



# National Institute of Justice

P r o g r a m F o c u s

## **In New York City, a “Community Court” and a New Legal Culture**



# In New York City, a “Community Court” and a New Legal Culture

By David C. Anderson

**A**t 10 a.m., John Megaw’s cubicle on the sixth floor is crowded with luggage—tote bags, a plastic sack of kid’s clothes, and a black canvas duffel bag the size of a small refrigerator. These are the worldly possessions of Carol, whose daughter Tamika, an energetic 3-year-old, is running around the office as if it were her personal playground.

Megaw shoves his way past the luggage to his desk. If all goes as planned today, Carol and Tamika should be going home. Several days ago, the 20-year-old

was again arrested for prostitution, sentenced to 4 days of community service, and put to work in the mail shop down in the basement. There she met Willie Figueroa, the ex-con who runs the shop and doubles as informal counselor to his workers.

Carol trusted Figueroa and confided to him that she was in over her head. She and Tamika had hooked up with some friends and come to New York from Kansas 10 months ago, high on

## Highlights

The recently initiated Midtown Community Court, whose jurisdiction sprawls across more than 350 blocks of Manhattan, contains everything it needs inside one building: a courtroom, a social services center, a community service program, and innovative computer support.

The court, housed in the old Magistrate’s Court building next to the Midtown North police station, follows a philosophy that differs from most traditional courts in its handling of misdemeanor arraignments. Focusing on low-level offenses that can bring down a community’s morale, it holds defendants immediately accountable for their crimes. But the court also addresses issues underlying the problems that led to the offenses by providing social services such as drug treatment. The building itself presents an atypical image: It has clean, light-filled rooms that are secured with glass panels, not steel bars.

In its first 14 months, from October 1993 to December 1994, the Midtown Community Court arraigned 11,959 defendants. Today the court hears about 55 to 60 new cases per day. Court administrators are proud of the 75-percent completion rate for sanctions for community service, which they say exceeds that of other busy urban courts. Another indicator of effectiveness is that about 16 percent of offenders sentenced to community or social services have voluntarily continued with such programs as drug treatment, HIV testing, and employment counseling after completing their sentences.

Community service projects are assigned in conjunction with police officers and with the Times Square Business Improvement District. The police consider the court a new resource for their community policing activities, and the business association provides work for 10 to 20

offenders per week. Many projects involve painting and cleanup tasks to improve the neighborhood and deter crime.

For those who draw a short community service sentence of 1 day’s work, it is possible to be arrested, arraigned, and to complete 6 hours of community service in less than 24 hours. The court aims to make accountability swift because delays between conviction and assignments to fulfill community service sentences have allowed many to avoid their obligations. This efficiency wins the praise of police as well as court administrators, defendants, and residents.

The custom-designed computer software, the high community service compliance rates, and the positive response of defendants to the social service programs may indicate promising strategies. A National Institute of Justice-sponsored evaluation of the court is being conducted.

*dreams of a fast life and easy money on the streets of Manhattan. Now she had crashed: A pimp took her money, abused her when she complained, then took Tamika and held her hostage when Carol tried to leave. She had finally managed to get Tamika away from him and moved in with a girlfriend. But now she wanted out. The quieter streets of Kansas City and a room at her mother's house never looked better.*

*Figueroa spoke to Megaw, head of social services for the court, who mobilized his team. They discovered that Carol had an outstanding warrant on a previous arrest, which would have to be pled out. But they believed they could get everything resolved if she promised to leave town. They called her mother and made sure she would be willing to take her daughter back. They then got the Traveler's Aid Society to pay for one-way bus tickets to Kansas City. Today they would take the whole matter before the judge.*

### **A Different Message**

It is a long cab ride from New York City's main criminal court building at 100 Centre Street, downtown by City Hall, to the new Midtown Community Court tucked in next to a police precinct station on West 54th Street.

The two courts are miles apart in atmosphere and operating philosophy as well.

Downtown, the routine continues to be ruled by the imperative of the calendar; there is an emphasis on moving cases along that sometimes makes the process feel more like a cattle drive than the deliberate administration of

justice. For low-level "quality-of-life" cases—prostitution, shoplifting, subway turnstile jumping—corners are cut so much that the idea of effective sanction, and by extension the law itself, can lose all meaning.

In the Midtown Community Court, the staffing, technology, and architecture combine to proclaim a different message: Take the defendants one by one and hold them immediately accountable with swift, real sanctions. Beyond that, pay attention to who they are and address the issues underlying the charges that brought them in. Above all, keep the emphasis on quality-of-life crimes, those pervasive low-level offenses that undermine a whole community's morale.

Following these principles, the Midtown Community Court arraigned 11,959 cases from the time it first opened in October 1993 through the end of 1994. Most were commonplace misdemeanors. Theft-of-service (turnstile-jumping) cases accounted for 38 percent of the total; unlicensed vending, 17 percent; petty larceny (shoplifting in the area's big department stores), 16 percent; and prostitution, 10 percent. A mix of assaults, minor drug possession cases, and other offenses made up the remaining 19 percent.

So far, the court only handles arraignments; cases going to trial are sent downtown. Of the 76 percent pleading guilty at a community court arraignment between October 1993 and the end of 1994, 68 percent were sentenced to community service. Another 10 percent were referred to items on the court's menu of social services:

drug treatment, "health education" lectures for prostitutes and their customers, employment counseling, and youth counseling. Those given a community service sentence frequently may have been required to attend a social service session as well. (Under New York law, a judge may impose a "conditional discharge" sentence upon conviction, obliging an offender to submit to various requirements for up to a year.) Only 7 percent were sentenced to jail.

Disposing of cases in these ways, the court handled somewhat less than its full share of the overall Manhattan misdemeanor arraignment caseload, which totaled 72,848 in 1994. But it did enough to demonstrate the idea's value. The community court experiment has drawn widespread praise from the surrounding neighborhood, police, and even defendants. But skeptics continue to question the extra expense for a "boutique" court in an area that is important to the city's power elite.

### **The Concept: Community and Quality of Life**

The idea for the Midtown Community Court grew out of conversations between Gerald Schoenfeld, chairman of the Shubert theater organization, and Herbert Sturz, a real estate executive who had served previously as City Planning Commissioner and as Deputy Mayor for Criminal Justice. The two discussed the need for stronger enforcement of crimes that erode the quality of life in the area surrounding Times Square and the Broadway

## The Power of Information

The managers who developed the Midtown Community Court saw in it an opportunity to push the potential of new technology. They wired the building for a computer network and loaded it with software specially developed for the court by programmers at the Vera Institute of Justice. The result, updated regularly as the judge, attorneys, and caseworkers consult with programmers to address new problems, has drawn interest from court administrators around the country.

The computers keep track of the calendar and display on large monitors public data about cases coming before the judge. Before arraignment, defendants in custody meet with interviewers from the city's Criminal Justice Agency who quiz them about substance abuse problems, housing, employment prospects, and other matters. "It goes well beyond the normal bail interview," Feinblatt says. The interviewers record the responses on laptop computers, then download the data to the court's main network. Within minutes, the court's social service caseworkers can develop their assessments and recommendations.

The judge on the bench and lawyers in the well can examine a defendant's entire file

at the click of a mouse. Facing a defendant with a drug problem, for example, Judge Kluger may call up a screen that displays his troubled history: a number of previous arrests, followed by enrollment for drug treatment, 2 months of backsliding and return to the street. In another case, the screen display highlights the fact that the defendant has told prearrestment interviewers that she is interested in treatment, a point her lawyer has neglected to mention. "It gives you better information," Judge Kluger agrees.

Defense attorneys are far less enthusiastic. They say the computer system is redundant because much of the data it offers continues to be backed up with paper documents. But they acknowledge that the prearrestment interviewers ask more questions and get more information out of the offenders. That, complains defense attorney Michael Wittman, "can be more damaging to the defendant."

Feinblatt, a former defense attorney, understands the issue all too well. "By bringing in computers," he says, "we've made it more a judge-driven court. The judge is the master of information, and information is what makes the court different."

theater district. Schoenfeld offered an empty theater, rent free for 3 years. The idea of putting justice on stage, live, intrigued Sturz. "I said, 'Gerry, give me a theater and I'll get you a court.' "

The court-in-a-theater never opened. Actors Equity objected to the loss of another stage, and real estate owners worried about the potential threat to the block's ambience. By that time, however, Sturz had lined up some powerful players behind the community court idea. They included Robert Keating, then Administrative Judge of the New York City Criminal Court,

Lee P. Brown, then New York City Police Commissioner, and Sol Wachtler, then Chief Judge of the State Court of Appeals.

"It was a fortuitous circumstance," Keating recalls. Other criminal justice leaders in the city were publicly discussing the potential value of neighborhood magistrate's courts to deal with low-level offenses—a system that had existed in the city until courts were centralized in 1962—and the police department was aggressively implementing community policing. In the end, the court's planners settled on the old Magistrate's Court

Building next to the Midtown North police precinct station.

They raised \$1.4 million from foundations, corporations, and the city to finance renovation of the space. Keating arranged for a court "part"—New York's term for a judge plus court officers and other staff—to move to Midtown. To administer the project, Sturz recruited John Feinblatt, a former Legal Aid attorney who had been serving as deputy director of the city's Victim Services Agency.

## The Building: Glass Instead of Bars

The space that opened in October 1993 made some definite statements. Instead of the squalid holding pens that had caused scandals downtown, defendants would await arraignment in clean, bright rooms secured with clear glass panels instead of steel bars. "This is a court that does business differently," Feinblatt explains. "We wanted to communicate that nonverbally."

More important, the court houses under one roof everything it needs to deal with low-level cases. "The courthouse," Feinblatt asserts, "should be more than just a courtroom." At a social services center on the sixth floor, counselors meet with defendants individually and in groups, while administrators of the court's community service program assign jobs in the neighborhood or in the building itself. A computer network fitted with custom-designed software constantly updates the court calendar and offenders' records (see "The Power of Information").

# PROGRAM FOCUS

To an extent, the court resembles some of the specialized drug courts being set up in other cities where judges, with the help of caseworkers attached to the court, craft sentences for drug offenders that combine supervision and treatment. But there is a crucial difference: The community court remains generic, handling arraignments and disposing of all sorts of misdemeanors, not just possession or sale of drugs. Such specialization, Feinblatt points out, may arbitrarily limit the court's reach. "The standard case here is a drug addict charged with shoplifting," notes Michelle Sviridoff, the community court's director of research. As a neighborhood institution, the Midtown Community Court stands ready to deal with any low-level offenses committed in the neighborhood.

**Area of jurisdiction.** The term "community court," however, is in a sense misleading. The court's jurisdiction sprawls across more than 350 blocks of Midtown Manhattan that include several diverse areas: the old West Side residential neighborhoods of Chelsea and Clinton (also known as Hell's Kitchen), where gentrification has recently softened a rough blue-collar tradition; the historically seedy blocks around Times Square; the bustling garment district, home to Macy's and other large department stores; the theater district invaded each night by upscale tourists, suburbanites, and limos full of local glitterati; and the shining office towers that sprang up along Broadway and Seventh Avenue during the 1980's.

Hundreds of thousands of people surge into and out of the area each day for entertainment, shopping, and

legitimate work. Thousands of others come from elsewhere to shoplift, panhandle, deal drugs, or work as prostitutes. Even if the community court has no cohesive geographic community, however, it honors the idea of community in two ways: It holds low-level criminals fully accountable for their crimes while helping them deal with their problems, and it helps to control chronic misconduct that poisons the experience of daily life for residents, businesses, and visitors alike.

## The Sentencing Process

By 12 noon, Carol and Tamika have settled in the acupuncture room. "I

*was down to 100 Centre Street three times" on arrests for prostitution, she says. "The first time they gave me 2 days community service."*

*Did she do it? "No," she giggles. She just ignored the order, and nothing more happened. "I never received a warrant or anything."*

*At her second appearance downtown, "They let me go because they kept me in there so long" before arraignment—a sentence New York judges call "time served."*

*After the third appearance, she again ignored her community service assignment. The judge issued a warrant, but the police never followed up.*

With the click of a mouse, the judge and lawyers can examine a defendant's file.

## PROGRAM FOCUS

Detail Case Status Screen						
Arrest #		M04115				
Step	Description	Group	User	Status	Time Completed	
✓	5	DA data upload	Clerk	Done	13:25:47	
✓	6	Docketing	Clerk	Done	13:25:44	
●	7	Defense interview	ATTORNEY	FARISI	Ready	
✓	8	Social Service Evaluation by Resource	Resource Coordinator	Done	10:38:07	
●	9	DA Attorney Conference (DA action)	DA	Not Feasible		
●	10	DA Attorney Conference (Attorney action)	ATTORNEY	FARISI	Not Feasible	
●	11	Defendant arrives in Courtroom	Clerk	Not Feasible		

Close

In the Midtown Community Court, computers keep track of all cases.

*And how does the community court compare with that?*

*“Every time that I came in here and had to do community service, I did it. There was only one time that I didn’t finish up the 2 days, and they gave me a warrant, like, the next day.”*

**Instant accountability.** Defendants accustomed to the routine downtown typically are startled by the efficiencies of the Midtown Community Court. When the holding pens at 100 Centre Street are full, offenders may wait hours or days as they are shifted from one precinct house lockup to another, then get sentenced only to time served. Those who are arraigned more promptly can be sentenced to a community service program known for its poor compliance rates.

On West 54th Street, defendants coming before Judge Judy Harris Kluger are arraigned within 18 hours on average, half the downtown figure. When she sentences them to community service or to a social service consultation, they are promptly hustled

upstairs to begin the process. For those who draw a short sentence of a single day’s work, it is possible to be arrested, arraigned, and to fulfill one’s debt to society in less than 24 hours. The idea is to make the accountability swift because delays allow so many to escape it altogether.

Some defendants appreciate the efficiency. When the court was being planned, skeptics worried that most defendants would try to get their cases adjourned to 100 Centre Street by pleading not guilty. There they could count on being sentenced to time served in the lockup or to unsupervised release conditioned on staying out of trouble for a year.

It has turned out, however, that the community court’s adjournment rate is 24 percent, comparable to the rate for a similar mix of cases downtown. Many defendants apparently are put off more by the prospect of longer hours in filthy lockups than by actually having to do community service. “This beats going downtown because it’s faster,” says Edgar,

arrested for shoplifting in Macy’s, as he spreads paint on a wall at a work-site. “You go in, you see the judge, and you’re out by 9 or 10 in the morning.”

**Defense lawyers’ opinions.** The success at speeding up the process inspires misgivings on the part of defense lawyers, however. “The defense attorney’s best tools are delay and the possibility that things will fall through the cracks,” Feinblatt asserts. “In this court, there’s no delay, and things don’t fall through the cracks.”

Tom Tracy, a Legal Aid lawyer who has practiced in the community court since January 1994, has to agree. “Looking at it strictly as an attorney, I would have to say probably I would like it better downtown,” he says. “They get a lot more ‘time-served’ sentences downtown than they get up here. But as a person, I think this is better. In a lot of ways this helps the client more.”

**Police support.** The efficiency wins the praise of police at the Midtown

## PROGRAM FOCUS

North precinct station next door. The neighborhood court, says Kevin O'Connor, community affairs officer for the precinct, "makes it easier to make an arrest, especially for prostitution." As a result, according to O'Connor, more arrests are made. The officers also find they can get much more information about the outcome of arrests than they can from the court downtown. "On a monthly basis, we get a record of all the dispositions of arrests sent to the court. If an officer is interested in a certain case, he can go into the court building and find out what happened to that person. Sometimes, if there's a warrant, the guy who made the arrest knows where that person is and can go right out and pick her up." In general, O'Connor says, the court leads police officers to believe that "instead of a revolving door on quality-of-life crimes, you can actually do something."

### Sanctions as Services

**Community service.** Offenders sentenced to community service report to a coordinator who assigns them to work crews. (To earn credit for a day, an offender must work a 6-hour shift.) Jobs inside the building, such as collecting trash, mopping floors, and staffing "Times Square Express," an inhouse business that stuffs and mails envelopes, are designed to provide quick sanctions for low-level offenses. The outside crews pay back the community more directly. They weed and water trees, clean sidewalks, scrub graffiti off walls, or do simple maintenance tasks for neighborhood organizations.



Photo courtesy of Midtown Community Court

Judge Judy Harris Kluger presides over the West 54th Street court.

Officers pursuing community policing projects consider the court a new resource. O'Connor tells of a recent case where precinct officers sought removal of a sidewalk shack that had become a hangout for drug dealers. The restaurateur who owned the property agreed to tear down the shack but wanted the wall behind it painted a brighter color to make it more visible after dark and thus discourage loitering. The court's community service program supplied the painting crew.

**The mail shop.** Court managers are particularly proud of the mail shop, which has processed nearly a million pieces since it opened at the end of 1993. The operation has become a major source of publicity for the court since it began stamping its logo on the mail it sends out for nonprofit groups in the area.

To recruit its manager, Willie Figueroa, the court called the Fortune Society, a group that helps find work for offenders coming out of prison. Court administrators thought Figueroa's background as a convicted drug dealer might prove an asset, and they were right. In addition to taking over management of the small enterprise, Figueroa quickly established rapport with the workers and developed a role for himself as an informal adjunct to the social service team. "I think that my past has a lot to do with me being able to connect with people," he says. "It breaks a lot of barriers."

In addition to the convicts who sit at long tables folding and stuffing papers into envelopes, Figueroa introduces his "volunteer trainees"—people who served their sentences in the shop, then returned on their own to help out because they like the atmosphere and figure they can pick up some useful

## PROGRAM FOCUS

Photo courtesy of Midtown Community Court



In the mail shop: Nearly a million pieces have been processed since the end of 1993.

skills. “I do this to keep my mind occupied,” says Jean, an elderly man who has appeared regularly since he finished a sentence for subway fare evasion in September 1994. He now helps Figueroa parcel out work to the offenders and reassemble packages for mailing.

**Work crews.** A few blocks away at a residence for senior citizens, Hamadou Seck supervises two men and a woman who are painting a room to be used as a lounge. Ruth, sentenced to a day of work for panhandling, seems to be enjoying herself as she learns how to use the paint roller. “This is a neat idea,” she says. “I like to paint.”

Seck, a Senegalese who had worked as a court translator before his promotion to work supervisor, says not all his clients are so amiable. “Some resist you; they don’t want to work. They try to test you; they play games.” When they do, he sends them home, telling

them they can come back to work a full shift the next day or go back before the judge. “I make clear to them that they have to comply. Most go home and think about it, then elect to come back the next day.”

**Social services.** The court’s sixth-floor social service complex gives the judge options to substitute for or augment community service. The onsite social service staff keeps track of openings for long-term drug treatment, a frequent sentence imposed as a condition of release. Those with lesser drug problems and offenses are commonly sentenced to a few days of 5-hour “treatment-readiness” meetings at the court. The course includes lectures on drug treatment and the health risks of drug abuse, group discussions, a job preparedness workshop, a one-on-one conference with a counselor, and an acupuncture session. Counselors try to identify those who seem good candidates for long-term drug treatment and offer to get them into programs.

Prostitutes and their customers may be sentenced to attend lectures and group discussions that emphasize the health risks of sex for hire. When offenders cut these classes or drop out of drug treatment, the court issues warrants just as if they had failed to complete a community service sentence. Offenders may also voluntarily choose to attend classes for GED preparation and English as a second language.

Arleen Ramos, the court’s resource coordinator, compiles data gathered by prearrestment interviewers and assesses how defendants will handle community service assignments and what social programs they might need. She enters her findings into the computer under “resource coordinator’s comments,” thus giving the judge information about the client before it gets filtered through opposing attorneys. “Arleen makes the sixth floor and the court feel seamless,” Feinblatt explains. “We think you need in a courtroom someone who is not the tool of either defense or prosecution, someone who can make untainted use of information the judge needs.”

### The Court’s Impact

*At 4:30 p.m., Megaw huddles in the courtroom with Carol’s attorney and the assistant district attorney at the bench while Carol stands at the defense table, Tamika squirming in her arms. Megaw and Carol’s lawyer explain the deal: She will plead guilty to the outstanding warrant from downtown if the judge will sentence her to the 4 days of community service she has just completed. Then Megaw will make sure she goes home. The*



## PROGRAM FOCUS

*prosecutor agrees, the judge nods, and all return to their places.*

*Asked how she pleads to the charge of loitering for purposes of prostitution, Carol answers "guilty" in a barely audible voice.*

*"I understand you have plans to go a different route in life," Judge Kluger says, looking down at her from the bench. "I wish you luck."*

**The statistics.** In the 14 months from October 1993 to December 1994, the Midtown Community Court arraigned 11,959 defendants, and the rate has increased in recent months. Today the court hears about 55 to 60 new cases per day, suggesting an annual total likely to reach 15,000.

Of the new cases, about half are "on-line" arraignments of people arrested and held at the court during the previous 24 hours; the other half are people at liberty who come to court after being issued "desk appearance tickets" by the police. Community court recidivists account for about 12 percent of the total caseload, a figure that has begun to climb.

For the first year the overwhelming majority of cases involved prostitution, shoplifting, subway turnstile jumping, and illegal street vending. In recent months, the court has begun taking low-level drug cases after resolving objections of the District Attorney's office. The prosecutors had insisted on face-to-face interviews with arresting officers downtown for preparation of their written affidavits. Now, by agreement, drug cases stay in the community court, but the officers

go downtown for interviews, and their affidavits are faxed back to West 54th Street. Eventually, the court hopes to spare police officers the trip downtown with a video link to the D.A.'s office.

The shorter time between arrest and arraignment and the small number sentenced to jail after arraignment add up to vindication of a basic operating premise: The Midtown Community Court effectively substitutes community service and social service referrals for days in custody.

In addition, court administrators point with some pride to the 75 percent completion rate (through the end of 1994) for community service. They believe this greatly exceeds levels of completion in most busy urban courts and that it results from the immediacy made possible by housing the court and the program under one roof. Offenders start orientation for community service as soon as the sentence is imposed instead of being told to report the next day, the next week, or the next month. More traditional community service programs typically lose huge numbers in the interim. "The more time between the day people come into court and the day they start work," Feinblatt says, "the more compliance goes down."

Perhaps the most interesting figure, however, is the surprising percentage of offenders sentenced to community service or social service who continue with social service programs voluntarily after completing their sentences. Some 16 percent of offenders sentenced during the court's first 12 months of operation continued on

the social service caseload. The most frequent requests are for HIV testing, employment counseling, and help finding substance abuse treatment. About a dozen offenders per month volunteer for long-term drug treatment or case management. "This is the most provocative thing that's happening here," Feinblatt says. "It makes you ask the question, 'What is a courthouse?' What role should it play as an entry point for other social services? What we're actually seeing is that mandated short-term interventions can produce voluntary long-term treatment effects."

"The court gave me a chance to help myself," says Thomas, who was arrested for drug possession, sentenced to 4 days of treatment-readiness classes, and eventually placed in a long-term treatment program. "My arrest was God sent. I didn't know how to help myself."

**The costs.** The court's critics, especially in the office of the Manhattan District Attorney, argue that, for all its cleanliness, competence, and computers, the community court does not do enough work to justify its extra cost.

The community service program, the social services, the new technology, and other expenses add \$1.3 million to the court's annual operating cost, over and above the basic cost of staffing the courtroom. At a rate of 15,000 cases per year, the extra costs for arraignment in the community court come to about \$87 per case, borne in equal measure by city, Federal, and private funds. Meanwhile, because it is open only 5 days a week rather than every day, the Midtown Community

## PROGRAM FOCUS

Court contributes less than its share to managing the overall criminal court caseload in Manhattan. Its capacity also remains limited by the fact that, so far, it remains strictly an arraignment court. Any case going to trial has to be sent downtown.

