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About Chicago Appleseed

Chicago Appleseed Fund for Justice is a policy research and advocacy organization. We identify problems, research solutions, and recommend practical and systemic reforms.

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POLICY BRIEF

Community Courts in Cook County

Part I: The Case for Community-Based Justice

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Introduction

Each year, approximately 250,000 misdemeanor offenses are filed in Cook County, which accounts for 85% of all the criminal cases processed.¹ A sizeable portion of these are property and drug crimes, gang-related, and committed by a small, but active group of repeat offenders.² On weekdays, offenders are typically brought to one of the County's five branch courts, where bail is set and the case is processed. If charged on a weekend, the offender will be transported all the way across town to the 10,000-person jail at 26th and California, where bail is set, and the case is either processed, or rerouted to a branch court. While a majority of offenders would benefit from a social service intervention, only a few thousand are eligible for the County's misdemeanor drug school program and forthcoming misdemeanor mental health court.³ Nevertheless, many of these cases, due to heavy caseloads, police witness no-shows, and a Cook County rule allowing cases to be stricken on leave to reinstate (SOL'd)⁴, are dismissed. Those that are processed are rushed through the system, with little time spent individualizing each offender's treatment.

About two decades ago, Midtown Manhattan faced similar inefficiencies in its misdemeanor court system. They responded by opening the first ever community court – a problem-solving court that focuses on crime and safety concerns of neighborhoods. Like Cook County, the Midtown Manhattan neighborhood had developed a gang culture based around drugs and prostitution, which had led to a virtual revolving door of repeat offenders at the traditional court.⁵ In response, the City implemented a community-based court model that brought substantial public safety and economic improvements to Midtown Manhattan.⁶ The model has since helped improve the efficiency and quality of misdemeanor case processing in over three-dozen jurisdictions across the Country.

Community courts are partially a product of the “broken windows” theory, which suggests that low-level misdemeanor crimes, such as small business theft, graffiti, and the occupation of abandoned buildings, drive away commercial and residential development, and allow serious criminals to gain footholds in vulnerable neighborhoods.⁷ In response to these theories, as well as demands from the public, jurisdictions across the Country shifted their attention to reducing the number of quality-of-life crimes. Subsequent efforts to address such crimes have varied greatly in methodology. Some courts have followed a more traditional approach to criminal justice by enacting heavier street enforcement measures and tougher sentences.⁸ Other courts, including Community Courts, have turned to a range of problem-solving justice



methods, which “focus on identifying and addressing patterns of crime, ameliorating the underlying conditions that fuel crime, and engaging the community as an active partner.”⁹ When applied to misdemeanor crimes, problem-solving initiatives have sought to lower case dismissals, expand sentencing options, and improve offender compliance rates.¹⁰

Cook County courts have largely taken the traditional road. The results have been mixed, with some glaring faults. Even as the total number of crimes committed fell significantly over the past decade, the number of offenders detained increased by almost 25%.¹¹ Meanwhile, recidivism rates within three years of disposition rose to above 50%.¹² In essence, there are fewer crimes, but more criminals sent to jail; more resources used per criminal, and yet more reoffending.

A handful of established criminal justice organizations in Cook County have begun to address the County’s high incarceration and recidivism rates by implementing problem-solving justice methods. The most significant examples of this can be seen with the State’s Attorney’s four community justice centers and the Chicago Police Department’s Alternative Policing Strategies program (Chicago CAPS). These two organizations work together to identify crime-ridden areas, and develop community-based strategies to address both misdemeanor and felony offenses. Nevertheless, these efforts are too fragmented to produce a comprehensive community justice system.

This policy brief will first explain how problem-solving justice methods, if enacted through a comprehensive community justice system, can correct many of the inefficiencies found in traditional misdemeanor court systems. It offers initial recommendations for Cook County to strengthen its current community justice system so it may begin to see the benefits promised by problem-solving justice advocates. While these recommendations include incremental reforms for Cook County’s established community justice programs, it ultimately argues that the benefits of a community justice system will never be truly felt without establishing a Community Court.

Potential Benefits of Community Courts

- **Expedited case processing.** Community courts improve the arrest-to-arraignment time, which narrows the gap between crime and justice response—a crucial factor in effective forms of punishment and rehabilitation.
- **Improved defendant compliance.** By using a more individualized sanctioning system, rehabilitative programs, as well as positive reinforcement, community courts improve offender compliance over traditional approaches.
- **Long-term cost savings.** While investing in a community court is costly at first, long-term gains from expedited case processing, improved defendant compliance, and reduced recidivism are expected to provide positive returns on this investment.
- **Enhanced Perceptions of Fairness.** Community courts employ a more individualized approach, which enhances community, defendant, and victim perceptions of fairness.

