



Drugs, Courts and Community Justice



**BJA**

Bureau of Justice Assistance  
U.S. Department of Justice

---

<i>author</i>	<i>year</i>	<i>about this publication</i>
Aubrey Fox Director, Special Projects Center for Court Innovation	2010	This publication was supported by Grant No. 2009-DC-BX-K018 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document do not necessarily represent the official positions or policies of the U.S. Department of Justice.

# A TALE OF THREE CITIES: DRUGS, COURTS, AND COMMUNITY JUSTICE

Inspired by drug courts, one of the most successful criminal justice innovations of the last quarter-century, the three innovative programs profiled below—one in Brooklyn, one in the Bronx, and the other in California—are all tackling the problem of drug addiction. Yet these courts have some important differences from drug court. This monograph highlights how new and innovative community courts are building on the drug court model, expanding the reach of problem-solving principles beyond specialized courtrooms and making a significant contribution to the fight against substance abuse.

## INTRODUCTION

On a sunny summer morning in Brooklyn, a dozen men and women are gathered around a conference table at the Red Hook Community Justice Center, a community court based in a gritty neighborhood in southwest Brooklyn.

The meeting is called to order by clinical director Julian Adler, who works his way briskly through a long list of names of individuals mandated by the court to complete a social service program, such as drug treatment or mental health counseling.

“Jessica, can you give us an update on Henry?” Adler asks. Jessica Kay, a case manager at the Justice Center, tells the group—which includes prosecutors, defense attorneys, clinical staff, and presiding Judge Alex Calabrese—about the young man’s progress since he was mandated to complete a drug treatment program six months ago. “I’m very proud of Henry,” Kay says, as she explains that after many years of spotty school attendance, he is regularly attending classes and is on track to graduate with a high school diploma. “Can you say that in court—he could really use the encouragement,” asks Judge Calabrese, and Kay nods her head in agreement. Henry’s case is due in court that afternoon, and Kay makes a note to stop by the courtroom when the case is called.

Not all of the updates are as positive as Henry’s however, and the group debates how to respond to several individuals who have either tested positive for drugs (the Justice Center has an on-site drug testing facility) or skipped out on a program they’re mandated to attend. In one instance, the group recommends sending a partic-

ipant to another treatment program as a last ditch effort before imposing a jail sanction; in another, they advise increasing a drug testing requirement from once a month to once a week for someone at risk of relapsing.

For the prosecutors, defense attorneys, and social work staff assigned to the Justice Center (as well as Judge Calabrese), the “list” meeting, convened every Thursday morning, is their primary means for sharing information about the roughly 120 individuals mandated to long-term treatment at any one time in Red Hook. The list meeting allows for an unusually detailed discussion of the problems presented by individual cases, and over time, the staff members at Red Hook get to know individual defendants very well, troubleshooting problems and finding creative solutions. In fact, after an hour, Adler and the group manage to get through detailed updates on about 40 individuals who are due to report to court that week.

In supervising individuals mandated to long-term interventions—whether drug treatment, mental health counseling, or something else—the Red Hook Community Justice Center operates much like a drug court. As the example of the list meeting shows, Red Hook utilizes ongoing judicial monitoring, information-sharing, frequent drug testing, and a combination of sanctions and incentives—all key principles of drug courts—to motivate behavior change. This is also true in the courtroom, where Judge Calabrese uses a mix of short-term sanctions and incentives to encourage compliance, such as a few days of jail for an offender who continually tests positive for illegal drugs, or a round of applause for someone who has successfully completed their mandate and turned their life around. Red Hook’s award-winning architectural design also plays a role: unlike traditional courtrooms, where the judge looks down at defendants from a raised bench, at Red Hook the bench is at eye level, which allows for more interaction and engagement between the judge and program participants.

But Red Hook differs from the drug court model in some crucial ways. It has a broader caseload (many of the offenders at Red Hook are not drug-addicted) and its community location allows it to get involved in a range of crime prevention activities that are beyond the scope of the typical drug court.

## **DRUG COURTS... AND BEYOND**

Red Hook provides a good example of a relatively recent development in the problem-solving court movement: the blurring of the lines that have often divided problem-solving courts in the past.

