, public housing constructed for working class families in 1938 as part of Roosevelt's Federal Works Program. But neighborhood demographics changed. In 1958, a new shipping container port opened in nearby Elizabeth-Newark, New Jersey that, in just a few years, decimated employment in the harbors of New York and turned them into rotting piers, abandoned warehouses and rusting factories. Simultaneously, government programs like building highways and insuring housing mortgages encouraged white, working families to flee from center cities to suburban homes with gardens. Largely excluded from suburbs, many people of color were left behind in forsaken spaces like Red Hook that were suddenly cut off from the rest of Brooklyn by the new highways that had been built. By the 1970s, Red Hook became home largely to low and middle-income African American and Latino residents. In the 1980s, Red Hook saw little of the recovery from the great New York City fiscal crisis that had defined the mid-1970s, and the neighborhood deteriorated significantly and became infamous for drug-related crime. Later, in the 1990s, Red Hook became the target of intensive and aggressive policing.

Even as crime rates dropped in the 1990s, scholars noted the persistence of legal cynicism and a subcultural tolerance of deviance (Sampson & Bartusch 1998). In addition to perceived failures in the courts and the penal system, in New York City aggressive policing, which was being celebrated by some, came to be seen as a problem by many, especially those who suffered its costs. Street protests over "police brutality" came to be endemic in the late-1990s, especially after high-profile incidents such as the severe abuse of a Haitian immigrant in a stationhouse and the killing of an unarmed Guinean immigrant in the vestibule of his apartment building. The public sense of legitimacy of the criminal justice system suffered. The Red Hook Community Justice Center was promoted as an experimental alternative to the strictly retributive justice model of mainstream courts.

Opened in 2000, the Red Hook Community Justice Center (RHCJC) is unlike other problem-solving community courts which focus on single issues like drugs, mental health or domestic violence. Instead it has a multi-jurisdictional approach combining criminal, family, juvenile and housing into one court. The judge has access to a variety of sanctions and services for offenders such as community restitution projects, job training, drug treatment and mental health counseling. The judge takes a holistic approach and tries to address the underlying reasons that defendants end up in court, hold them accountable, and provide restitution to victims where possible. The courthouse staff also works proactively by sponsoring programs on crime prevention, victim assistance, and community building such as job training, mediation, health services and volunteer community service projects. Additional programs offered by the court

include a peer-driven youth court, and a variety of workshops, such as "What to do when stopped by the police" and drug rehabilitation groups.

This research, led by the National Center for State Courts and the Center for Court Innovation, and conducted by faculty at John Jay College, sought to find out how the community court was functioning in relationship to neighborhood concerns. Criminologists from the National Center for State Courts and the Center for Court Innovation used institutional data to compare RHCJC rates of compliance with court orders, prevention of recidivism, and cost savings (including arrest to arraignment savings, increased arraignment disposition savings, jail savings, reduced recidivism and the community service contribution) with those of more traditional, retributively-oriented courts. However, institutional data does not reveal if the court's actions translate into public confidence in government justice. Has knowledge about the court permeated the streets? An ethnographic field study was needed to solicit the attitudes and orientations of community members and explore litigants' perceptions of the courts, the law and justice.

This ethnographic report describes the impact of the RHCJC on community residents in the immediate neighborhood and on the offenders who appear in court. This report is based on three kinds of data: a survey of 107 Red Hook residents, a survey of 200 offenders conducted in Red Hook and Sunset Park (which is part of the RHCJC's catchment area), and direct observation by a team of over a dozen researchers who spent many hours in the courthouse and on the streets of the neighborhoods. Results indicate that residents perceive RHCJC as a benefit to the community. Researchers found that the sole judge for the court, Judge Alex Calabrese, who was first appointed as a judge to the Criminal Court in 1997 and has presided at the RHCJC since 2000, is considered someone who will help at-risk youth, low-level offenders, and public housing tenants struggling with housing management. On the whole, those in Red Hook's public housing depend on the judge to mitigate the damage done to individuals and the community by poverty in general and perceived heavy-handed police tactics in particular. While the RHCJC mitigates problems with the police and public housing and offers a variety of beneficial services that community residents use, the impact of the RHCJC seems to be most evident in adjacent areas and somewhat less evident in areas on the periphery of the catchment areas, such as in the adjacent neighborhood of Sunset Park.

## **B. RESEARCH DESIGN**

The research team was led by Professor Ric Curtis, Avram Bornstein, and Anthony Marcus of the Department of Anthropology, John Jay College, CUNY. This team has, between them, seven decades of experience conducting qualitative and quantitative research within urban settings on five continents. Of particular relevance to this project was Professor Curtis' research in the mid-1990s on the community-level effects of the Midtown Community Court in Manhattan (Sviridoff et al. 1997) and a 2007-2008 process evaluation of the Philadelphia Community Court that he conducted for the National Center for State Courts. The Midtown Manhattan Community Court research included extensive observation in the catchment area of the court and in-depth interviews with a variety of misdemeanor offenders (including illegal vendors, sex workers, drug users and dealers, and gamblers) to capture their attitudes, orientations, and recollection of their

illegal behaviors and the criminal justice system as a result of the court's introduction and sustained presence. The Philadelphia Community Court evaluation involved interviews with more than 200 misdemeanor offenders that were recruited in downtown Philadelphia, but the study did not include the extensive observations that were a prominent component of the Midtown study.

In contrast to studies of both the Midtown and Philadelphia Community Courts, the Red Hook study sought to broaden the evaluation beyond offenders to include a wide variety of community stakeholders within the immediate environs of the courthouse and in the larger catchment area as a whole, which covers the neighborhoods of Red Hook and parts of Sunset Park, Park Slope and other Brooklyn neighborhoods. For such an endeavor it was decided that a mixed-method study would be employed, involving quantitatively-oriented questionnaires, open-ended interviews and participant observation to provide a variety of quantitative and qualitative data about the RHCJC. This data was elicited from community members, including long-time residents, recent residents, and individuals who work in the neighborhood, but do not live there. Interviews with local residents, combined with observations in the community and in the RHCJC were useful in helping to understand the structure, function and roles that it has played in the community over the last decade, but the centerpiece of the study was data collected from offenders who were recruited and interviewed in Red Hook and Sunset Park. Using Respondent Driven Sampling (RDS) sampling methods and techniques, two hundred offenders - one hundred in the immediate Red Hook area and one hundred in the Sunset Park catchment area - were recruited and interviewed about their criminal justice experiences, especially with the RHCJC and other courts in the New York City area.

The research team deployed more than a dozen volunteer student researchers recruited from John Jay's undergraduate, graduate, and locally-affiliated Americorps program to help complete the project. A team of roughly twenty-five students with varying time commitments and research portfolios were involved in the entire ethnographic project, including pilot visits, field observation, the creation and revision of questionnaires, the design of recruitment material, the administration of the interviews, and the transcription and analysis of data collected.

## **1. Field observation**

Preparation for data collection began with a workshop for student volunteers on "thick description," a form of finely-grained ethnographic research and writing that has come to be seen as a key anthropological contribution to complex evaluation studies. Anthropologists have long described court performances, often "operating in situations of cultural diversity and unequal power," as rituals that symbolically signify and reinforce the authority of the state (Merry 1994:

40). Hearings are rituals that are formal and dramatic performances of messages about class, gender, and race: “If judges belong to the dominant racial group and speak with the accent of educated people, as they do in my example, these features of social hierarchy contribute to the authority of their pronouncements” (Merry 1994: 36). Students were sent to Brooklyn neighborhoods to take notes on RHCJC cases and the public life of the communities. In addition, students were expected to log several hours observing the downtown court in Brooklyn as a way of gaining direct exposure to the more traditional forms of justice administration to which the RHCJC was being compared. Although observations were done at different times of day and week, and included observations in the major sections of the neighborhood and of the core institutions that were of interest to the study, they were conducted in an exploratory fashion, without a systematic predetermined rubric. Instead, students and faculty posted their field notes on a project website so that the entire group could enrich their understanding of the institutions and communities that they were studying and the emergent issues that they might encounter during fieldwork.