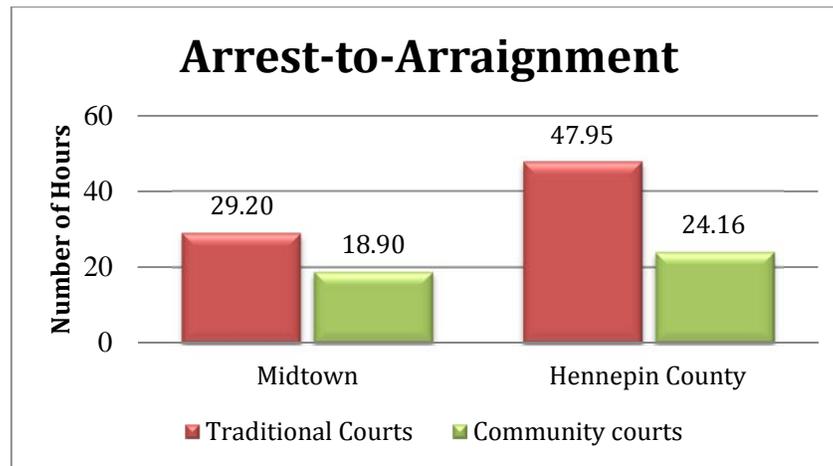


Two Case Studies in Community Courts:

Midtown Manhattan, New York & Hennepin County, Minnesota

Demonstrating community court success is difficult in part because many measures of quality cannot be quantified easily (i.e. public perception, deterrence, and improved social conditions). Even so, available research shows community courts improving in several important categories when compared to traditional courts, including case processing times, use of alternative sanctions, and offender compliance with sentencing requirements.

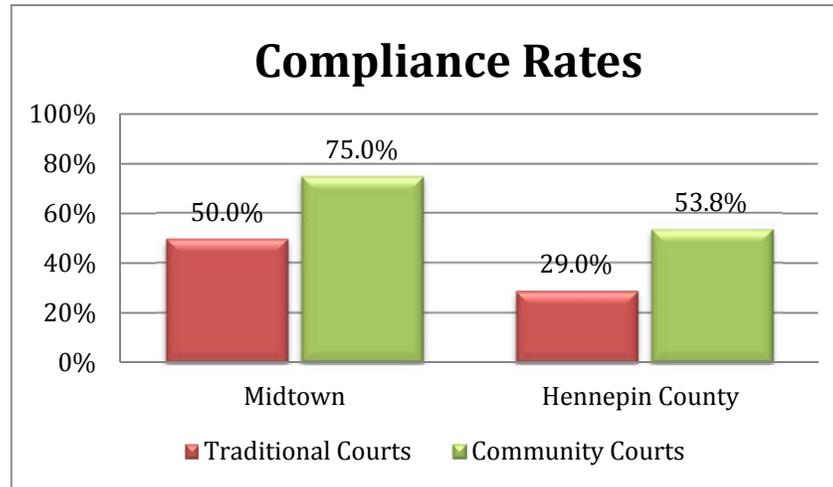
Community courts are consistently proven to be faster in processing cases than traditional misdemeanor courts. The chart below shows a comparison of average arrest-to-arraignment times between traditional courts and community courts in Midtown Manhattan and Hennepin County, Minnesota.¹³



Both community courts processed cases significantly faster than the traditional courts: Midtown Manhattan reduced arrest-to-arraignment time by an average of about 10 hours, while Hennepin County reduced their time by almost a full day.¹⁴ Faster arrest-to-arraignment times allow courts to get through more cases a day. The more immediate the sentencing, the more likely the offender will associate the crime with the punishment, and may reduce future reoffense.¹⁵

Speedier sentencing also enables courts to increase the use of diversion options available to misdemeanor offenders, giving judicial practitioners greater flexibility in assigning treatments. Midtown Manhattan Community Court used alternative sanctions and social service supports (such as housing assistance, vocational training, and drug prevention programs) in 76% of their sentences, up from 55% in the traditional court.¹⁶ Many community courts, like Seattle and Philadelphia have institutionalized their process so all misdemeanor offenders receive community service in their sentences.