Since the first drug court was launched in Dade County, Florida, in 1989, at the height of the crack-cocaine epidemic in Miami, drug courts have received enormous public attention and acclaim. This is for good reason: drug courts are viewed by many scholars as one of the most successful criminal justice innovations in the last 25 years, and have attracted bipartisan support from Congress and state governments. For example, in a speech to the American Bar Association, Attorney General Eric Holder praised drug courts as a “promising solution to the devastating effect of drugs on American communities.”<sup>2</sup>

The success of drug courts has spawned other forms of judicial innovation. The first community court in the U.S. was the Midtown Community Court, launched in 1993 in New York City. Over 40 community courts, inspired by the Midtown model, are currently in operation or planning around the U.S.<sup>3</sup>

Community courts are neighborhood-focused courts that attempt to harness the power of the justice system to address local problems, including drug possession, shoplifting, vandalism, and assault. Like drug courts, community courts link addicted defendants to judicially-monitored drug treatment. But they typically handle a broader caseload (for example, all misdemeanors in a given neighborhood), and make use of a broader array of sanctions (such as community impact panels). Community courts strive to create new relationships with outside stakeholders such as residents, merchants, churches, and schools. And they test new and aggressive approaches to public safety rather than merely responding to crime after it has occurred—for example, by organizing local residents and community groups to restore local parks and address illegal dumping.

There is some evidence to suggest that community courts can achieve significant results with drug-addicted defendants: in one research study conducted at the Midtown Community Court, re-arrest rates dropped by 50 percent among individuals who completed more than 90 days of court-ordered drug treatment.<sup>4</sup> And community courts have achieved several other notable results, including reductions in crime, improved public trust in government, and positive perceptions of fairness among litigants.<sup>5</sup>

## **FILLING GAPS IN SERVICES**

In many respects, community courts not only build on the foundation put in place by drug courts but provide complementary services. Community courts can work with a wide variety of defendants, helping to fill critical gaps unserved by drug courts. For example, some drug courts only take cases that originate with a drug-related arrest, even though drug addiction may be driving an offender's behavior in other types of cases like shoplifting or prostitution.

The Orange County Community Court provides a good example of how a community court can complement local drug courts. A unique experiment, the community court brings under one roof a number of specialized court dockets that would typically be scattered over several courtrooms. This includes an adult drug court, a mental health court, a driving-under-the-influence court, a veterans court, a domestic violence court, and a homeless court. The Community Court is housed in a renovated former department store located less than a mile from Orange County's centralized courthouse. Each docket meets on different days of the week; for the homeless court, presiding Judge Wendy Lindley makes regular trips to local homeless shelters to hear low-level misdemeanor cases involving outstanding warrants.

The community court enrolls participants through mandates (largely through referrals from other judges and attorneys) or on a walk-in basis. The drug court and mental health court have an active caseload of about 200 participants and the homeless court close to 400, according to Judge Lindley. In addition, the community court seeks to link individuals to services pre-arrest, either on a walk-in basis or via a referral from a police officer.<sup>6</sup>

The community court opened in August 2008 (though many of the specialized court dockets were already in existence). Judge Lindley, who first took the bench in January 1994, was a natural choice for the project, having presided over the Santa Ana Drug Court and an earlier version of the homeless court.

Judge Lindley’s judicial career provides an interesting case study of the evolution of problem-solving justice. When she first became a judge in 1994, she found herself frustrated by the toll drug addiction was taking on defendants, along with the seeming lack of tools available to her to address the problem. “From my first week on the bench, I’ve asked myself, ‘Why should I be in a system that’s failing?’” she recalled.<sup>7</sup>

Her first attempt at problem solving, however, proved to be less than successful. She started a compliance docket on her own initiative, for low-level drug and driving-under-the-influence cases. “It didn’t work,” she admits freely. “At the time, I hadn’t learned the secret that you have to drug test! [Participants in the court] were picking up new cases even though they were smiling at me and saying they were sober.”

The emerging drug court model, with its “tough love” mix of drug testing, strict judicial monitoring, and links to drug treatment, provided a more effective framework for Judge Lindley’s reform instincts. Over time, Judge Lindley has sought to apply aspects of the model to a wide variety of cases.

Typical of her approach to reform is the veterans court, which she started in November 2008 after an Iraq war veteran she had seen in court a few weeks earlier died of a drug overdose.<sup>8</sup> Based on the model of the Buffalo Veterans Court (the first such court, established in January 2008), Judge Lindley’s court seeks to link returning veterans suffering from problems such as post-traumatic stress disorder, traumatic brain injury, or other mental health conditions to long-term treatment. The court works closely with the Department of Veterans Affairs, which has assigned a full-time case manager to the project.