The judge eagerly invited a student researcher to sit beside him in the courtroom, and he invited questions and offered detailed descriptions of what happened in his court. The student wrote that:

*The judge in his khakis, in chambers, which was just a regular office in any city building, with the windows that looked like they hadn't been cleaned in years blurring the already bleak afternoon skyline, showing me the computer-software that allows him to check the progress of every single open case is what stands out. He referred to the defendants with familiarity, he could tell you all about their treatment progress and pitfalls without looking at the files.*

## **2. Community Survey**

In March 2010, the study sought to extend beyond observation in the neighborhood and unstructured conversations with residents, and attempted to organize focus groups with civic leaders, businesspeople, and other key stakeholders to discuss the RHCJC's impact over the last several years on the neighborhood in terms of crime and businesses. The focus groups were intended to help formulate questions for individual interviews and select appropriate blocks for systematic observations and interviews with local residents. Professors and students created a list with the help of RHCJC staff, and students made phone calls to arrange two separate focus groups. Unfortunately, despite commitments made on the telephone, only one person showed up at either focus group - a New York City Parks Department employee who worked in the neighborhood, but did not live there. What did this mean? The research group decided that the lack of attendance at the focus group sessions suggested that local community leaders were not deeply invested in the activities of the court and therefore had little buy-in to our project. But it also suggested that there were no pressing complaints and/or concerns about the RHCJC that they might have wanted to raise, and as such, it indicated an overall comfort with the RHCJC. The group resolved to pursue this question in more detail over the course of the study in interviews

with residents and offenders. It also meant that researchers had to select the locations for the resident surveys without the assistance of community stakeholders. Based on researchers' collective observations in Red Hook over several weeks, three blocks of residential row-houses on the west side, usually called "The Back," and two blocks on the east side (in the Red Hook Houses), usually called "The Front," were selected for door-to-door and intercept interviews. These were supplemented by intercept interviews from respondents recruited on Van Brunt Street, a main thoroughfare that is currently showing gentrification. These different locations were chosen because they represent the main divisions of the neighborhood: between the mostly white residents on the west side and the mostly residents of color on the east side. True random recruitment of the local population for a survey was beyond the capacity of this project and may well be impossible even with unlimited resources, but the survey that the project did complete of 100 local residents allowed researchers to engage in conversations with local residents from the major sections of the neighborhood and enabled researchers to draw out and understand the contested community discourses that make up "local knowledge."

A standard questionnaire containing 10 closed-ended and five open-ended questions was developed by faculty and students in a series of meetings that asked residents to tell us about their knowledge of and opinions about the RHCJC, use of the RHCJC services, and changes in the Red Hook community over the last decade (see Appendix 1). Students and faculty administered the community survey in teams, usually one faculty member and several students, in the spring and summer of 2010. In west Red Hook, where there are few people on the streets and few usable public spaces, teams generally went house-to-house ringing apartment buzzers at varying times of day, usually on the weekend when working people are more likely to be home. Interviews were conducted on the doorstep or the sidewalk. In east Red Hook, in public housing, there is a greater density of people and little pocket parks between buildings where the teams were able to approach people sitting on the benches to conduct interviews.

### **3. Offender Survey**

In autumn 2010, faculty and students developed a 115-item questionnaire for offenders that asked about their involvement with the criminal justice system, experiences with police, familiarity and experiences with the RHCJC, and comparisons between the Justice Center and downtown courts (see Appendix 2). As part of the evaluation of the RHCJC, the questions aimed to compare types of courts and the theories of social control on which they are based. Tom Tyler's (2006) procedural justice model argues that when decision-making procedures and the quality of treatment are experienced as just, people "accept social rules, and voluntarily engage in self regulatory behavior" (Tyler 2006: 309). He suggests that it is the legitimacy of an authority, a law or an institution that "leads others to feel obligated to obey its decisions and directives and suspend personal considerations of self interest" (Tyler 2006: 311). Furthermore, if they fail to obey, they should feel guilty (313). The main question being investigated in the offender survey was the relationship between procedural fairness and compliance and how that compares with the relationship between compliance and the risk of punitive sanctions (Tyler 2006: 312).

The team administered a survey to 200 misdemeanor offenders that were recruited from within the catchment area of the RHCJC using Respondent Driven Sampling (RDS). Although the goal was to recruit only those who been arrested in the last three years, we did not invalidate those that we later discovered were not in the 3-year window because we reasoned that they would know people who were eligible. RDS is a methodology that is used to recruit statistically representative samples of hard to reach groups, like criminal offenders, by taking advantage of intragroup social connections to build a sample pool (Abdul-Quader, et al. 2006; Heckathorn 1997, 2002; Heckathorn, et al. 2002; Robinson, et al. 2006). RDS starts with a small number of initial research subjects, called "seeds," who are recruited, interviewed by the researchers, and paid for their time and effort, in this case \$20. Following these interviews, the seeds receive three numbered coupons with instructions to pass them to friends or associates who are also misdemeanor offenders (in the last three years). When coupons are redeemed by eligible research subjects, their recruiter is compensated \$10 for each coupon redeemed. The eligible subjects referred by the seeds comprise the first wave of the sample; they are each interviewed, paid \$20 and given three coupons to recruit the next wave of study participants. Study participants are recruited in this fashion until the desired sample size is reached. If recruitment chains do not develop as expected, additional seeds may be recruited as replacements. Using RDS, the researchers are introduced to each new, unnamed research subject by a friend or associate who can describe the non threatening nature of study participation beforehand and vouch for the researchers' good faith, thereby facilitating recruitment and participation.

RDS is like the well-known and often used recruitment strategies of "snowball sampling" (Goodman, 1961) and "chain referral sampling" (Erickson, 1979). Like those methods, the potential savings of time and money that RDS affords the data collection phase of a project (Abdul-Quader et al. 2006; Robinson et al. 2006) was attractive, given the limited resources available for this component of the overall project. Using traditional ethnographic methods or recruiting eligible respondents from field sites where misdemeanor offenders were said to be prevalent was likely to take much longer and recruit far fewer study participants than RDS methods, which have been shown to recruit large numbers of study participants in a very short amount of time (Abdul-Quader et al. 2006; Robinson et al. 2006).

The numbers on the coupons allow the researchers to identify each research subject (names are not used), prevent duplication, identify who recruited each participant, and keep track of recruitment patterns using the RDS "Coupon Manager" software that is downloadable for free at [www.respondentdrivensampling.org](http://www.respondentdrivensampling.org). RDS has been shown to improve upon previous chain referral and snowball sampling methods by employing a systematic recruiting scheme and mathematical modeling techniques during data analysis in order to mitigate, estimate, and correct for biases, including those due to 1) selection of the initial sample; 2) volunteerism (higher levels of participation from cooperative and interested participants); 3) problems related to the how chain referral takes place (e.g., problems with inaccurate contact information and differential recruitment); and 4) homophily (the tendency of seeds and subsequent referrals to recruit those like themselves) (Heckathorn 2002). As recruitment chains go through many waves of referral, the biasing effects of initial seed selection are minimized (Heckathorn 2002; Salganik & Heckathorn 2004).

The first 100 offender interviews were done in Coffey Park, which sits between east and west Red Hook, and is adjacent to the RHCJC and the Red Hook Houses. Interviews were conducted in a small community room in the semi-indoor concrete park building that housed public restrooms, park maintenance equipment and the office of the park custodian. The space was generously donated by the NYC Parks Department. The support and forbearance of the park custodian allowed the interviews to be completed in a short period of time, five days, in October, 2010.

The second 100 offender interviews were completed over three days in November, 2010, at the far end of the Justice Center's catchment area in the community room of a building that housed Sunset Park's Community Board 7. This Sunset Park location is over three miles away from the RHCJC facility, in a city that is famous for its highly localized conceptual geography, making three miles into what many see as "another world." Sunset Park is also in a different police precinct – the 72nd instead of the 76<sup>th</sup> – and both neighborhoods have experienced considerable change over the last decade, including some gentrification. However, Sunset Park has also seen an influx of a variety of Latino immigrants (primarily from Mexico and Central America) and the growth of a substantial Asian community. The addition of these many and varied new residents and ethnic communities make Sunset Park a far more complex and diverse community than Red Hook.

On the first day of data collection for the offender interviews, October 8, 2010, the research team sought to begin the process by recruiting three "seed" cases as litigants exited the RHCJC. However, it was still early in the morning and although offenders were waiting to enter the RHCJC, none had left the court yet. Rather than wait for litigants to exit the RHCJC, Professor Curtis entered a bodega (New York for Latino grocery store) near the Red Hook Houses and recruited two young men who said that they had been arrested in the previous twelve months. Meanwhile, Professor Marcus found a woman with a baby carriage who he had interviewed several months earlier as part of the community study, who had at the time informed him of a recent arrest. From these three seeds the Red Hook RDS referral chains began. These initial recruits were asked to walk across the street to the Coffey Park, and within several minutes, the researchers were busy conducting interviews with them. These initial interviews took about 30 minutes to complete, and recruits soon returned with acquaintances that they referred to the project. By the end of the first day, more than a dozen interviews with offenders were completed. The number of people who showed up to get interviewed quickly ballooned: on the second day, more than 20 interviews were completed and a large crowd of people jockeyed for position outside the building where the research team was working, hoping to be next. The research team used their discussions with these shifting crowds of offenders waiting for their interviews to gain informal context on the formal interviews that were being administered.

The research team completed more than 100 interviews in Red Hook in about five days. In November, data collection began in offices belonging to Community Board 7 in Sunset Park. As in Red Hook, the first seeds were recruited from the sidewalks near the building by Professor Curtis. These seeds were interviewed, sent back into their communities with coupons and

over 100 coupons came back in three days of interviewing. Unlike in Red Hook, where all interviews were done in English, Sunset Park, with its diverse and recent Latino migrant communities required the team to guarantee the presence, at all times, of Spanish speaking interviewers. No other language needed translation during the research.

All potential research subjects were first asked to consent to participate in the study. To preserve their anonymity, research subjects were allowed to orally waive written documentation of their informed consent to participate in the study. They were allowed to do this because the research team believed that the main threat to their confidential participation as “offenders” was the existence of written documentation of their participation in the study, such as would be created by signing a traditional informed consent form. Further, the researchers believed that the study presented no more than minimal risk of harm to participants beyond the risk that they already faced, and involved no procedures for which written consent was normally required outside of the research context. Potential participants were read the "Documentation of Consent and Waiver of Written Consent," and they were offered an “information sheet” that described the project and the procedures that were to be followed.

In all, three distinct forms of data were collected in the project: qualitative, quantitative and network data derived from the sampling chains themselves. This report provides descriptive statistics of the study population that will answer some of the basic questions that the researchers posed about the impact of the RHCJC on offenders and the community. Narrative/qualitative data has been coded and analyzed. Coding allows for the searching of large texts according to basic meaning units and helps to uncover (through propinquity and patterned use) relationships among meaning units (Patrizi 2005) while providing the opportunity for user-created "relational" searches (Alexa and Zuell 2000). In this way, it aids in producing conceptual maps of key terms and concepts used by the research population (Bruner 1997). In addition, relationships among variables suggested by regression analysis (discussed above) can be checked for local understanding by exploring textual interrelations of the suggested topics. The reverse may be true as well, where textual affiliations may suggest potential relationships among variables that could be explored more fully via statistical analysis – thus together providing a dialogue between qualitative and quantitative data sets.

Offender interviews went rather smoothly, so smoothly, in fact, that managing the crowd of offenders waiting for their turn to be interviewed may have been the most laborious part of the research. Initially, about a 35 percent response rate for redeeming coupons was anticipated, but the RDS caught on exceptionally quickly and there were relatively few respondents that failed to redeem all three coupons that were allotted to them. As a result of the enthusiastic response, more than 100 offender interviews were completed in five days of interviewing in Red Hook, with an additional 100 completed in Sunset Park in three days. With several interviews voided because of ineligibility, a total sample of 200 offenders was recruited from both sites. The advantage of recruiting in this fashion was that the research team was able to recruit a demographically diverse sample from both sites that represented a wide range of offenses in a very short amount of time, a fact that was appreciated by our collaborators who had generously donated space for us to conduct the study. The disadvantage of this approach, however, was that it undermined one of the

strengths of an RDS study in that recruitment did not strictly proceed through the existing networks of offenders that might be expected in an RDS study that was done over a longer period of time, where respondents have an opportunity to seek out their closest friends and associates to recruit. Because there was such a large crowd of potential respondents in the vicinity of where the study was being conducted, people that finished an interview and had three coupons to give to their network members could easily find eligible respondents among the waiting crowd. And though they almost always knew the people that they recruited into the study, in some cases, the people that they gave their coupons to did not appear to be members of their primary network of friends and associates, but rather other people from the neighborhood who they knew would be eligible for the study. Because the RDS trees were built in this fashion the typical types of analyses that might be done with an RDS-recruited sample (for example, measures of homophily) would make little sense to attempt.

The incredible ease with which such recruitment occurred in Red Hook is, in itself, an important finding, in that it suggests that residents are eager to talk about how aggressive policing is ubiquitous to this community and in certain respects has come to define its identity and boundaries. It also suggests the degree to which Red Hook is an excellent site for testing questions of the efficacy of procedural justice, since an environment of such aggressive policing is exactly the type for which community courts were developed.

## C. RESULTS

### 1. Observations

#### *a. The Neighborhood*

Observations revealed that like other parts of Brooklyn, Red Hook is a neighborhood of contrasts. The “Back,” on the west side, is industrial mixed with residential areas displaying a variety of building styles, mostly multi-story attached homes. Some have been rehabilitated by young investors moving into an older, mostly white, working class neighborhood. The businesses on the avenues also vary, from those servicing industrial businesses to those servicing the more expensive tastes of new residents. An Ikea and a large gourmet discount warehouse store have taken advantage of the decaying industrial edge in the southern waterfront, hoping to draw customers by car to their locations well off the pedestrian path. The “Front,” on the east side, is dominated by parks and by the still heavily-policed Red Hook Houses, a public housing project. Except for little leagues on Saturday mornings, children of color from the nearby Red Hook Houses do not fill the parks.

The bifurcation of the neighborhood into a gentrifying white one, with old and new residents of various means, and a poorer one populated by people of color is evident in several ways. In the gentrified area the streets are cleaner and lined with bicycles and gardens. Cafes, wine shops and boutiques are among the many new businesses. Aside from the bus stops, big businesses, and area nearer to the RHCJC, there are not many people around. The neighborhood is peaceful, quiet and quaint, with many cobble-stone streets and a great variety of row houses. There is also a difference in patterns of crime and policing. The overwhelming majority of police stop-and-frisk activity is around the Red Hook Houses. Even in the whiter, western areas of Red Hook, the majority of those stopped are black or Hispanic. Not unlike other gentrifying zones in New York City, one young woman may passionately describe police harassment and brutality, unemployment and gun violence, while another just blocks away describes what a nice place Red Hook is to raise a family.

#### *b. The Courtrooms*

The downtown courthouse in Brooklyn is a large building with many floors and courtrooms. Red Hook is a one room court house. Passing through Red Hook more than once yields interactions with the same people, whereas one could visit the downtown courthouse on many occasions and likely never see the same people. The courthouse, courtrooms and proceedings downtown are formal. The halls of the building are quiet and complex to navigate. While the drug courts downtown are similar to the Red Hook court in many ways, particularly in their approach, the court rooms and proceedings have a much more official feel. The layout of the downtown courtrooms is such that they have the judge’s bench, jury box, tables, equipment for defense and prosecution, and benches. Defendants in custody are brought in one by one, in handcuffs, escorted by court officers. On occasions when the downtown courts were observed, there was limited dialogue between defendants and officials.

Red Hook, lacks a jury box and much of the equipment found in other courts, though the court itself is new. Defendants in custody are brought into the courtroom in groups, and there is constant dialogue between staff themselves, as well as between staff and defendants, and defendants and family/friends, though the latter is minimal. The courtroom itself has a more familiar and relaxed feel, though this varies depending on which court officers happen to be stationed in the courtroom and the judge's mood at a given time. Observations inside the RHCJC revealed that unlike regular downtown courts where there is little interaction between the judge and offenders, in Red Hook, proceedings were fairly friendly, and typically defendants were given an opportunity to speak for themselves. In the RHCJC, Judge Alex Calabrese, especially in cases that involve treatment, was observed asking the offending person how their treatment is going, why they missed a day, or if they like their counselor. The judge was observed to inquire about family members, educational progress and work plans. As he shared his bench with a student-researcher, the judge read and discussed his email from a guidance counselor regarding two children who are coming home (to Brooklyn) from juvenile detention facilities upstate. The judge wanted to make sure that he selected the high schools where they would have the best chance of long term success. He beamed, extraordinarily full of hope for these kids as he talked about how well they were doing. The judge's demeanor is, in most cases, supportive, like a friendly counselor, or just neutral. Defendants were regularly praised for progress and verbally admonished for slip-ups. Middle-aged men and women cried while thanking the judge and the court for encouraging them and keeping them on track.

On some occasions, unique rituals were observed. For example, at about 10:30 one morning while the court was in session, one of the court officers quietly asked the few people spaced out across the second pew to clear the row and sit in other seats. He motioned to the window on the courtroom door for someone to come in. Six young men of color, probably all teenagers, dressed in baggy pants and hoodies, came in the doors and took the bench that had been reserved for them. A second judge entered the room from the lawyers' doors, and Judge Calabrese motioned to him to come and sit next to him on the bench. The court proceeded through another case.

Then, the judge announced that sometimes they stop everything to recognize someone who has completed their GED. He explained that there is a GED program on the second floor. The judge called out the name of the young man they were celebrating. He came up to the defendant area. The judge asked his parent to come up. The young man's father joined him. The judge called for a round of applause, and it was more enthusiastic than polite. The judge praised the young man for his accomplishment and asked him what his future plans were. The young man responded that he wanted to get a degree and work in computers.

The judge asked a woman, who had a camera hanging from her shoulder and who stood next to the young man, if she wanted to say a few words. She described the man's performance and diligence despite obstacles. The judge asked one of the court officers, an older white woman, to speak. She said words of praise and jokingly said, "It boggles my mind that you're going to

work with computers. Promise me that you'll come back and help those of us who don't know anything about them, okay? Do you promise?" The visiting judge who sat next to Judge Calabrese then made a short statement about the young man's accomplishment and ended saying that "If there is anything that [I] can do, just let me know." There was another somewhat enthusiastic round of applause. The young man approached the bench, shook hands with the judges, and had his picture taken with the teacher and his father. Looking happy, the young man, his father, and the teacher left the room. The row of six teenagers got up and, also looking happy, followed out the door. Several other people also left at that point, suggesting they had been there for that event, including two middle-aged people in business attire and a white-haired, sight-impaired man with a cane. Then a court clerk called the next case and business went back to normal.

Similar applause was observed downtown for a middle-aged woman who completed her GED while in drug treatment, and downtown judges also offered praise for defendants who were succeeding in treatment. Judges in both courts sometimes reprimanded those who were not in compliance with their mandates, assuming a "tough love" approach. However, the RHCJC ritual of recognition was much more elaborate and personalized than the downtown court. The RHCJC is much smaller, the interaction is in the more intimate space of a renovated schoolhouse, where the engagement of justice occurs between a single judge and the community.

The judge in Red Hook was also very supportive in Housing Court and Family Court, and dismissed most low level offenses (open container, park after closing, etc.). His role was often as a resource for the community. Through the judge, the court could serve as a link to services, such as housing repair, local programs, outreach, etc. Housing and family court were not observed downtown, so it was difficult to make comparisons, but downtown all procedures (including merely entering the building) were much more formal.

## **2. Community Survey**

### ***a. Contact with the RHCJC***

The community survey revealed that there are differences in the perceived benefits from the RHCJC. Researchers interviewed 107 people in a survey of residents. Those residents were 45 percent male, 55 percent female, 37 percent black, 24 percent Latino, 27 percent white, and 12 percent other.

The overwhelming majority of them, about 85 percent, feel safe in Red Hook. When asked an open-ended question about the problems they have in their neighborhood, as shown in Table 1, 30 percent of responses referred to activities associated with offenders (i.e., crime and police issues combined), followed closely by 28 percent saying "none" or "other" (non-neighborhood problems). Twenty-seven percent by complaints about city services, and 14 percent cited problems with the police. The single most significant problem named, at 19 percent, was traffic/parking. Clearly, there was still a fear of crime and other offending

behaviors, but given the attention paid to this subject in the media, and the fact that respondents knew the survey was about the courts, crime was not an overwhelming concern or fear.

**Table 1: Resident survey - What problems or annoyances would you like to see changed in the neighborhood?**

N=96*	
None	19%
Traffic/parking	19%
Noise/loud music	5%
Fighting/drugs/need more police	22%
Aggressive police	8%
Trash	6%
Housing/gentrification	6%
Other public services	6%
Other	5%

\*Some respondents named more than one problem.

***b. Community Opinions of the RHCJC***

Most residents of Red Hook, 87 percent, knew about the RHCJC as a result of an experience with the court or through hearing about the services that it offered from others in the neighborhood. When asked about the use of services at the RHCJC, there was racial disparity in the responses. While 39 percent of blacks and 53 percent of Latinos said that they knew someone who had attended the RHCJC’s programs, only three percent of whites knew such a person. As shown in Table 2, The survey also revealed a striking racial difference in rates of housing ownership; 44 percent of whites owned their homes in Red Hook, while only five percent of blacks and 11 percent of Latinos owned. Most blacks and Latinos interviewed lived in public housing.

**Table 2: Resident survey - own or rent?**

RH Residents (n=107)	Rent	Own	Other	Total
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Black/African American	92%	5%	3%	100%
Hispanic/Latino	88%	13%	0%	100%
White	52%	44%	4%	100%
Other	82%	18%	0%	100%

In the “Back” (west) of Red Hook, where researchers went house to house, ringing buzzers, a few of these residents had received summonses for illegal bike riding or urination, but most of these relatively affluent residents, compared to those in the Red Hook Houses, had little interaction with the courts or the police. In east Red Hook, in the Red Hook Houses public housing development, residents were very familiar with the RHCJC; many knew Judge Calabrese by name. There was a great deal of praise for the way the court operates and how the Judge “really cares.” One woman went as far as to say, “it’s home.” This is in contrast to the way they spoke about the criminal courts, which was largely without affection. Many of those interviewed in east Red Hook had been involved in RHCJC-sponsored youth programs, some had gone for help with the public housing administration, and some had appeared there as a result of a summons or arrest by police.

Of the 107 residents interviewed, 15 had been to RHCJC, seven to criminal court, and five to civil court; of those who had been to civil court, one was in small claims court, one was in family court, and three were in housing court. The overwhelming majority, about 78 percent, of the community residents who had been to court or had close family or friends who had been to court said they were treated fairly.

The survey in the community suggests that the Judge and the RHCJC are widely praised by residents in the “Front” of Red Hook, which is more heavily policed than the “Back.” Many residents praised the RHCJC because they received fair treatment when the judge, from their point of view, threw out charges from the police. However, residents, particularly those in public housing, often spoke of a fear of the police from which the RHCJC could not protect them. At one point during the research, a man died in his residence under mysterious circumstances while police were inside. The area was closed off by police, and the death was never represented in the news. A neighborhood service provider described feelings of bitterness and resentment, such as “The cops killed another one of us and it isn’t even in the paper.”

While those in the more affluent “Back” were mildly approving, the RHCJC was especially important in the “Front” because many people there felt that they had been abused by police and other agencies of government. In this context, the powerful paternal ear of the RHCJC becomes an important and necessary location to gain attention and restore a sense of respect. Additionally, the RHCJC and other neighborhood service providers benefit each other in that they

can supply each other with volunteers (i.e., community service and otherwise), GED program placement, educational workshops and similar community programming.

### 3. Offender interviews

#### *a. Demographics of Offender Survey*

Table 3 presents the demographics of the 200 offenders recruited via RDS.

**Table 3: Offender Demographics**

<b>Demographics</b>	<b>N=200*</b>
<i>Age</i>	
Mean	39 years
Median	41 years
Minimum	18 years
Maximum	68 years
Male	73.0%
<i>Race/Ethnicity</i>	
Hispanic	49.0%
Black	42.0%
Multiracial	5.0%
White	3.5%
Percent born outside of the U.S.	22.5%
<i>Years of School Completed</i>	
Median	11.00 years
Minimum	0 years
Maximum	19 years
Working Part-time or Full-time	47.0%
% Receiving Public Assistance	29.0%
Mean number of children	1.76
<i>Current neighborhood</i>	
Red Hook	45.5%
Sunset Park	38.5%
Other	16.0%

\*N may be 199 for some variables due to missing data

The demographics of the 200 offenders recruited via RDS was 73 percent male, 42 percent black, 49 percent Hispanic, five percent mixed and less than four percent white. The age range was between 18 and 68, with the mean age and median age around 40. Most of those interviewed lived in the two neighborhoods in which the interviews took place, but 16 percent lived elsewhere and most of those were contacted in Sunset Park.

More than half of the men (n=87) reported that they had “part time” or “full time” work, but only seven of 54 women reported any work at all. More than a quarter of the respondents said they received transfer payments (SSI, SSD, welfare, food stamps) and proportionally, they tended to be women.

Table 4 presents data on the offenders’ arrests and court appearances.

**Table 4: Offender Arrests and Court Appearances**

<b>N=200*</b>	
Had been arrested in last 3 years	82.0%
<i>Been to court</i>	
Mean # of times	11.6
Median # of times	6.0
Had been to the RHCJC	76.5%
<i>Court of last appearance</i>	
RHCJC	47.2%
Downtown Brooklyn Criminal	37.7%
Other	15.1%

\*N may be 199 for some variables due to missing data

The recruitment methods were aimed at offenders and, consequently, most of the people in the sample, 82 percent, had been arrested in the last three years: 78 percent of the females and 84 percent of the men. Respondents had been to court an average of 11.9 times, but the median was six times and the mode four times in court. Most of the respondents had been to the RHCJC (76 percent, n=153), with males and females in our sample appearing at roughly the same rate (female at 78 percent and males at 76 percent). Nearly half of the respondents (46 percent, n=94) said that the RHCJC was the last court they were in, but Red Hook residents were far more likely to go there than residents of Sunset Park.

Of the 200 offenders in the sample, 83.5 percent (n=167) said that they last time they appeared in court, it was either at the RHCJC (n=94) or the downtown criminal court (n=73). Those in the Red Hook sample (n=85) were much more likely to have had their last court appearance in the RHCJC (72 percent), while those surveyed in Sunset Park (n=60) were more likely to have last appeared in Brooklyn Criminal Court (58 percent). This suggests that proximity to the court was a factor in offenders’ involvement in the RHCJC. There is a possibility that Sunset Park offenders get arrested more on the weekends, which would preclude them from going to the RHCJC. The perception among the researchers while conducting the study was that the RHCJC was less prominent in the lives of people in Sunset Park than those that lived in Red Hook.

***b. Opinions about Downtown Criminal Court***

Respondents were asked if they would describe the judge’s actions from their last court appearance as fair. Table 5 presents those results.

**Table 5: [In your last court appearance] would you describe [the judge’s] actions and decisions as fair?**

	<b>% Saying Judge was Fair</b>
All Courts (N=186)	84.4
% Red Hook (N=90)	91.1
% Downtown Brooklyn Criminal (N =73)	82.2
% Downtown Brooklyn Family (N=6)	50.0
% Downtown Brooklyn Housing (N=1)	0.0%
Other Court (N=16)	75.0%

Despite the fact that 81 percent of the offenders whose last court appearance was at the Downtown Court said that the outcome was “fair,” it was common to hear that people had bad experiences at the Downtown Criminal Court, especially among those that had been to court multiple times. For example, one unemployed, 20-year old, multiracial male in Sunset Park (who lives with his aunt in Crown Heights) told the researchers that he had previously been to court at least 10 times and that he had been stopped and frisked 20 times by the police in the last year. He said that during his last visit to the Downtown Criminal Court, he had a "bad interaction" with the judge. Asked what he learned about the law, he replied that "The law has two sides; what they show to the people and the crooked side." Others told similar stories that also included descriptions of the conditions at the Downtown Criminal Court.

***I went to Brooklyn criminal court before Red Hook, horrible place, horrible. They should do a tour there, just so people could see. I wouldn't wish that place on my enemy. Red Hook is 100 times better. A bum, a homeless person on the street would feel comfortable in the criminal court.***

However, some respondents recognized that their own behavior warranted the criminal courts intervention. As a 57-year old African American male explained,

***I went to 120 Schermerhorn last time I went to court for throwing a machete at someone. The charge was possession of a weapon, harassment and assault. I was drunk, I was high and I had an altercation with someone....The judge did what he needed to do. I would say he was fair. It could have been worse.***

He said that, as a result of that experience, he learned that “you can't be in the street, on the corner drinking.” It is interesting that the proportion of respondents who said that they received a fair decision in the RHCJC and in Brooklyn Criminal Court in response to the fixed-choice question tend to be somewhat similar, but the narratives that people told about the two courts were quite different. This might be because the perceived fairness of the outcome of the case (the decision) is only part of an individual's experience of the court.

### ***c. Opinions about RHCJC***

The survey asked respondents to describe in their own words the differences between the Downtown Court and the RHCJC. The RHCJC was likely to be seen as preferable simply because it is a misdemeanor court, rather than a criminal one. Several of the offenders mentioned that they preferred taking a class aimed at reforming their behavior to punitive measures.

***[Officers of the RHCJC] explained to me that I had a choice, did I want to go on or take the class? That experience was something new to me; they can offer you help if you needed it and I found that to be astounding that they were more into trying to help people than just sending them to jail.....but I still walk my dog off the leash.***

Similarly, one man expressed his satisfaction that by taking advantage of the option to attend a class at the court, he avoided having a criminal record.

***They had us take a class; they took attendance. They had us speak on why we was here. It was either that or pay the summons and have that on my criminal record. The judge basically told me not to do it again. The interaction that I had with the judge was pretty bad. It was embarrassing. Given the minor thing that I was there for compared to what other people were there for was a waste of time. The judge was very lenient, at least with me. He was good.***

Praise for the court was effusive among the respondents interviewed for the study. The words most often used to describe the difference between the courts were that Red Hook was “respectful.” There was much praise for Judge Calabrese, and confirmation that the individual concern he shows helps in “shaping a new life,” “like your mom would,” “with anything.” For example, one young man who was last in the RH CJC in 2003 for petty larceny (shoplifting) was pleasantly surprised by his experience at the court and his interaction with the judge:

***He allows you to speak. I got a good feel from Calabrese because of the fact that he likes to interact and get your opinion. I don't get the feeling that he's one of those judges that that looks down on people. To me, he's fair, I'll put it that way. The court officers treat you like a person too, not like that other court***

*over there. I learned that there's two different types of ways that courts treat people. You have these obnoxious goons and then you have those that look at you like, ok, you made a mistake.*

Like many respondents, he expressed gratitude when discussing how the RHCJC handled cases. Another respondent, a 31-year old Latino male, talked about how he got into trouble with drugs and was fortunate to go to the RHCJC rather than the criminal court.

*About 5 years ago, I got in trouble for some drugs, and instead of putting me in jail, [Judge Calabrese] put me in a drug program. If they bring you to 120 Schermerhorn, you're going to jail. Over there [in Red Hook], it's a lot better.*

Several respondents remarked that after participating in RHCJC programs or being in RHCJC, court employees were friendly in casual encounters, inquiring about their personal wellbeing as well as that of their children. Table 6 presents the full results of that question.

**Table 6: How would you describe the differences between the RHCJC and the Downtown Court?**

<b>N=123</b>	<b>%*</b>
Leniency	39.0%
Faster/Less Crowded	22.0%
Respect	16.3%
Attitudes	13.8%
Programs	11.4%
No Difference	8.1%
Cleanliness	4.9%
Other	13.8%

\*Percentages do not add to 100 because answers were non-exclusive

***d. Opinions about the Judge***

Opinions about the RHCJC were most often expressed in comments about the judge, who was repeatedly praised by those that appeared before him. One woman, a 39 year old African American who went to the RHCJC about a year ago for non-payment of rent explained how she learned from her mistakes,

*I went to the Red Hook court last year, housing court for rent. Judge Calabrese was good; the best judge I've ever seen.*

One man described his reaction to the judge:

*Judge Calabrese tried to help me. I'm not saying that he cares for you like a friend, but he tries to help you. And the court officers are a lot different from downtown. Some of them, being that they know me from being there so frequently, they see me on the bus and come sit by me and ask me about my son. So, I catch up with them on the bus and they're very courteous. Even when I'm being detained, they treat me with respect. The Red Hook court got me into the methadone program...That helped me; I'm not shooting no more heroin.*

Others praised the judge for his tendency to sentence offenders to community service instead of jail for minor drug infractions

*The judge, Calabrese, he was real lenient at first, but now he's not playing. But he's one of the best judges I've dealt with in my life. He will give you a break, but when you f- up, you did it to yourself. But he gives you break, believe me, he gives you breaks. I got busted with 36 bags of dope and he gave me community service; usually, you go to jail. I've been there so many times that the court officers know me.*

As much as respondents spoke fondly of the judge, he also has the legitimacy to make people feel shame.

*Going in front of the same judge all the time is like, oh my god, you know? It could be the littlest thing, but you expect the worst from this judge because he's seen you so many times and it gets sickening. I don't want to keep seeing this judge, I don't want to be stressing my family out. 30 or 35 years old, sitting in jail, and you have kids that look up to you; I can't tell my children that I'm in jail. I don't want my children to follow in my footsteps. I want them to be better.*

Respondents were asked the question “How would you describe the differences between the judge in the Red Hook Community Justice Center and the judges at the downtown courts?” As shown in Table 7, people felt the judge in Red Hook was more compassionate and more fair.

**Table 7: How would you describe the differences between the judge at the RHCJC and the judge at the Downtown Court?**

<b>RH judge is... (N= 117)</b>	<b>%*</b>
More compassionate	48.7%
More fair	27.4%
No difference	17.9%
More connected to people	11.1%
More lenient	6.8%
Other	12.8%

\*Percentages do not add to 100 because answers were non-exclusive

***e. Opinions about Services***

Respondents were appreciative that RHCJC provided programs, particularly jobs for youth. One respondent remarked that, "They give jobs for kids; they get a check I think the 15th of every month. I was supposed to go, I was in training." The Summer Youth Program was among the most well-known of the RHCJC's offerings.

Just over 27 percent (n=55) said they had been to one of the programs at the RHCJC. Although the majority of the offenders interviewed (n=89) had not personally utilized any of the programs at the RHCJC, when asked if their friends and acquaintances knew about the RHCJC, the majority (n=166) answered affirmatively and said that the help offered at the RHCJC was useful (n=126). GED training and especially drug rehabilitation options were also well known and viewed as positive assets for the community.

People were especially appreciative of the help that Judge Calabrese provided with problems in public housing. A 52-year old African American female who went to court for a housing complaint remarked that "everyone" knew about RHCJC and thought of it as fair and useful. When asked how the Justice Center was useful, she stated, "Whatever help they needed, they helped them and they followed up. They followed up. It was good. All good." Respondents in Red Hook were more confident than those in Sunset Park that their friends knew about the services and thought they were useful (89 percent vs. 77 percent, respectively).

***f. Opinions about the NYPD***

Of the 147 respondents who had been stopped by the police in the last year, 110 (74.8 percent) reported that the police behavior was not fair. Some respondents who said they made a living engaged in illegal activities, especially selling drugs, complained of not being told why they were stopped, being repeatedly stopped by the same officer(s), and being stopped when they had not done anything warranting the stop:

*Out here, they just stop you when they want to; I mean, whenever they get ready or they need a bust or whatever. They don't care where they see you at if they know your face. I was coming from my uncle's funeral; didn't do nothing wrong, but I had drugs on me. They said I didn't look right. They busted me; they caught me. Comin' from a funeral, they said that I looked suspicious and I got locked up. So, they allowed to do that, which is not right.*

Or similarly, this 22-year old African American male who grew up in Red Hook and lives with his mom, said,

*In the last year, I've been frisked a lot, a lot. They just keep comin'. They be circling the block all day. He get out and walks over to you, "Oh, what did we tell you? No standing on the stoop." But I pay rent here. I don't gotta get off the stoop. So, I'm talking to them and now they're puttin' the cuffs on me. "For what? "Are you resisting arrest? Are you resisting arrest?" Now my boy comes downstairs and says, "I live here. I pay rent. You want me to show you proof, what?" "Oh, no, no," and sometimes they say some slick stuff to try and set you off, and then you'd get arrested for hitting an officer. The last time they approached us it wasn't fair. There was no reason for that. We were just sitting on the stoop with my headphones on, listening to music, and they come, about to hit me with a ticket, backin' out their pad for nothin'. For what? I'm sitting on my stoop. So, now you're going to write me a summons for sitting here listening to music? 'Cause I'm sitting there not bothering nobody, not sayin' nothin', I'm not yellin' and makin' noise, I'm not doing anything but listening to music with headphones. That's rude; that's real rude. If you unplug it, they're really going to turn it up, like turn your barbecue, knock your grill over, turn your grill off...like they be doing things to try and make somebody hit them. What they do, that's pickin'; they walkin' through the park pickin' on people.*

All individuals are entitled to their Fourth Amendment and *Terry* protections, which means they should not be subject to stops and searches without reasonable suspicion that a crime is in progress regardless of their prior convictions; however, police would be pleased to know that those who make a living in illegal street-ways feel that they are always being watched and are likely to be stopped at any moment.

Red Hook residents who do not make their living from criminal activities also complain about frequent stops by the NYPD who use “quality of life” enforcement as a strategy to reduce crime reports in high crime neighborhoods. Several people ended up in court because of public drinking. One 26-year old African-American female who lives in Red Hook with her grandmother described her alcohol summons:

*I went to the Red Hook court in 2008. We were all hanging out outside. I'm not going to say that people were not drinking; people were drinking.*

*Everyone had the same foam cups, but some people had them and some did not have them. But they came over there and gave everybody a ticket, even the ones that didn't have a cup. I felt that it should have been only the people that were drinking that got a summons. It was just a waste of time to write everybody a ticket because everybody wasn't drinking.*

Violations and arrests relating to possession of marijuana were another common complaint, as one young man explained, “I was buying a Dutch at the store and they stopped me for that, so I had weed on me. They stopped me just when I came out of the store. They put me in the car and then called the van to come and pick me up. They took me to the 72nd Precinct. The judge let me go on six months probation.”

When police stop people not in their own building and suspect them of criminal intent, they can issue a court appearance summons for trespassing. One African-American man described the policy as he believed the police intended it to work:

*I went into the building, and my intentions were to get a bag of weed, but the guy was not at home. So, I came back out of the building and the cops asked me who I came to see and I told them "a friend of mine." And they said, "No you wasn't, you was copping drugs." And they searched me and they didn't find no drugs and then he took me in for trespassing.*

Heavy enforcement of these quality-of-life conditions, like open alcohol violations, bike riding on the side walk, trespassing, possession of marijuana and other violations, has been pursued by the NYPD for almost two-decades as their key crime fighting strategy: enforce the small violations and thereby minimize the big crimes. For residents of high crime areas, police enforcement activity feels like targeted harassment.

Many respondents discussed what they perceived as the hostile and discourteous manner of the police. As shown in Table 8, the majority of respondents characterized police behavior as rude and disrespectful.

**Table 8: Which of the following best describes their [the police’s] behavior: friendly and encouraging, professional and courteous, hurried and distant, or rude and disrespectful.**

(N=145)	%
Rude and disrespectful	76.6%
Hurried and distant	11.7%
Professional and courteous	11.7%
Friendly and encouraging	3.4%

\*Percentages do not add to 100 because answers were non-exclusive

*I was walking out of a building, my friend's building. A police officer asked me for an ID. I showed it to him. He started asking questions about where I was going and they searched me and I didn't have anything. And the cops started to get kinda nasty. One of the officers threw the cuffs on me and was dragging me, literally, out of the building. He was also, in a way, kinda hitting me when I got into the car. He was calling me racist names, things like that.*

Some of interviews suggest that few officers are doing the majority of the harassment:

*That one cop; he's sneaky, he harasses people.... People know, watch out for this one guy. He don't give people his name, he hides his badge number. He's really a trouble maker.*

Indeed, a frequent complaint is that police stop and search people with something less than reasonable suspicion:

*A police officer pulls me over and I say, "what's the problem? Did somebody call 911? Did you get a description over your radios to pull me over?" You can't just drive through the neighborhood and pull people over and because they look like they got something or they look like a child molester or they look like a drug dealer. You can't just do that, you have to go with the facts.*

Or, quite similarly, this African-American man explains,

*They do a lot of racial profiling in Red Hook. You could be just going to the store and the cops will stop you. I said, "this is illegal," but you know, they came out with that new law, you know, stop and frisk, and they said that it's legal. But it's illegal. How you gonna just stop me and I ain't doin' nothing, and ask me where I'm going? I told him, "I know the law better than you, you're wrong."*

These experiences are identified as harassment, and they are usually recounted with anger. Some respondents also discussed feelings of shame relating to their treatment by the police,

*I mean you just embarrassed me in front of everybody, and everyone's looking like, 'Oh, what did you do? And then you just walk away, get in the squad car and drive off. How do you think I feel when you just drive off like that [after searching me for no reason or searching me and not finding anything]? I could see if I was the bad guy at that point, but I wasn't. You're left with animosity towards them.*

Feelings about the police are important to understanding community perceptions of the RHCJC because their experience with these two institutions are related. Except for those who come seeking services or help with housing, the individual defendant's or offender's experience

of coming to court begins with the police. For example, a 48 year old African American female from Mississippi, who has seven kids and has lived in Red Hook for 25 years, describes her only arrest:

*The last court that I went to was Red Hook for criminal trespassing. Right across the street from my building, I went to my girlfriend's house. Let me tell you, they were already in the building. I seen 'em in the hallway. I was on the fifth floor. I'm going to the lobby, and there' no need for me to stop on the third floor. They pushed the elevator button and it stopped on the third floor. They asked me where I was going and I said that I was coming from my girlfriend's. They said, "no you're not. You pressed this floor." I said, "No, you pressed the elevator." I said, "listen, let me take you upstairs so that you can see where I came from," and they said, "no." I came home the next day. When I went to see the judge, Calabrese said to make sure that I carry ID with me when I'm walking in the buildings. He's cool. I like Calabrese .*

Similarly, a woman walking in the park in the evening and walking a dog without a leash tells this story:

*Do you know that my last summons was for being in the park after dark? Did you know that they could give a summons for that? I was coming from the bus stop; me and my boyfriend, he was walking with me. And do you know that the cops stopped us? They threw him on the freakin' bench like he was a murderer or something. They sprained my wrist. It was such a big thing; I hate these police. Somebody needs to do something about them. They threw him on the bench and they threw me down on the floor. They did a search and didn't find any warrants for us, so they had to give us a desk appearance ticket for being in the park after dark. Do you know that Judge Calabrese made them apologize? 'Cause I went in with a wrist band. Yeah, they don't care over here. They was just rollin' by out there like they was ready to jump out. They suck. A bunch of jerks. But Judge Calabrese, he's the man back here.*

#### ***g. Influence of Court on Behavior***

The survey asked if since their last court appearance in RHCJC or Brooklyn Downtown Court, the respondents had changed the behavior that had gotten them into trouble with the cops and courts. The overwhelming number of respondents said that they were not continuing to do what had gotten them in trouble, while a minority of respondents said that they were continuing their behavior. In a few cases individuals admitted that they continue to shoplift or that they may fight again, but most of those who continue illegal behavior were admitting to continued drug use, often to smoking marijuana. Others claimed that they were never doing anything wrong in the first place.

**Table 9: Since that [your last court] experience, have you continued doing the things that got you there in the first place?**

	<b>% Saying Yes</b>
All Courts (N=171)	74.3%
Red Hook (N=80)	73.8%
Downtown Brooklyn Criminal (N =68)	75.0%
Downtown Brooklyn Family (N=6)	66.7%
Downtown Brooklyn Housing (N=1)	100.0%
Other Court (N=16)	75.0%

The majority of respondents, who said they were not continuing their unlawful behavior, explained their behavior in a variety of ways, as shown in Table 10.

**Table 10: Which of the best describes your reason for/to change: obligation/respect to the judge, just the right thing to do, everyone just stopped doing it, shame from your friends/family, fear of re-incarceration?**

<b>(N=98)</b>	<b>%</b>
Just the right thing to do	52.0%
Fear of incarceration	30.6%
Shame from your family/friends	20.4%
Obligation/respect to the judge	14.3%
Other	9.2%

\*Percentages do not add to 100 because answers were non-exclusive

“Just the right thing to do” was the most commonly cited reason, but fear of re-arrest and shame before family and friends were also common. In narrative sections of interviews, the danger of re- arrest and responsibility to family, especially one’s children, were the most common ways offenders explained their desire for change. The RHCJC and the Downtown Criminal Court were not significantly different with regard to these narratives of change. The one obvious difference was that respect for the judge was an additional reason for ceasing illegal behavior given by those who had last been RHCJC; this was rarely given as a reason for ceasing illegal behavior by respondents had last been at the Downtown Court.

Among those interviewed in Red Hook and those in Sunset Park, “respect for the judge” was selected more often when describing the RHCJC as compared with respondents’ experiences at the Brooklyn Criminal Court. Indeed, not a single offender among the 24 respondents from RHCJC whose last court experience was in the Brooklyn Criminal Court said that “respect for the judge” was the reason why they had changed their behavior. This is perhaps more of a commentary on the prominence of the judge in Red Hook than a sign of disrespect or disregard of judges in the Brooklyn Criminal Court, but it also underscores how the role of the judge in Red Hook was a significant factor in offenders’ opinions about the courts

The answers to questions about continued illegal behavior were possibly skewed by a socially-desirable answer bias. Many individuals may have wanted to portray themselves as conforming to the law. Because the survey was self-reported, the actual number of respondents who had actually changed their behavior is, therefore, not reliable. However, this does not discount the importance of the reasons the interviewees gave to explain their change in behavior. It tells us what they believe to be a good reason for changing their behavior, whether they are successful or not.

When asked about what they had learned about the law from their experience, most people who had a coherent answer for this question said that they learned about the “long arm” of the law, meaning either that they realized they are likely to get caught and punished, or that they believe the system, usually the police, is unfair. A smaller number said they had learned proper behavior, meaning knowledge of what the law is. Others said nothing in response. One difference in responses between offenders from the two courts was that those coming from the downtown court were more likely to not answer or not have a coherent answer to this question.

## D. CONCLUSION

Several points of summary emerge from resident and offender interviews. First, the study makes evident widespread affection and respect for Judge Calabrese and the RHCJC. They appreciate the RHCJC's offering of classes and the variety of social services.

Second, while there are obviously many people who make the court work and who provide the court-related services, the personification of the court is Judge Calabrese. The personification of the court in an individual judge enhances that judge's power of giving ritual recognition to those who come into the court. Residents in the Red Hook Houses and offenders recognized and articulated an appreciation for the judge's individualized interaction with them. Researchers' direct observations in the RHCJC courtroom recorded conversations and rituals in which the judge demonstrated individualized compassion. A major difference between the downtown court and the RHCJC is that in Red Hook, neither the court nor the defendant is anonymous. The judge is a community figure with a visible face, and the court staff endeavor to ensure that the people who come through the court are also treated as unique individuals. The human connection between court staff and those who use court services may be the most unique difference between the RHCJC and downtown Brooklyn courts.

Third, the role of the court cannot be understood without understanding the experience and opinions of residents and offenders regarding the police and policing, which are central to their experience with the criminal justice system. Although interviewees recognized the dangers that are present in impoverished neighborhoods, they expressed fear of the police. To these individuals, the RHCJC is an institution that mitigates some of the damage done by law enforcement and acts as a check and balance against the potentially capricious exercise of power by police. The strong positive emotional response that people had about the judge and the RHCJC is partly connected to their antipathy for the police; questions about the courts often produced stories that highlighted negative encounters with police.

Fourth, our analysis of the data supports but complicates Tyler's (2006) model of how procedural justice legitimizes state actors and the law. More attention should probably be paid to distinctions between different state actors and different laws. Our data suggests that Judge Calabrese's success in performing individualized concern and fairness brings greater legitimacy to the court and the legal process as a whole. However, this does not necessarily mean that this legitimacy is shared by the police. To the contrary, a key part of what enables the judge to legitimize the court is his ability to "stand up to the police." Interviewees also expressed a complicated relationship with the law. The man waving a machete easily recognized that he should not have done it and that the legal prohibition of such behavior is legitimate. The same cannot be said for many accused of "quality of life" crimes such as public drinking or possession of drugs like marijuana. Ruling in favor of defendants where appropriate is key to the court's legitimacy, but it does not appear to enhance the legitimacy police or specific laws that were viewed as illegitimate.

Fifth and finally, the RHCJC serves a more well-defined community in Red Hook than do the community courts in Midtown Manhattan and downtown Philadelphia, though it is less well-connected to the further reaches of its catchment area, like the edges of Sunset Park. Community residents and offenders in the Red Hook Houses were aware of the activities at RHCJC and it is prominent as valued neighborhood institutions. This unique prominence within the neighborhood has a special role in relieving the pressures of aggressive policing and the more punitive courts by providing restorative alternatives, but also by giving respect to individuals whose stories remain largely untold.

There are several limitations to this study that point to areas for further research. First, although observations produced clear descriptions of the performance of procedural justice, court room performances were not systematically observed to see if differences in this performance were evident depending on the type of case or characteristics of the defendants. Second, while the community interviews generate a picture of community discourses about the court, the number of participants and the depth of the interviews do not make clear how differently situated individuals view the court and how they employ these discourses differently. Virtually no demographic information was collected in the community study beyond ethnicity, relationship to the neighborhood, and length of time in Red Hook. Third, nearly all of the stories from offenders in this report are from the formal setting of a single 5 or 15 minute interview with no follow up. A more representative survey of residents and more in-depth interviews with residents and with particular types of offenders would improve the quality of the data.

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**APPENDIX 1: RESIDENTIAL SURVEY**

Red Hook Community Resident Interview

Date: \_\_\_\_\_

Street Address: \_\_\_\_\_ Interviewer: \_\_\_\_\_

Time: \_\_\_\_\_

M    F

1. Age \_\_\_\_\_
2. Race/ethnicity \_\_\_\_\_
3. Years of education \_\_\_\_\_
4. Employment (full time, part time, unemployed, retired, other) \_\_\_\_\_
5. Number of people in household \_\_\_\_\_
6. Own/rent \_\_\_\_\_
7. Number of years in neighborhood \_\_\_\_\_
8. Do you feel safe in this neighborhood? \_\_\_\_\_
9. Do you know about the Red Hook Community Justice Center? \_\_\_\_\_
10. What problems or annoyances would you like to see changed in the neighborhood?
11. Have you ever had any reason to go to a courthouse in NYC? Which one?  
What happened?
12. Has a close friend or family member had any reason to go to a NYC courthouse?  
Which one? What happened?
13. Were you/they dealt with too lightly, fairly, or too harshly?
14. Do you know what programs are available at the Red Hook Community Justice Center?  
If so, can you tell me about them?
15. Do you know anyone that has benefitted from the RHCJC's GED program, DV counseling, drug treatments, etc. programs? If so, can you tell me about them?

**APPENDIX 2: OFFENDER SURVEY INSTRUMENT**

<b>1. Coupon Number:</b>	<b>2. Interviewer Name:</b>
<b>3. Interview Date</b>	<b>4. Interview Time:</b>
<b>5. Coupons Offered:</b>  1)  2)  3)	<b>6. Location:</b>

**Respondent Information**

<b>7. Have you been arrested in the last 3 years?</b>  Yes                      No	<b>8. Have you been to the Red Hook CJC?</b>  Yes                      No										
<b>9. How old are you:</b>	<b>10. Gender:</b>  Male                      Female Other										
<table border="1"> <tr> <td colspan="2"><b>11. What is your race or ethnicity?</b></td> </tr> <tr> <td><input type="radio"/> Black/Afr-Amer</td> <td><input type="radio"/> Hispanic/Latino</td> </tr> <tr> <td><input type="radio"/> White</td> <td><input type="radio"/> Multi-Racial</td> </tr> <tr> <td><input type="radio"/> Asian/Pac Islander</td> <td><input type="radio"/> Native American</td> </tr> <tr> <td><input type="radio"/> Other</td> <td><input type="radio"/> N/A</td> </tr> </table>	<b>11. What is your race or ethnicity?</b>		<input type="radio"/> Black/Afr-Amer	<input type="radio"/> Hispanic/Latino	<input type="radio"/> White	<input type="radio"/> Multi-Racial	<input type="radio"/> Asian/Pac Islander	<input type="radio"/> Native American	<input type="radio"/> Other	<input type="radio"/> N/A	<b>12. Country of birth:</b>
<b>11. What is your race or ethnicity?</b>											
<input type="radio"/> Black/Afr-Amer	<input type="radio"/> Hispanic/Latino										
<input type="radio"/> White	<input type="radio"/> Multi-Racial										
<input type="radio"/> Asian/Pac Islander	<input type="radio"/> Native American										
<input type="radio"/> Other	<input type="radio"/> N/A										
<b>13. State of birth:</b>	<b>14. City of birth:</b>										

**15. Where did you grow up:**

**16. What neighborhood do you currently live in:**

<b>17. How long have you lived there:</b>	<b>18. Who do you live with:</b>
<b>19. Who pays the rent:</b>	<b>20. How many places have you lived in the last 5 years:</b>
<b>21. What is the highest grade you completed in school:</b>	<b>22. How many children do you have:</b>
<b>23. What drugs do you currently use :</b>	<b>24. How much do you spend on drugs and cigarettes per day?</b>
<b>25. How do you get money:</b>	
<b>26. What kind of hustle do you have:</b>	<b>27. How much time do you spend doing it?</b>
<b>28. How much money do you make in a week:</b>	<b>29. What's the first thing that you buy/pay when you get money(clothes, food, rent, etc):</b>

**30. What other sources of income do you have:**

**31. If unemployed, how do you spend your time? / If employed, how do you spend your free time?**

**32. Where do you hang out or spend time with others?**

### **Court Experiences**

**33. How many times have you been to court?**

**34. What courthouse did you go to last time?**

- Brooklyn Criminal downtown**
- Family Court downtown**
- Treatment Court downtown**
- Housing Court downtown**
- Red Hook CJC**
- Other**

**35. For what charges?**

**36. Tell me what happened:**

**37. Describe the interaction that you had with the judge in that last experience.**

**38. How would you describe his/her behavior?**

**39. Would you describe his/her actions and decisions as fair?**

**Yes**

**No**

**40. Which of the following best describes his/her behavior:**

- friendly and encouraging
- professional and courteous
- hurried and distant
- rude and disrespectful

**41. How would you describe the behavior of the court officers?**

**42. Which of the following best describes their behavior:**

- friendly and encouraging
- professional and courteous
- hurried and distant
- rude and disrespectful

**43. What did you learn from that experience? (social responsibility, CJ process, yourself, the world)**

**44. Since that experience, have you continued doing the things that got you there in the first place?**

**Yes**

**No**

**45. Since that experience, have you stopped doing other things that can get you in trouble? If so, tell me about them:**

**46. Why did/didn't you make that change?**

**47. Which of the best describes your reason for/to change:**

- obligation/respect to the judge**
- just the right thing to do**
- everyone just stopped doing it**
- shame from your friends/family**
- fear of re-incarceration**

**48. What did you learn about the law from that experience?**

**Now I want to ask you about your experiences before the one you just described.**

(For those whose last experience **was** at the RHCJC)

**49. What courthouse did you go to before the Red Hook Court?**

- Brooklyn Criminal downtown**
- Family Court downtown**
- Treatment Court downtown**
- Housing Court downtown**
- Other**
- None**

(For those whose last experience **was not** the RHCJC)

**51. When?**

**50. Have you ever been to the Red Hook Court?**

**Yes                  No**

**52. Tell me what happened (including the charges):**

**53. Describe the interaction you had with the judge in that last experience:**

**54. How would you describe his/her behavior?**

**55. Would you describe his/her actions and decisions as fair?**

Yes

No

**56. Which of the following best describes his/her behavior:**

- friendly and encouraging  professional and courteous
- hurried and distant
- rude and disrespectful

**57. How would you describe the behavior of the court officers?**

**58. Which of the following best describes their behavior:**

- friendly and encouraging  professional and courteous
- hurried and distant
- rude and disrespectful

**59. What did you learn from that experience? (social responsibility, CJ process, yourself, the world)?**

**60. Since that experience, have you continued doing the things that got you there in the first place?**

**61. Since that experience, have you stopped doing other things that can get you in trouble? If so, tell**

**62. Why did/didn't you make that change?**

**63. Which of the best describes your reason for/to change?:**

- obligation/respect to the judge**
- just the right thing to do**
- everyone just stopped doing it**  **shame from your friends/family**  **fear of re-incarceration**

**64. What did you learn about the law from that experience?**

**For those who have been to RHCJ Center**

**65. How would you describe the differences between the RHCJ Court and the downtown court?**

**66. How would you describe the differences between the judge the Red Hook CJC and the judge at the downtown court?**

**67. Have you been in any of the Red Hook Court Programs?**

**Yes**

**No**

**68. What happened?**

Next, I'm going to ask you about the people you come in contact with

69. How many other people do you know who do what you do?

70. How many are men:

71. How many are women:

72. How many are Black:

73. How many are White:

74. How many are Hispanic:

75. How many are multi racial:

76. How many are Asian:

77. How many are Native American:

78. How many of your associates/friends know about the Red Hook CJC?

- All
- Most  Some  Few  None

79. What do your associates/friends say about how they were treated at the Red Hook CJC?

80. Do they say that the assistance that they offer there is useful?

Yes

No

81. If yes, how is it useful?

- **How easy do they say it is to “get over” on the process?**
- **Very Easy**
- **Somewhat Easy**
- **Not so Easy**
- **Hard**
- **Very Hard**

**82. How do they do this?**

### **Experience With the Police**

**83. How many times were you stopped by the police in the last year that did NOT result in a summons, DAT, or arrest?**

**84. How many of those times were you frisked by the police?**

**85. How many times that you were frisked, were you given a palm card that explained why you were frisked?**

**86. Describe the interactions that you had with the police on these occasions.**

<p><b>87. Which of the following best describes their behavior:</b></p> <p><input type="radio"/> friendly and encouraging <input type="radio"/> professional and courteous <input type="radio"/> hurried and distant <input type="radio"/> rude and disrespectful</p>	
<p><b>88. Would you describe their actions and decisions as fair?</b></p> <p style="text-align: center;">Yes      No      Unsure</p>	
<p><b>89. What did you learn from that experience? (social responsibility, CJ process, yourself, the world)</b></p>	
<p><b>90. What did you learn about law enforcement from that experience?</b></p>	
<p><b>91. How many times have you been arrested:</b></p>	<p><b>92. At what age was your first arrest?</b></p>
<p><b>93. What were you arrested for:</b></p>	

94. How many arrests were for drugs?	95. When was the last time that you were arrested on misdemeanor charge this area:

96. When was the last time you saw a doctor?	
97. What kind of health-related problems, if any, do you have:	
98. What social service agencies, if any, do you know about in this area:	
99. Have you ever gone to a social service agency for help with something?  Yes      No	100. Were they able to help you?  Yes      No
101. What service(s) did you go for:	

|

102. When was the last violent dispute that you witnessed?	103. Where did this happen?
--	-----------------------------

**104. Can you tell me what happened?**

**105. When was the last violent dispute that you were part of?**

**106. Where did this happen?**

**107. Can you tell me what happened:**

**108. In your opinion, is the neighborhood more or less violent today than it was last year?**

More violent                  Less violent                  About the same

**109. Do you feel safe in the neighborhood?**

Yes                  No                  Unsure

**110. If things have changed, why do you think that this has happened?**

**111. How many people do you know that own a gun?**

<b>112. Do you own a gun?</b>			
<b>Yes</b>	<b>No</b>	<b>No response</b>	
<b>113. If you wanted to get a gun, how long would it take for you to get one?</b>			
<b>114. Where do you see yourself in ten years?</b>			

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