Officials of the Manhattan District Attorney's office also lament that transfer of downtown court staff to West 54th Street limited flexibility with daily shifts in caseloads. As a result, the downtown court had to open two extra courtrooms 2 days per week, incurring an additional expense. Furthermore, during the court's first year, the community court arraigned few people in custody and instead filled its calendar with people reporting for desk appearance tickets. That caused resentment downtown because the main court considers itself heavily burdened by the need to arraign new arrestees in custody.

By the end of 1994, the number of custody arraignments in Midtown Community Court had increased. If the overall caseload has risen to the estimated level of 15,000 arraignments per year, that figure seems adequate enough for 1 of 6 courtrooms handling an overall misdemeanor caseload of about 73,000. Even so, the criticism persists.

The critics also object to the idea that Midtown—home to such influential forces as the theater industry and the *New York Times*—could enjoy the benefits of its own court at the expense of 100 Centre Street. The community court is proving to be too expensive to replicate in neighborhoods all

over the city for a modern revival of magistrate's courts.

"We're not opposed to progress," says Barbara Jones, First Assistant District Attorney, "but we'd much rather see the money spent down here." The kind of money being spent on the community court in Midtown, she says, would make it possible to set up a drug court at 100 Centre Street for the benefit of the whole borough. Jones questions developing community courts only in certain areas of the city that can raise the money to operate them.

Feinblatt acknowledges the additional costs but argues that they are likely more than offset by systemic savings. Reducing arrest-to-arraignment time, for example, saves on custody charges that run from \$60 to \$150 per day per prisoner. So may community service sentences that avoid short jail sentences, though the extent to which they actually do so has yet to be established. In the first year, Feinblatt adds, the community service program contributed nearly \$250,000 worth of work for the community, and the mail shop did an additional \$57,000 worth for nonprofit agencies, amounts that are likely to increase in subsequent years as the court handles more cases.

Even so, it may be hard to capture savings spread across other agencies in a way that makes it possible to balance the court system's budget. The National Institute of Justice (NIJ) recently funded an evaluation of the Midtown Community Court along with two other specialized courts (Dade County, Florida's, drug court and domestic violence courts) to

assess the effects of innovative courts. Results are expected to be available in 1996.

Meanwhile, Feinblatt says, the court justifies its expense as it demonstrates more effective ways to deal with low-level cases. The computer software that brings more information to the judge's bench, the high compliance rates for community service, and the surprisingly positive response of defendants to the social service center all offer valuable new lessons for court administrators in New York City and across the United States.

As for the concerns about elitism, Feinblatt points to plans for a second community court in the Red Hook area of Brooklyn, a neighborhood as impoverished and troubled as any in the city. NIJ is finishing its final evaluation report for Red Hook's proposed Community Justice Center. A building has been found in which to house the center, but the project coordinators need to find the money to renovate it. Whether that effort will be able to count on the kind of business support that made the Midtown Community Court possible remains to be seen. It will, however, have the full cooperation of Brooklyn District Attorney Charles Hynes.

"We can't afford to put these courts all over the city," observes Judge Judith Kaye, the current chief judge of the State Court of Appeals, "but we can put them in some places, and we can restore the feeling of confidence people have that the courts can work for them."

## Cleaning up the neighborhoods.

Beyond the debates over administration and costs lies the ultimate question of how the court affects its community. Though the answer appears to be positive, it is also nearly impossible to determine with any precision because the court is only one element in a larger dynamic of improvement in the Midtown area. The court's opening coincided with the establishment of the Times Square Business Improvement District (BID), which moved aggressively to clean up the neighborhood.

New York law permits property owners in a city neighborhood to collect supplemental taxes and use the funds to enhance city services like street cleaning, lighting, and security patrols. Gretchen Dykstra, president of the Times Square BID, sits on the community court's advisory committee. Each week, her organization provides work for 10 to 20 offenders sentenced to community service. While she has only praise for the court, she also makes clear the contribution of the BID's own security and sanitation crews for reducing low-level crime and improving the quality of life. To her, and to most other observers, the BID and the community court enjoy a symbiosis that makes it hard to say which deserves credit for what.