In addition to the Veterans Court, Lindley also operates an innovative Outreach Court, designed to address the unique issues posed by individuals who are homeless. The program is designed to clear up arrest warrants issued for homeless people who are unable to pay fines accrued when they are cited for low-level offenses like sleeping outside or urinating in public. The idea is to reduce both inefficient and costly short-term jail sentences (if enforced, warrants often result in a few days jail and a mountain of paperwork for the courts), while removing barriers to self-sufficiency (an arrest warrant can prevent an individual from obtaining a driver’s license or job). In the Outreach Court, Judge Lindley sentences individuals to drug rehabilitation or parenting classes as an alternative to a fine. In addition, Judge Lindley conducts Outreach Court in homeless shelters, where residents are encouraged to bring warrants to the court’s attention.<sup>9</sup>

## EXPANDING REACH

As the Orange County Community Court shows, community courts can address a wide variety of cases beyond drug-related arrests.

Another advantage of community courts is that they can work with both less serious and more serious defendants than do drug courts. Federal support—the largest source of funding for U.S. drug courts—may not be used to serve a minor offender with a violent criminal history (no matter how long ago the offense occurred) in drug court. Also, drug courts often struggle to enroll low-level, quality-of-life offenders (many of whom need drug treatment) because many defendants would rather opt for a short-term jail sentence over a lengthy, judicially-monitored drug treatment mandate.

With greater flexibility in terms of caseload and sentence lengths, community courts like The Red Hook Community Justice Center have had some success in avoiding these pitfalls. For example, Judge Calabrese has the option of mandating a drug-addicted offender with a history of violence who has committed a minor offense to drug treatment. “There are a number of people (under the court’s supervision) who wouldn’t be eligible for drug court given their criminal history,” Calabrese says.<sup>10</sup>

At the same time, Judge Calabrese has been successful in enrolling low-level, drug addicted offenders into long-term treatment. This is in part a testament to the level of trust possessed by the key players at the Justice Center, developed through such regular forums as the weekly list meeting. As a result, defense attorneys in Red Hook are more open to considering drug treatment as an option for their clients. “My clients get opportunities to turn their life around that the regular court system rarely offers,” says Brett Taylor, who practiced as a defense attorney in Red Hook for five years.<sup>11</sup>

One final advantage of the community court approach is its focus on resolving local problems like drug addiction before they become court cases. The Red Hook Community Justice Center (along with many other community courts, including Orange County) invests in a variety of programs that seek to give local residents the tools they need to avoid drug addiction. On-site social services (e.g., GED classes, educational workshops) are available to local residents on a walk-in basis. The Justice Center also operated two innovative public health programs involving young people. For example, TEACH (“Teens Educating About Community Health”) trained local youth to hold workshops on community health issues, like sexually transmitted diseases, and Youth Echo enlisted local teen leaders in marketing anti-crime messages to their peers (including producing a documentary film and a special cellphone ring tone).

In addition, the Justice Center offers a wide variety of prevention programs. In 1995, the Justice Center created the Red Hook Public Safety Corps, an AmeriCorps service program in which 50 local residents perform community service projects (e.g., painting over graffiti, cleaning local parks, tutoring students who need extra help) in exchange for a small living stipend and educational award. And The Red Hook Community Justice Center operates an array of positive youth development programs, including a youth court, which trains local teenagers to serve as judges and attorneys handling real-life cases involving their peers, a thriving youth baseball league now in its 12th year, and a summer youth photography project in which local students are given technical training and the opportunity to display their photographs in the Justice Center itself. Finally, the Justice Center helped create a neighborhood organization, Friends of Coffey Park, that transformed Red Hook’s central park from a drug hot spot to a public space enjoyed by all local residents.

Red Hook’s two-fisted approach—prevention and problem-solving—has had an impact on the streets and in the minds of local residents. The local precinct is now the safest in Brooklyn. And in a recent door-to-door survey of more than 600 local residents, 94 percent said they approved of the community court in their neighborhood.<sup>12</sup>

## GOING TO SCALE

Despite the profusion of drug courts (there are now more than 2,000 drug courts in operation around the country),<sup>13</sup> the reality is that they only reach a small proportion of the drug-addicted offenders in the United States. According to an Urban Institute report released in 2008, only about 55,000 arrestees—out of a total of 1.5 million with a drug addiction or dependency problem—currently receive court-monitored drug treatment.<sup>14</sup>

Making court-monitored drug treatment available to all those who are in a position to benefit from it will require more than building additional specialized courts. It will require bringing some of the core principles of problem-solving justice into the mainstream of court operations across the country.