Community court defendants are also much more likely to complete their sentencing requirements than those in traditional courts. The following chart compares offender compliance rates between traditional and community courts in Midtown Manhattan and Hennepin County.¹⁷



In most traditional courts, non-compliant offenders are denied rehabilitative resources and are instead returned to jail. Community courts look to offset this cycle by implementing mechanisms that coax offenders into completing their sentences.

Research has been mixed as to whether community courts reduce long-term incarceration and recidivism rates. Most community courts produced recidivism rates equal to or slightly less than traditional courts.¹⁸ While the number of offenders sentenced to jail reduced drastically, those that did receive jail time (typically after several failed attempts to complete alternative sanctions) received much longer sentences.¹⁹ Nevertheless, efforts to reduce specific types of crimes, restore certain high-crime neighborhoods, and subsequently improve the community's sense of public safety, have been very successful. Five years after the Midtown Manhattan Community Court opened, illegal vending arrests were down 24% and prostitution arrests were down 56%.²⁰ After the establishment of New York's Red Hook Community Center, the number of residents who felt "safe" or "very safe" in local parks and near the waterfront increased by 22%.²¹ Community Courts are often implemented to tackle specific types of crimes, and specific regions, making their success in such efforts particularly notable.

While no cost-benefit analysis is conclusive, substantial direct and indirect long-term savings are thought to offset higher upfront costs. An evaluation of the Hennepin County Community Court showed that the net cost per case exceeded that of traditional courts.²² However, this did not take into account many benefits, including the financial rewards seen through increased community service hours, faster arraignment times and lower transportation costs. In an analysis that accounted for these factors, Midtown Manhattan estimated savings of \$1.27 million annually, much of which came



through reduced pre-arraignment detention costs and increased community service hours.²³

Key Features of Successful Community Courts

- **Geographically Targeted Jurisdictions ("Hot Spots"):** To undermine the social structures giving rise to repeat misdemeanor offenders, community courts are strategically placed in neighborhoods with high-crime rates. These locations, otherwise known as 'hot spots' are largely based off 911 calls, as well as resident reports of criminal activity.²⁴ The court's proximity provides the foundation for reaching many of the goals of problem-solving justice: including immediate sentencing, improved compliance rates, fewer case dismissals, and a greater use of alternative sanctions and supports.
- **Dedicated court staff:** Judges, public defenders, and prosecutors are assigned to community courts for a longer term. Judges in particular establish a presence in the community, grow accustomed to that community's criminal trends, and subsequently tailor decisions to their community's unique needs.²⁵ As they are imbedded in the community, practitioners can familiarize themselves with the community's repeat offenders and target the services that will most effectively disrupt the psychosocial foundations of their delinquent behavior. Frequent contact between judges and offenders is extremely useful for judicial practitioners in creating holistic sanctioning requirements.²⁶
- **Community Partnerships:** Community courts are basically conglomerates of those involved in the criminal justice system. Community residents are integral to the community courts' success. They share information about community 'hot spots' and brainstorm about sanction and support options for quality-of-life offenders. Community judges and prosecutors are strongly encouraged to develop relations with the community, as well as with local non-profit agencies. Active representatives from these groups should meet regularly to tailor rehabilitative alternatives to offenders and the community.
 - **Stakeholders:** Community courts take advantage of a resource most traditional systems fail to fully utilize: local residents and business owners. Since community members witness up-close the foundations of crime in their community everyday, they possess a important insights into sources of and solutions to disorder.²⁷ To access this information, community courts use a variety of techniques to engage members of the public. Involved residents volunteer for advisory boards, court-run programs, and attend police and prosecutor beat meetings. Courts provide several simple means—online complaint forms and in-court resident feedback—to encourage more dialogue.²⁸
 - **Community Services:** While residents and business owners provide the social information necessary to implement problem-solving



programs, non-profits and government social workers provide the resources essential to designing and implementing alternative sanctioning programs. Community court rehabilitation programs take many shapes and forms, depending on the nature and frequency of certain types of crimes in each community. Examples include anger management classes for domestic violence offenders, vocational services for homeless individuals, mental health programs for the mentally disabled, and drug abuse programs for addicts.²⁹

The court's close proximity to the crime provides offenders and judicial practitioners with swift access to an enhanced variety of community-based sanctioning alternatives. With these services at the court's disposal, community service appointments can be scheduled and completed faster, and sentence completion can therefore be more immediate.³⁰ Counselors, social workers, and psychiatrists may serve traditional court personnel roles. They may perform pre-sentencing interviews with offenders, schedule appointments for sanctioning programs, and track offenders as they complete their requirements.

- **Community Prosecution & Policing:** The American Institute of Prosecutors says "community prosecution" "focuses on targeted areas and involves a long-term, proactive partnership among the prosecutor's office, law enforcement, the community and public and private organizations."³¹ While a community prosecutor's main responsibility is still to convict and punish offenders, there is typically far greater discretion in charging decisions. This flexibility allows prosecutors to tailor crime prevention and reduction strategies to each particular neighborhood's concerns.³² As such, community prosecutors are less likely to ask for increased enforcement measures, and more likely to ask for alternative sanctions. They are also more likely to step outside the criminal justice world entirely to find civil solutions to community issues.³³ Community policing is in many ways the counterpart to community prosecution. Community police gather much of the information necessary for locating and effectively responding to 'hot spots.'³⁴ Like community prosecutors, officers are given greater discretion in shaping their policing strategies.³⁵ Officers are also required to host monthly meetings where they update the community on the progress of current programs, and initiate discussions on additional efforts need to be considered. Information about hot-spots and repeat offenders should be readily shared with community prosecutors, and in return updates on the progress of trial, sentencing and offender compliance should be readily shared with the police.³⁶
- **Alternative Sanctions:** A significant result of the various partnerships detailed in the previous section is the court's use of alternative, problem-solving remedies. Well before any conviction, a system is put into place to screen the offender and determine which type of rehabilitative services should be provided.³⁷ This treatment assessment process differs greatly among jurisdictions. Many community courts establish a sentencing



advisory board, which includes judges, attorneys, and social workers, to develop individualized sentencing guidelines for groups of criminals. They meet monthly to review documents gathered by the court staff, including in-depth interviews with incoming offenders, psychiatric analyses, criminal backgrounds, and specific information relevant to that community's crime problems.³⁸ Once background information is gathered, the court's judge is given wide discretion in choosing amongst a range of sentencing alternatives. This gives judges the leeway to match sanctions and services to the offender and the community. This flexibility is necessary since each offender's background can greatly determine the effectiveness of individual sanctions. For instance, if an offender is homeless, mental health and chemical dependency treatments are unlikely to work until the offender is stably housed. In addition, community courts help restore the community itself by placing sanctions nearby the site where the crime was committed.³⁹ This assures that each offender directly pays back the neighborhood they harmed, while giving residents visible proof that the court is improving their community. Finally, community courts are able to monitor offenders closely to ensure that they are compliant with sentencing requirements. Community court judges typically require offenders to return to court post-conviction for monthly or bi-monthly check-ups.⁴⁰ This allows the judge to admonish the offender about probationary violations or praise them for compliance, and more closely guide them into changing their behavioral habits. The community court's staff can also keep track of offender progress by maintaining close contact with each offender's probation officer.⁴¹ If an offender is noncompliant, a court official can easily direct on-site community police forces to bring that offender into custody. Once rearrested, the offender can either be sentenced to jail, or depending on his or her criminal background, given another chance to complete the original sentence.⁴²

- **Evidence-Based Practices:** Misdemeanors are far more common than felonies. Since community courts address misdemeanors, it is far easier to collect a critical mass of data in order to evaluate outcomes.⁴³ Traditional courts primarily use data to determine the effectiveness of their administrative process, such as the number of cases handled per day, the average time between arrest and arraignment, and how quickly cases move through the system.⁴⁴ Problem-solving courts, however, evaluate changes among several additional quality-defining variables, including the effectiveness of rehabilitation programs and the public's perception of fairness in the court. For instance, ongoing survey evaluations, phone interviews, and focus groups can determine which programs offenders themselves believe are most helpful in altering their behaviors. These statistics can thereafter be used to determine which sanctions are most effective in reducing recidivism levels. Community Courts can also use quantitative data systems to track actual improvements made in the community. For instance, in Midtown Manhattan, "the Court's researchers monitor patterns of prostitution and drug-dealing, as well as street sanitation. They have developed neighborhood-specific computer software



to map arrests, complaints, and other quality-of-life indicators.”⁴⁵ These databases can then inform public safety priorities. Furthermore, quantitative data on improved crime patterns in neighborhoods can help educate the public and key political supporters about the court’s positive effect on the community.⁴⁶

¹ *Research and Program Evaluations in Illinois: The Extent and Nature of Drug and Violent Crime in Illinois’ Counties*, Prepared by Research and Analysis Unit at Illinois Criminal Justice Information Authority (ICJIA), Chicago IL (2004), Pg. 15.

² See *Crime in Illinois 2009 Uniform Crime Report; Section 1-Crime Trends* <http://www.isp.state.il.us/crime/cii2009.cfm>, Pg. 20, which shows that in 2009, property crimes alone amounted to 78.34% of all Cook County crimes. Violent crimes constituted about 17.5% of all crimes.

³ "Strategies to Enhance and Coordinate Diversion in Cook County," Chicago Appleseed Fund for Justice (June 2012).

⁴ See *Ferguson v. City of Chicago*, 212 Ill. 2d 94, 820 N.E.2d 455 (2004).

⁵ See Greg Berman and John Feinblatt, *Good Courts; the case for problem-solving justice*; 2005; The New Press, New York NY. Pg. 61-66.

⁶ *Ibid.*

⁷ James Q. Wilson & George L. Kelling, *The Police and Neighborhood Safety: Broken Windows*, Atlantic Monthly, Mar. 1982, Pg. 29-38.

⁸ Berman, *Good Courts*, Pg. 37.

⁹ Robert Wolf, *Principles of Problem-Solving Justice*, Center for Court Innovation, New York, NY (2007), Pg. 1.

¹⁰ Kelli Henry and Dana Kralstein, *Community Courts: The Research Literature; a review of findings*, Center for Court Innovation, New York, NY (2011), Pg. 6-7.

¹¹ *Research and Program Evaluations in Illinois*, ICJIA (2004), Pg. 15.

¹² *Ibid.* In 2003, 41% of those on probation were misdemeanor offenders, whereas only 10% of the County’s probation budget is assigned to misdemeanor cases.

¹³ Henry, *Community Courts: The Research Literature*, Pg. 3. Also see, Eckberg, D., *Hennepin County Community Justice Project: Summary Report of Short-Term Evaluation*, Hennepin County, MN: Hennepin County District Court Research Department (2001), Pg. 26.

¹⁴ *Ibid.*

¹⁵ Center for Court Innovation, *Midtown Manhattan Community Court*, <http://www.courtinnovation.org/project/midtown-community-court>.

¹⁶ Henry, *Community Courts: The Research Literature*, Pg. 3.

¹⁷ Henry, *Community Courts: The Research Literature*, Pg. 3. Also see, Eckberg, *Hennepin County Community Justice Project (2001)*, Pg. 30.

¹⁸ Henry, *Community Courts: The Research Literature*, Pg. 16.

¹⁹ *Ibid.*, Pg. 11.

²⁰ *Ibid.*, Pg. 16.

²¹ *Ibid.*, Pg. 13.

²² *Ibid.*, Pg. 17. Costs increased by a total of \$704.25 per case.

²³ *Ibid.*, Pg. 17.

²⁴ David Karp, *Community Justice: An Emerging Field*, Rowman & Litterfield Publishers, Inc. (1998), Pg. 205.

²⁵ *Ibid.*

²⁶ Berman, *Good Courts*, Pg. 66.

²⁷ Karp, *Community Justice: An Emerging Field*, Pg. 41.

²⁸ *Ibid.*

²⁹ Berman, *Good Courts*, Pg. 45.

³⁰ Karp, *Community Justice: An Emerging Field*, Pg. 38.

³¹ M. Elaine Nugent-Borakove and Patricia Fanflik, *Community Prosecution: Rhetoric or Reality? in The Changing Role of the American Prosecutor (Chapter 10)*, State University of New York Press, Albany NY (2008), Pg. 212.

³² *Ibid.*, Pg. 215.

³³ *Ibid.*

³⁴ Wesley Skogan and Lynn Steiner, *Caps at Ten, Community Policing in Chicago: An Evaluation of Chicago's Alternative Policing Strategy*, Chicago Community Policing Evaluation Consortium (2004), Pg. i. This includes a new computerize crime mapping system created by the Chicago Police Department.

³⁵ Karp, *Community Justice: An Emerging Field*, Pg. 6.

³⁶ Ibid.

³⁷ Berman, *Good Courts*, Pg. 87.

³⁸ Ibid.

³⁹ Ibid, Pg. 63.

⁴⁰ Karp, *Community Justice: An Emerging Field*, Pg. 6.

⁴¹ Berman, *Good Courts*, Pg. 92

⁴² Ibid.

⁴³ Wolf, *Principles of Problem-Solving Justice*, Pg. 8-9.

⁴⁴ Ibid.

⁴⁵ *Developing a Community Court, Part II: Practical Advice*, Center for Court Innovation, <http://www.courtinnovation.org/research/developing-community-court-part-ii-practical-advice?url=research%2F4%2Farticle&mode=4&type=article>.

⁴⁶ Ibid.