There is no question that the neighborhood has improved in recent years. A BID survey found that between 1993 and 1994 there were declines of more than 25 percent in reports of robbery, grand larceny, and assault. Burglary reports decreased 15 percent, grand larceny against the person 18 percent, and murder 75 percent. While these

## Mediation

In addition to the services it either imposes on sentenced offenders or makes available to them, the court offers one to the whole community: mediation of neighborhood disputes. Cases might involve a noisy auto repair shop, a landlord's decision to rent to an x-rated video dealer, or where to put a dog run in a park. Critics argue that mediation exceeds the scope of a criminal court, but supporters of the concept point out that it can wind up settling criminal as well as civil matters.

One recent case concerned a hot-tempered man who failed to scoop up after his dog near a community garden, then assaulted an elderly neighbor who complained. Instead of pursuing assault

charges in the criminal court, all parties agreed to refer the matter to a mediator. The man's sisters came with him to the courthouse and explained that he had chronic problems controlling his temper. Should he fail to scoop again, the sisters said, neighbors should notify them and they would clean up after his dog. That solution proved satisfactory.

Mediation is "one of the things people are most aware of" because of the intense feelings raised by neighborhood disputes, observes David Rotman, a researcher at the National Center for State Courts who has run focus groups on the Midtown Community Court. "It's something people really like."

major felonies are not the business of the community court, its supporters argue that dealing more effectively with minor offenses that erode the quality of life alters an atmosphere that nurtures more serious crime (see "Mediation").

Barbara Feldt, who heads a neighborhood organization called Residents Against Street Prostitution (RASP), says the various enforcement efforts have reduced the nightly population of street prostitutes from about 250 to no more than 10 in a 6-block stretch of the West Side. Police say they have not detected any major displacement to other areas, though many of the prostitutes who once propositioned prospects on the street may now work for "escort" services where customers place orders by telephone.

Feldt recalls how for years her group had railed against the judges who simply waived prostitutes through the downtown court with sentences to time served. A RASP delegation once "went down to 100 Centre Street and saw about 20 of 'our girls' being

arraigned," she recounts. "They all beat us back to the block."

With the community court in place, she says, "they do get some kind of punishment instead of time served.... There's a balance here, with the community, the police, the D.A.'s office, and the judge sitting up there. If they took the court away from us now, it would all fall apart."

*The court appearance went well enough, but Megaw still is not free to relax. Carol now has to get herself, her daughter, and all that luggage down to the Port Authority terminal, pick up her money from Traveler's Aid, purchase tickets, and board a bus.*

*He assigns two of his more muscular caseworkers to accompany her, partly to help tote the bags and partly because he fears her pimp might show up and try to abduct her back into the life. "Prostitution is a rough business," Feinblatt observes as he watches the crew assemble in the corridor. Carol makes a last phone call to Willie Figueroa, thanking him for*

*everything and bidding him goodbye, before she hauls Tamika onto the elevator loaded with all her stuff.*

*Megaw's phone does not ring until 8:45. His men report that they were unable to make the 6 o'clock bus and had to wait for the next one, which did not leave until 8:30. The choice of escorts turns out to have been prudent: As they waited for the bus, Carol had indeed spotted her pimp, who often spends his evenings in the terminal. He had seen her, too, but after sizing up her companions, he decided to keep his distance.*

## About This Study

This Program Focus was written by David C. Anderson, a former member of the *New York Times* editorial board and the former editor of *Police Magazine* and *Corrections Magazine*. He is the author of *Crimes of Justice: Improving the Police, the Courts, the Prisons and Crime and the Politics of Hysteria: How the Willie Horton Story Changed American Justice*.

**Cover:** Painting the town white: Some offenders are assigned to community service projects to help clean up the neighborhood. (Photo courtesy of Midtown Community Court)

Findings and conclusions reported here are those of the author and do not necessarily reflect the official position of the U.S. Department of Justice.

*The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.*

NCJ 158613

February 1996

---

### U.S. Department of Justice

Office of Justice Programs

National Institute of Justice

Washington, DC 20531

Official Business

Penalty for Private Use \$300

BULK RATE  
POSTAGE & FEES PAID  
DOJ/NIJ  
Permit No. G-91