Bronx Community Solutions provides a good example of what this approach might look like. Launched in January 2005, Bronx Community Solutions is an initiative that seeks to apply lessons from New York’s community courts to a busy centralized courthouse. The goal of the project is to provide judges with increased sentencing options for non-violent offenses such as drug possession, prostitution, and shoplifting. Instead of working in a single neighborhood with just one judge, Bronx Community Solutions attempts to provide the four dozen judges that handle misdemeanor criminal cases in a borough of 1.4 million people with the same kind of sentencing options available at the Red Hook Community Justice Center or the Orange County Community Court.

“We are looking for options,” said Bronx County Criminal Division Judge Raymond L. Bruce. “Bronx Community Solutions offers us a wealth of opportunities” to link defendants to needed social services.<sup>15</sup>

Early results are encouraging: Bronx Community Solutions provides community service and social service sentences (including inpatient and outpatient drug treatment) to over 12,000 misdemeanor offenders annually. The project has already changed sentencing practice in the Bronx—judges are using costly and ineffective short-term jail sentences less and community sanctions (restitution and social services) more. According to one internal analysis, Bronx Community Solutions has cut the use of jail at arraignments by nearly half while more than doubling the use of community-based sentences since the project began operations.<sup>16</sup>

“We think these results are good for the courts, good for defendants, and good for the Bronx,” said Bronx Community Solutions Director Maria Almonte-Weston.<sup>17</sup>

In addition, Bronx Community Solutions has introduced new sentencing options for judges seeking to address the problem of addiction among low-level misdemeanor offenders, including regular on-site treatment readiness classes. These classes are designed to introduce sentenced offenders to the concept of drug treatment, as well as offer immediate referrals to qualified programs to anyone who is interested. At the same time, social workers at Bronx Community Solutions work with judges to get severely addicted offenders into detoxification and rehabilitation services immediately, resolving conflicts (like a lack of photo identification or health insurance) that can otherwise delay access to treatment. The challenge for Bronx Community Solutions is engaging low-level offenders in long-term voluntary services: with little legal leverage (cases typically given a Bronx Community Solutions mandate are subject to 30 days or less of jail), it can be challenging to motivate offenders to seek treatment after the completion of their court mandate.

The good news for advocates of a problem-solving approach is there appears to be broad support among judges for applying the model developed in the Bronx in other traditional courtrooms. For example, a nationwide survey of more than 1,000 trial court judges found that roughly three-quarters supported using problem-solving methods (such as ongoing judicial monitoring or following the recommendations of treatment agency staff members).<sup>18</sup>

To be sure, there are several obstacles to widespread adoption of problem-solving approaches, including a lack of resources and a need for more judicial education and training.<sup>19</sup> However, Bronx Community Solutions has successfully addressed many of these obstacles. The project is cost-efficient, driven in large part by the high caseload volumes of the Bronx (over 50,000 misdemeanors are arraigned there every year). Unlike some other problem-solving courts, Bronx Community Solutions does not seek to interview defendants before they are seen by a judge, because to do so would interrupt the normal flow of cases. Instead, project staff members, working hand-in-hand with judges, prosecutors, and defense attorneys, identify appropriate candidates for the program through a brief analysis of the defendant's criminal history and rap sheet. If offenders, after pleading guilty at arraignment, opt to participate in Bronx Community Solutions, they must report immediately to the intake office where staff conduct a thorough psychosocial assessment and use the results to determine the particulars of the mandate (such as whether to assign an offender to a drug treatment or job training class). Bronx Community Solutions also benefits from its ability to reach the more than 40 judges working in the courthouse: over time, more and more judges have become familiar with the program, which has translated into greater support for the concept of problem-solving justice. Through the distribution of a judges' manual, lunchtime presentations for new judges, and quarterly meetings presided over by the chief administrative judge, Bronx Community Solutions has been able to introduce new initiatives, sentencing packages, and enhanced protocols, and solicit new ideas from all the judges working in the courthouse.

## CONCLUSION

Community courts owe a great debt to drug courts, which have provided model practices, political support, and an example of criminal justice innovation that works.

Drug courts—and state court administrators—should consider looking more closely at community courts to learn lessons about engaging the community, investing in prevention, working with non-traditional offenders, and moving beyond specialized courtrooms into more traditional settings.

Community courts can be another means of effectively connecting low-level drug offenders to social services. Community courts also present the opportunity to go to scale with an intervention that can reach a large segment of the drug abusing population while allowing communities to tailor their responses to the specific needs of their localities.

## ENDNOTES

<sup>1</sup> The names of all defendants have been changed.

<sup>2</sup> The full text of Attorney General Holder's speech can be found at <http://www.justice.gov/ag/speeches/2009/ag-speech-090803.html>.

<sup>3</sup> For an overview of community courts, see

<http://www.courtinnovation.org/index.cfm?fuseaction=page.viewPage&pageID=570&documentTopicID=17>.

<sup>4</sup> Michele Sviridoff, David B. Rottman, Robert Weidner, "Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court," Center for Court Innovation, 2005.

<sup>5</sup> In Midtown, for example, prostitution arrests dropped 56 percent and illegal vending 24 percent following the opening of the community court. In 2007, after Red Hook's police precinct achieved the largest reduction in major crime in New York City over a two-year period, the precinct commander named the Justice Center as one of three factors for the decline. In terms of public trust, in Red Hook, approval ratings of courts increased from 12 percent prior to opening to a 94 percent approval rating for the Justice Center in a 2009 community survey. Finally, a survey of defendants revealed that 85% felt that their case was handled fairly, and 93% felt that the judge treated them fairly. Kelli Henry and Dana Kralstein, "Community Courts: A Review of the Research Literature," Center for Court Innovation, 2010.

<sup>6</sup> For example, during its first week of operation, a police officer brought a veteran who had been panhandling in the downtown area to the community court to meet with a mental health clinician and a representative from the Department of Veterans Affairs. After an assessment revealed that the veteran had significant mental health problems, he was referred to a supportive housing program instead of being arrested. Author interview with Wendy Lindley, August 26, 2009.

<sup>7</sup> Author interview with Wendy Lindley, August 26, 2009.

<sup>8</sup> Nicholas Riccardi, "These courts give wayward veterans a chance," *Los Angeles Times*, March 10, 2009.

<sup>9</sup> Jim Hinch, "Court deals with warrants, leaves the rest to homeless," *Orange County Register*, September 3, 2003.

<sup>10</sup> Author interview with Alex Calabrese, September 17, 2009.

<sup>11</sup> Taylor now works at the Center for Court Innovation.

<sup>12</sup> Rachel Swaner, "Community Perceptions of Red Hook, Brooklyn: Views of Quality of Life, Safety and Services," Center for Court Innovation, 2010.

<sup>13</sup> C. West Huddleston, III, Douglas B. Marlowe and Rachel Casebolt "Painting the Current Picture: A National Report Card on Drug Courts and Other Problem-Solving Court Programs in the United States," National Drug Court Institute, May 2008.

<sup>14</sup> Avinash Singh Bhati, John K. Roman, and Aaron Chalfin "To Treat Or Not To Treat: Evidence on the Prospects of Expanding Treatment to Drug-Involved Offenders," The Urban Institute, April 2008.

<sup>15</sup> From a video overview of Bronx Community Solutions, available at <http://www.youtube.com/watch?v=GbGT4iZ6iWo>.

<sup>16</sup> Internal memorandum, on file with author.

<sup>17</sup> Author interview with Maria Almonte-Weston, November 17, 2009.

<sup>18</sup> Donald J. Farole, Jr., and Michael Rempel, "Problem-Solving and the American Bench: A National Survey of Trial Court Judges," Center for Court Innovation, February 2008.

<sup>19</sup> *Ibid.*

### **Center for Court Innovation**

The winner of the Peter F. Drucker Award for Non-profit Innovation, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State court system's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, mental health courts, reentry courts and others.

Nationally, the Center disseminates the lessons learned from its experiments in New York, helping court reformers across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice through original research, books, monographs, and roundtable conversations that bring together leading academics and practitioners. The Center also provides hands-on technical assistance, advising innovators across the country and around the world about program and technology design.

**For more information, call 212 397 3050 or e-mail [info@courtinnovation.org](mailto:info@courtinnovation.org).**

CENTER  
FOR  
COURT  
INNOVATION

A Public/Private Partnership with the  
New York State Unified Court System

**Center for Court Innovation**

520 Eighth Avenue, 18th Floor  
New York, New York 10018  
646 386 3100 Fax 212 397 0985  
[www.courtinnovation.org](http://www.courtinnovation.org)

---



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

**U.S. Bureau of Justice Assistance**

Office of Justice Programs  
Bureau of Justice Assistance  
810 Seventh Street N.W.  
Washington, D.C. 20531  
202 616 6500 Fax 202 305 1367  
[www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA)