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## **Community Courts and Quality-of-Life Crime: The Midtown Manhattan Community Court as a Model**

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### **Overview**

Community courts are a relatively recent expression of community-focused justice. Other expressions include community policing, community prosecution, and community probation. These initiatives share a recognition that public safety problems are rooted in neighborhood conditions and, thus, often require local solutions. In 1993, the Midtown Community Court was established in the Times Square district of Manhattan in New York City in order to combat the extensive misdemeanor crime that was regarded as undermining the general quality of life in that area. That court has proved largely successful and, currently, it is being put forward as a general model for community court development throughout the nation. In Minnesota, officials in the Fourth Judicial District Court (Hennepin County)—with encouragement from a growing number of state and local policymakers, interested civic organizations, and private businesses—are developing a community court to combat the elevated level of “quality-of-life crime” in certain neighborhoods of Minneapolis.

This paper briefly summarizes the quality-of-life crime situation in Minneapolis and describes the Midtown Manhattan Community Court, including an explanation of its philosophical basis. It closes with a discussion of the applicability of the community court concept to the Minneapolis situation. An addendum describes the community court in the Second Judicial District (Ramsey County), which is not modeled on the Manhattan approach. An appendix lists recent legislation relating to community court planning in Minnesota. A second appendix describes the quality-of-life crime situation in midtown Manhattan prior to creation of the Midtown Community Court.

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## Introduction

Community courts have been defined as “decentralized, problem-solving courts that go beyond case processing to improve the quality of life and address local conditions of disorder.” In 1993, the New York State Unified Court System established a community court in the Times Square district of midtown Manhattan specifically designed to combat the extensive misdemeanor crime that was increasingly being regarded as undermining the general quality of life in that area. Simultaneously, New York City was striving to significantly increase and reorganize its police force and enhance its policing strategies to more effectively combat crime of all types, but with special emphasis on quality-of-life crime and conditions of public disorder. Crime rates quickly began to level off and then decline throughout the city, but particularly for misdemeanor-level crime within the catchment area for the Midtown Community Court. These reforms were soon followed and spurred on by major private investments in the midtown area.

Today, the Midtown Manhattan Community Court is widely credited with having played an important role in New York City’s successful effort to reconvert Times Square and its surrounding neighborhoods into a vibrant commercial, entertainment, and residential area. The U.S. Department of Justice, Bureau of Justice Assistance—a major sponsor of the Midtown Community Court, along with the city, the state, and private business—has been actively touting that court as a model strategy for combating quality-of-life crime in troubled neighborhoods throughout the country.

In Minnesota—and particularly within the city of Minneapolis—many citizens, businesses, and public officials similarly have grown concerned about quality-of-life crime issues facing certain inner-city neighborhoods. Beginning in 1997, a number of state and local policymakers, district court officials, area businesses, and community associations began assessing the feasibility of creating a community court in Minneapolis to combat such crime and disorder in targeted neighborhoods. In 1998, the Hennepin County Court (Minnesota’s Fourth Judicial District) committed to developing such a court and began an extensive planning effort, backed by some federal, state, local, and private assistance. The Minneapolis stakeholders have closely studied the Midtown Manhattan Community Court and generally view it as a starting point for local planning. In addition, the Minneapolis Police Department has since implemented key law enforcement initiatives, similar to some of those that had been undertaken in New York City, to combat quality-of-life crime in those targeted neighborhoods, apparently with some early success.

This paper describes the Midtown Manhattan Community Court and discusses the applicability of the community court concept to Minneapolis’s situation. A list of recent legislation related to community court planning and implementation in Minnesota appears in Appendix A. To provide a context, Appendix B presents a synopsis of the New York City’s crime and policing situation.

## Quality-of-Life Crime: Definition

The term, “quality-of-life crime”—sometimes referred to as “livability crime” or “nuisance crime”—refers to relatively minor, nonviolent, illegal behaviors that collectively undermine people’s sense of well-being and public safety in an area. Generally, the term includes such violations as: street prostitution, minor drug dealing, loitering to solicit or commit prostitution or to buy or sell drugs, petty theft, aggressive panhandling, unlicensed vending, street gambling, turnstile jumping, vandalism, public urination, graffiti, littering, noise violations, and so on. Most such low-level crimes are legally defined as misdemeanors, petty misdemeanors, or ordinance violations. However, some might actually be gross misdemeanor or felony-level offenses, including for example, drug sales,<sup>1</sup> more costly acts of vandalism, and certain repeat offenses. Generally, only the lower level offenses would be handled by a community court.

## The “Broken Windows” Theory

Community courts are generally founded upon the “broken windows” theory of crime control and prevention. This theory first appeared in an article by James Q. Wilson and George L. Kelling, published in the *Atlantic Monthly* in March 1982, and has helped change the way that many justice system officials think about crime control.<sup>2</sup> In a June 1997 interview published in *Cops & Crime*, Wilson summarizes this theory as follows:

Our essential argument was that the police should take seriously signs of disorder in the community, because in communities that experience disorder, crime will follow as law-abiding people are driven from the streets by the signs of disorder, allowing criminals to take their place. . . . With the arrival of police departments that take signs of public disorder seriously, (and) that attempt to maintain the quality of life in public spaces by enforcing what appear to be even minor laws, we are keeping these streets available for law-abiding people and, by so doing, reducing the chances of them being used for crime.

Wilson was asked the following question.

One place that (has been) putting your theory into practice is New York City. How close has the implementation been to what you first imagined?

Wilson responded:

The New York City Police Department has followed the advice Professor Kelling and I gave, and added in many new features of its own. Part of our advice that they followed was to attempt to enforce the law more strictly with respect to public disorder offences. And so they have increased substantially their enforcement of laws that require people to behave properly in public, even if

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<sup>1</sup> In Minnesota, all illegal drug sales are felony-level offenses.

<sup>2</sup> Wilson, James Q. and George Kelling, “Broken Windows,” *Atlantic Monthly*, pp. 29-38, March 1982.

the laws only imply a misdemeanor offense.

To this they added some things that were quite new for the NYPD. They added a command-and-control system (COMSTAT) that effectively made precinct commanders responsible for all of the crime in their neighborhood, and by so doing gave each commander an incentive to try to do as much as possible to keep the streets clean. The NYPD has attacked street-level drug dealing, street-level gang activities, street-level gun carrying; it has attacked graffiti and related problems. By so doing, it has improved the quality of life in public spaces, and as a consequence of that, has reduced the opportunity for people lingering in public spaces to become involved in criminal activity.

While Wilson and Kelling refer primarily to law enforcement strategies in describing their broken windows theory, they acknowledge that for deterrence to occur, prosecutors and courts must follow through by holding offenders accountable for their violations. However, given heavy prosecutorial caseloads and court calendars that are often burdened with more serious crimes, quality-of-life crimes often get dismissed and, thus, go unpunished in regular courts. Community courts, in contrast, are designed to exclusively handle targeted quality-of-life crimes and, consequently, can provide a more thorough and consistent handling of such cases.

## **The Quality-of-Life Crime Situation in Minnesota**

In Minnesota over the past decade, there has been a growing frustration among some citizens and state and local officials with what they view as a continual erosion of public safety due to increased crime in the state. Indeed, whereas the index crime rate<sup>3</sup> for the nation as a whole has been steadily declining since its 1991 peak, the index crime rate in Minnesota as a whole, and in Minneapolis in particular, has not shown any persistent decrease during the past decade (see Figure 1). Of course, the frustration relates to the level of crime, as well as to crime trends. Figure 1 additionally reveals that the crime levels are particularly high in the state's two principal cities, particularly Minneapolis.

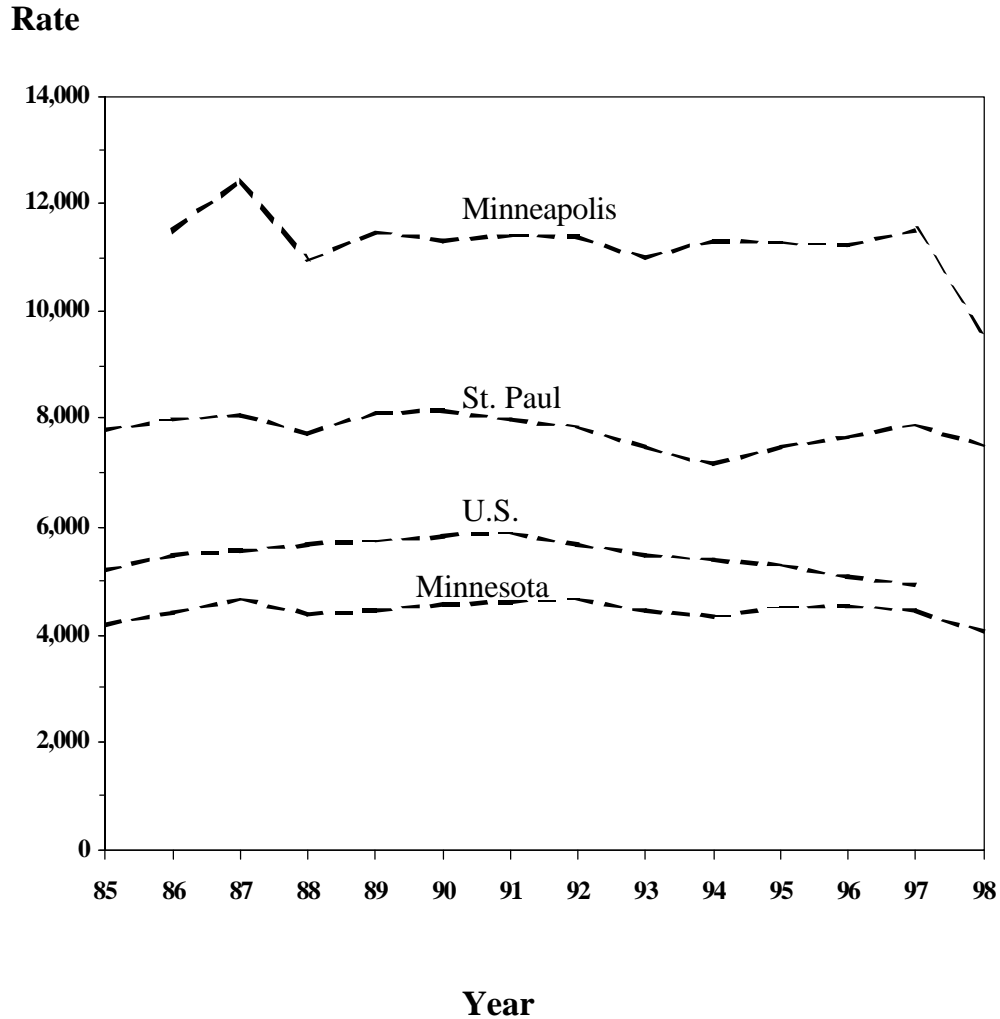
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<sup>3</sup> The seven-factor crime index prepared for reporting under the FBI's annual Uniform Crime Report includes four types of violent crime—murder, rape, robbery, and aggravated assault—as well as the three types of property crime—burglary, larceny-theft, and auto theft. Arson, another type of property crime is included in the FBI's *modified* crime index. These eight types of crime are collectively labeled “Part I crimes” by the FBI. All remaining crimes are categorized as “Part II crimes.”

Figure 1

### Index Crime\* Rates in the U.S., Minnesota, Minneapolis and St. Paul 1985 to 1998

(Rate per 100,000 Population)



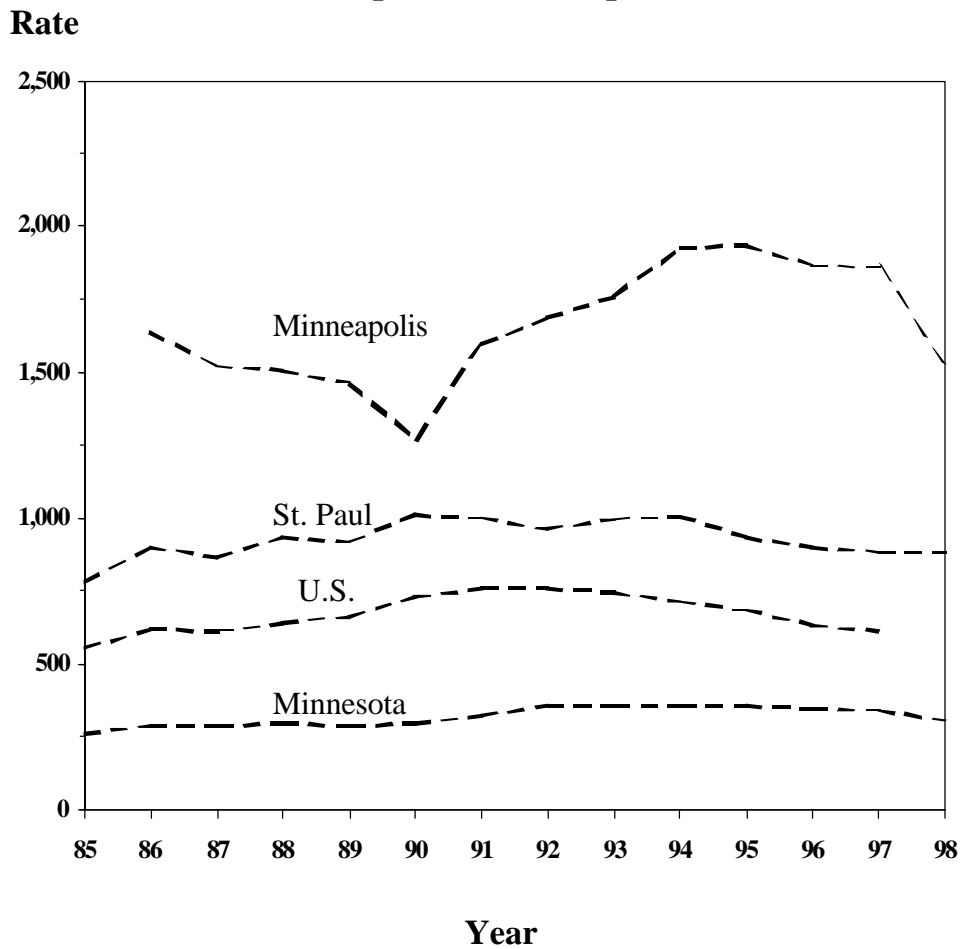
\*Index crime, as defined by the FBI, comprises seven types of Part I crime, including four types of violent crime—murder, rape, robbery, and aggravated assault—and three types of property crime—burglary, larceny-theft, and motor vehicle theft (but not arson, the eighth type of Part I crime).

Source: MN Bureau of Criminal Apprehension; MN Demographer; US/DOJ/BJA, Sourcebook of Criminal Justice Statistics

Focusing on only the rate of violent crime—which is a subset of index crime—reveals an even greater relative preponderance for Minneapolis when compared to St. Paul, Minnesota, and the nation (see Figure 2).

Figure 2

**Violent Crime\* Rates in the U.S., Minnesota, Minneapolis and St. Paul  
1985 to 1998  
(Rate per 100,000 Population)**



\*According to the FBI's Uniform Crime Report, violent crime includes murder, rape, robbery, and aggravated assault.

Source: MN Bureau of Criminal Apprehension; MN Demographer; US/DOJ/BJS, Sourcebook of Criminal Justice Statistics.

The FBI's crime rates discussed above and illustrated in Figures 1 and 2 measure the more serious, generally felony-level, types of crime (i.e., Part I crimes). The FBI does not collect comparable information for the less-serious crimes; thus, national comparisons for Part II crimes are not available. However, such information is available through the Minnesota Bureau of Criminal Apprehension (BCA) for Minnesota and most of its localities.<sup>4</sup> Those data reveal considerable growth in most types of Part II crimes during the past decade. Statewide, in the decade between 1987 and 1997, the Part II crime total increased by 39.4 percent, while population increased by 10.5 percent (see Table 1). Corresponding figures for Minneapolis are an increase of 2.3 percent for total Part II crimes and a decrease of 0.7 percent in population. Corresponding changes in the Part II crime rate itself (i.e., adjusting for population changes) were increases of 26.1 percent statewide and 3.0 percent in Minneapolis.

Part II Offenses	Minnesota			Minneapolis		
	Number	Percent	Change	Number	Percent	Change
	1987	1997		1987	1997	
Other Assaults	28,888	47,784	65.4%	3,113	4,620	48.4%
Forgery/Counterfeit	5,033	7,919	57.3%	577	433	-25.0%
Fraud	18,640	24,083	29.2%	52	222	326.9%
Embezzlement	19	21	10.5%	1	0	n.a.
Stolen Property	1,043	1,942	86.2%	236	593	151.3%
Vandalism	60,170	63,668	5.8%	588	1,315	123.6%
Weapons	3,123	4,153	33.0%	356	892	150.6%
Prostitution	833	1,218	46.2%	815	1,717	110.7%
Other Sex Offenses	5,643	3,932	-30.3%	257	110	-57.2%
Narcotics	4,540	13,210	191.0%	564	3,048	440.4%
Gambling	46	154	234.8%	9	45	400.0%
Family/Children	4,046	5,428	34.2%	8	36	350.0%
DWI	33,496	30,359	-9.4%	2,414	1,319	-45.4%
Liquor Laws	8,323	15,293	83.7%	1,624	2,507	54.4%
Disorderly	32,096	48,474	51.0%	1,932	2,719	40.7%
Vagrancy	0	389	n.a.	0	208	n.a.
Other (except traffic)	21,599	49,193	127.8%	11,712	5,033	-57.0%
<b>Total</b>	<b>227,538</b>	<b>317,220</b>	<b>39.4%</b>	<b>24,258</b>	<b>24,817</b>	<b>2.3%</b>
<b>Population</b>	<b>4,214,000</b>	<b>4,658,000</b>	<b>10.5%</b>	<b>364,593</b>	<b>362,090</b>	<b>-0.7%</b>
<b>Part II Crime Rate</b>	<b>5,399.6</b>	<b>6,810.2</b>	<b>26.1%</b>	<b>6,653.4</b>	<b>6,853.8</b>	<b>3.0%</b>

Source: MN Dept. of Public Safety, Bureau of Criminal Apprehension: Minnesota Crime Information 1997, Tables 10 and 13, and supplementary information.

<sup>4</sup> One must be cautious when making comparisons based on the frequencies or rates of Part II crime, since the reports of many less-serious crimes are often "enforcement driven"—that is, the occurrence of the crime often results in a formal report (and, thus, a statistical counting) only when an arrest is made (as in a case of prostitution, for example). Thus, increased enforcement directed at Part II crimes might actually make it appear that such crime is on the increase when, in fact, it might be unchanged or decreasing.

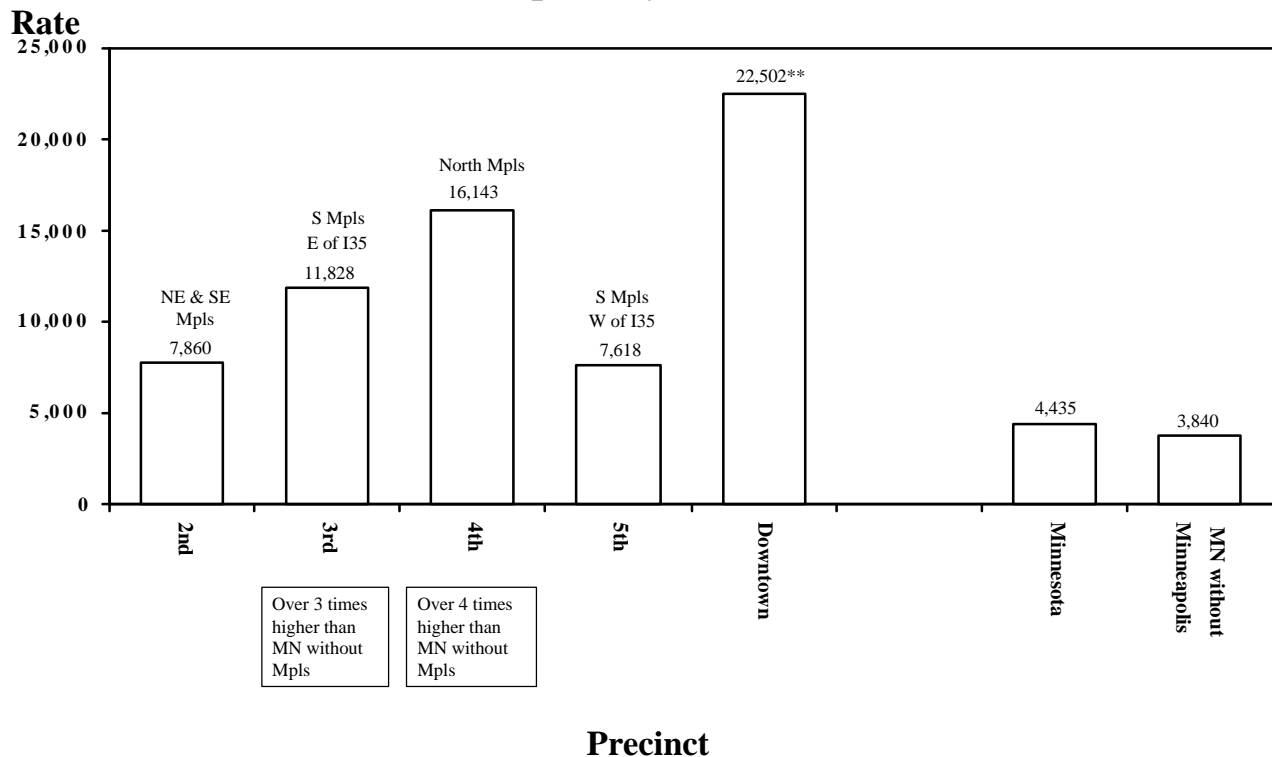


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Of course, just as crime is not uniformly distributed across the state, neither is it typically spread evenly throughout a city. According to the Minneapolis Police Department, the city's low-income residential neighborhoods suffer particularly high rates of both serious and less serious crime. This is illustrated, in part, by Figures 3 and 4 which graphs the index crime rate and the violent crime rate by police precinct within Minneapolis. Precinct 3 (i.e., south Minneapolis, south of I-94 and east of I-35) and Precinct 4 (i.e., north Minneapolis, north of I-394 and west of the Mississippi River), for example, show particularly high rates of serious crime.<sup>5</sup>

Figure 3

### 1997 Index Crime Rate per 100,000 Inhabitants for Minneapolis by Police Precinct



\*Index crime, as defined by the FBI, includes seven types of Part I crime: murder, rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft (but not arson).

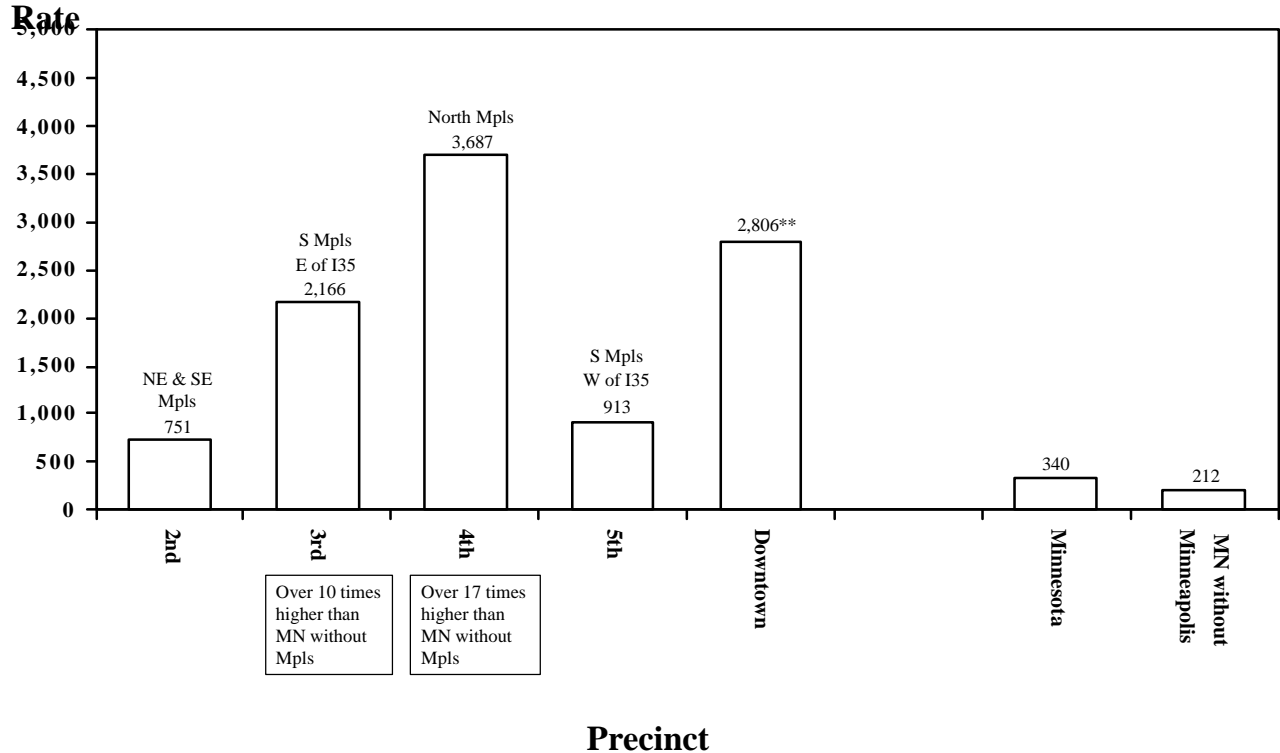
\*\*The downtown rate is distorted by the fact that the large number of workers and visitors from outside the city may be involved in crime, but are not counted as inhabitants.

Sources: Information for this graph was provided by the Minneapolis Police Department and the Downtown Council; further assumptions and calculations were made by House Research.

<sup>5</sup> The graph shows an even higher crime rate for the Downtown Precinct. However, that figure is likely to have been significantly overestimated due to the fact that the denominator for the rate calculation includes only the resident population, whereas a high proportion of the crime in the Downtown Precinct is likely to involve (as either perpetrators or victims) people living outside the downtown area or entirely outside the city. This statistical artifact, of course, affects to some degree the rate calculations for nearly any small area—including most precincts, as well as for the city as a whole, whether for Minneapolis or any other major city.

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Figure 4  
**1997 Violent Crime Rate per 100,000 Inhabitants\***  
**for Minneapolis by Police Precinct**



\*Violent crime, as defined by the FBI, includes four types of Part I crime: murder, rape, robbery, and aggravated assault.

\*\* The downtown rate is distorted by the fact that the large number of workers and visitors from outside the city may be involved in crime, but are not counted as inhabitants.

Sources: Information for this graph was provided by the Minneapolis Police Department and the Downtown Council; further assumptions and calculations were made by House Research.

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## Some Recent Responses by State and Local Bodies

There have been several actions over the past couple of years in response to the developing quality-of-life crime issue in Minneapolis. Some of those responses have involved increased law enforcement. The city of Minneapolis, for example, has increased hiring to expand the Minneapolis Police Department (MPD) from approximately 950 to nearly 1,200 officers. In addition, in January 1998 the MPD implemented CODEFOR—a program involving a computerized management information system that enables the department to geo-track crime

trends and deploy enforcement resources in a very targeted and timely manner.<sup>6</sup> Finally, during the early summer of 1998, the MPD conducted a concentrated enforcement program aimed at street prostitution and street drug dealing in targeted neighborhoods of the city. One immediate effect of these efforts has been a sharp increase in arrests in the city, triggering the MPD and the Hennepin County Sheriff's Department to quickly seek and receive increased funding to expand their capacity for booking arrestees and rent additional jail space from other counties to handle the overflow at the Hennepin County Jail.

Other recent responses involve increasing the resources for prosecuting misdemeanor crimes within the city. For example, in its 1998 omnibus crime bill the legislature increased certain court processing fees, with the expectation that the city of Minneapolis would use its increased revenues to hire approximately five additional city prosecutors.<sup>7</sup> Another 1998 legislative enactment—the Community Right to Know Act—appropriated \$100,000 to Minneapolis and directed the city and the Hennepin County Court to begin collecting and publishing certain information regarding crime and its handling within Minneapolis.

Another response is aimed directly at the development of community courts. On February 20, 1998, the Minnesota Supreme Court kicked off a community court planning effort within its Fourth Judicial District (Hennepin County); that planning is by now well underway, and implementation is expected to begin in late 1999 or early 2000.

In response to these developments, the 1998 Legislature appropriated \$400,000 to the Minnesota Supreme Court, with \$200,000 each for Minneapolis and St. Paul to develop community courts. This decision was stimulated by the rapidly growing attention to the quality-of-life crime problem in the inner cities, and by the rapidly developing interest in community courts as a potential solution. The 1999 Legislature appropriated an additional \$65,000 and \$110,000 for each year of the 2000 and 2001 biennium to Minneapolis and St. Paul, respectively, for community courts in those cities. (Appendix A describes these and other recent legislative enactments related to quality-of-life crimes issues and justice system capabilities.)

Private industry has also expressed strong commitment by launching Minnesota HEALS (Minnesota for Hope, Education, Law and Safety), a private-public partnership to address quality-of-life issues within the Twin Cities, primarily Minneapolis. HEALS was initiated in February 1997 by several major area businesses and includes representatives from a few dozen key public

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<sup>6</sup> CODEFOR in Minneapolis is based on New York City's COMPSTAT system, implemented in 1992 in New York City by the then police commissioner, Bill Bratton, and his assistant, Jack Maples. COMPSTAT is currently widely regarded as a brilliant and innovative policing tool with broad applicability and, along with other innovative policing reforms initiated by Commissioner Bratton, is credited with a broad-based and sharp reduction in crime trends throughout New York City during the 1990s.

<sup>7</sup> In Minnesota, the respective city attorney's office is responsible for prosecuting misdemeanor-(and most gross misdemeanor) level crime cases, while the county attorney's office prosecutes felony-level (and some gross misdemeanor-level) crimes. In most other states, both misdemeanor and felony crimes are the combined responsibility of the district attorney (DA).

agencies and several not-for-profit service agencies.<sup>8</sup> One proposal under consideration by HEALS is for the participating businesses to provide the leadership and some technical guidance for more fully integrating the state and local criminal justice data systems being maintained by over 1,100 public agencies and offices in Minnesota. Currently, no public agency has the authority or can provide the leadership to effectuate such systems integration on a statewide basis. The 1999 Legislature appropriated \$1 million to the Department of Public Safety for making grants to at least two cities for planning or implementing a criminal justice information system (CJIS) targeted toward statewide adoption and integration; business representatives affiliated with HEALS lobbied for this appropriation and pledged their support to the data integration planning efforts.

## **The Midtown Manhattan Community Court<sup>9</sup>**

The Midtown Manhattan Community Court is a small, decentralized unit of New York City's Manhattan district court that was created in 1993 by the New York State Unified Court System and the Fund for the City of New York. It is designed to be responsive to community concerns about crime and disorder, take advantage of community resources, use community organizations to establish new adjudication options, and maintain a dialogue with the community. Essentially, the Midtown Community Court is an innovative system for providing swift and certain consequences to any defendant arrested for a targeted quality-of-life misdemeanor crime within the court's catchment area.<sup>10</sup> The court embodies a restorative justice approach, by relying

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<sup>8</sup> The HEALS initiative involves over 60 businesses, public agencies, foundations, and nonprofit organizations, including: such private firms as Honeywell, 3M, Allina Health Systems, General Mills, Medtronic, and Hubbard Broadcasting; such state departments and offices as the Minnesota Departments of Corrections and Public Safety, and the Attorney General's Office; such county and city offices as the Hennepin County Sheriffs, the county and city attorney's offices, the Minneapolis Police Department, the mayor's office, the city council and the Minneapolis public schools, as well as similar Ramsey County and St. Paul city offices; and such foundations and not-for-profit agencies as The Minneapolis Foundation, the Minneapolis Council of Churches, Lake Street Partners, The City, Turning Point, Weed and Seed, and Youth Trust.

<sup>9</sup> Information in this paper about the Midtown Manhattan Community Court is drawn from three sources: 1) the U.S. Department of Justice (DOJ) web site (<http://www.communitycourts.org>), describing the Midtown Manhattan Community Court in Times Square, which was developed with some assistance from the DOJ's Bureau of Justice Assistance (BJA); 2) a comprehensive evaluation report for the Midtown Manhattan Community Court by the National Center for State Courts (NCSC), entitled *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court* (1997); and 3) personal observations during a site visit to Manhattan and the court, as well as discussions with Ms. Jimena Martinez and her colleagues at the Center for Court Innovation (212-373-8098), a private nonprofit organization that assists the New York State Court with innovative court projects. Corroborating evidence of the court's reputation and effectiveness also was obtained during approximately 18 hours of nighttime ride-alongs by the author with NYC police in two Manhattan precincts.

<sup>10</sup> The court's catchment area for most misdemeanor crimes includes the Clifton, Chelsea, and Times Square neighborhoods, all in the vicinity of Times Square in central (i.e., Uptown) Manhattan. More specifically, the court's catchment area comprises three precincts—i.e., Midtown North, Midtown South, and the Tenth Precinct—which in 1992 accounted for fully 43 percent of the misdemeanor arrests made in all 21 Manhattan

heavily on alternative sentencing to community service, as well as on the coordinated delivery of social services to offenders and sometimes victims. Offenders must be willing to plead guilty to the charged offense at the initial arraignment to effectuate adjudication at the community court and, thus, to avoid being referred for processing at the more traditional, centralized “Downtown Court.”<sup>11, 12</sup>

## Purpose

The Midtown Community Court was designed to address two principal problems that justice experts often recognize as existing in many traditional courts:

1. **The failure to recognize the community as a victim.** Although the occasional, major felony-level crimes usually receive the greatest publicity in any locality, criminologists increasingly acknowledge that low-level crimes and public disorders are particularly damaging to a community because they undermine people’s sense of safety and well-being on a daily basis, and because they often lead to more serious crimes. Ultimately, such quality-of-life crime and disorder can destroy a neighborhood or city by driving out many law-abiding and safety-minded residents, businesses, shoppers, and visitors.<sup>13</sup>
2. **The failure to ensure consequences for misdemeanor crimes.** The criminal justice system is often ill-equipped to deal with a large volume of low-level crime. With the prosecutor’s office attending to more serious crime, many low-level crimes go unprosecuted and, thus, unpunished. When such crime is prosecuted, judges often lack suitable alternative punishments for quality-of-life cases, sometimes being forced to choose between jail, a fine, or essentially nothing. Often, the process of arrest and arraignment is the only punishment (i.e., inconvenience) an offender experiences. The seemingly speedy return of offenders to the street disheartens both the complaining citizens and the arresting

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precincts. In addition, the court is responsible for handling prostitution crimes throughout Manhattan.

<sup>11</sup> The principal court building in Manhattan is located at 100 Centre St. in lower Manhattan and is referred to as the “Downtown Court.” The Midtown Community Court itself is located at 314 West 54<sup>th</sup> St., just off Broadway Avenue, near both the theater district and Central Park. Times Square is at 42<sup>nd</sup> and Broadway.

<sup>12</sup> The NCSC evaluation of the Midtown Manhattan Community Court covers the first 18 months of operation and utilizes three types of data and analysis: 1) quantitative analysis of the data bases maintained by the Midtown Community Court and the Downtown Court; 2) a series of individual and focus group interviews with community leaders, residents, local police, and other criminal justice officials designed to review expectations about the court’s potential impact on community conditions and to track perceived changes; and 3) urban ethnography, involving observations of and interviews with offenders, designed to document changes in levels of offending and to review perceived reasons for market changes involving illicit activity in the court’s catchment area. See: NCSC, *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court* (1997).

<sup>13</sup> The NCSC evaluation report notes that, “Studies by the Commonwealth Fund and the Manhattan Institute showed that 59 percent of people who left New York in the early 1990s did so to improve their quality of life.” See: Horowitz, C. *New York Magazine*, Oct. 15, 1993: 58-64.

police, eventually dissuading aggressive enforcement which, in turn, increases social disorder and community decay.

The Midtown Manhattan Community Court addresses these joint problems through aggressive prosecution of all misdemeanor crimes under its jurisdiction, and by aggressive use of community service work projects and targeted social services in sentencing offenders, with incarceration for the most persistent and serious offenders.

## **Types of Cases Handled**

The types of misdemeanor crimes handled by the Midtown Community Court are those that the court regards as most related to the general quality of life in the community, such as: prostitution, loitering to solicit prostitution or drugs, petty larceny, turnstile jumping, unlicensed vending, minor assault, disorderly conduct, panhandling, criminal trespass, sidewalk gambling, graffiti, vandalism, and unsolicited window washing (i.e., “squeegeeing”).<sup>14</sup> However, not all types of misdemeanor cases are handled at the community court; for example, most assault cases are routinely referred to the Downtown Court to provide the prosecutor time to interview the victim. Furthermore, under New York statutes nearly all drug trafficking offenses are felony crimes and, thus, are beyond the jurisdiction of the Midtown Community Court.

## **The Defendant Population**

The defendant population at the Midtown Community Court is predominantly male (74 percent),<sup>15</sup> primarily composed of racial/ethnic minorities (83 percent), relatively uneducated (44 percent with less than a high school education), substantially unemployed (73 percent), and partly homeless (9 percent at time of arrest and another 9 percent previously). Fewer than one-third (29 percent) of defendants self-report prior drug or alcohol use within the past few days; this figure might reflect under-reporting, and also reflects the fact that drug trafficking constitutes felony-level offenses in New York, which are beyond the jurisdiction of the community court (i.e., a screening-out effect). Approximately 40 percent of defendants at the court have a record of prior convictions; of those defendants, 32 percent have had five or more prior misdemeanor convictions and 45 percent have had one or more prior felony convictions.

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<sup>14</sup> Unlicensed vending often involves the selling of stolen property or inferior goods. Panhandling often becomes a “shakedown” in which the targeted citizen becomes fearful of resisting the request for money in exchange for some unwanted trinket. Sidewalk gambling in Manhattan typically involves “three-card monte,” a con game. Squeegeeing—the unsolicited washing of the windshield of a vehicle while it is stopped in traffic or at a red light, with the expectation of payment for the “service”—is generally regarded as a form of petty extortion, since failure to “donate” the customary fee (generally ranging from a quarter to a dollar) often results in an angry outburst by the squeegee man and sometimes in vandalism to one’s vehicle. Squeegee men are generally assumed to be homeless and chemically dependent.

<sup>15</sup> The proportion of defendants at the Midtown Community Court who are female is higher than in Manhattan as a whole (26 percent vs. about 15 percent), due to the long-standing concentration of prostitution in that area.

Overall, defendants at the Midtown Community Court experience a range of social and economic problems and needs, involving such areas as language, housing, health, job training, and employment. Some needs are particularly related to offender subgroup—for example, a need for English classes for the unlicensed Senegalese vendors who live and work in Midtown; a need for education about HIV and other sexually transmitted diseases among the customers of Midtown prostitutes; and a need for referrals to battered women’s shelters among prostitutes beaten by their pimps.

## **The Process**

Upon apprehension for a quality-of-life crime, offenders are either: 1) summarily arrested and detained until arraignment (for offenders with outstanding warrants, or upon commission of certain offenses, such as prostitution); or 2) given a “desk appearance ticket” or DAT (for offenders with identification and no outstanding warrants). The court is open during the day Monday through Friday, but not on weekends. Thus, it does not accept defendants summarily arrested between Friday noon and Sunday noon; these cases are arraigned at the Downtown Court. For defendants who have been summarily arrested and thus detained, arraignment generally occurs on the same day or the following morning, for an average of about 16 to 17 hours following arrest.

Defendants given DATs (nearly two-thirds of the total arrestees) are generally scheduled to appear for arraignment about three weeks later; however, about half of these defendants fail to appear in court, resulting in a warrant being issued for the absconder’s arrest. Thus, while defendants with DATs account for roughly two-thirds of arrestees, they constitute only about half of those being arraigned at Midtown Community Court.

The court arraigns more than 60 defendants per day, or more than 300 per week and 16,000 per year. A public defender is provided to any qualified defendant, which includes the overwhelming majority. During the first 18 months of the court’s operation, 73 percent of its cases were disposed of at arraignment. The remainder of cases arraigned by the Midtown Court (27 percent) are adjourned for disposition at the Downtown Court;<sup>16</sup> of these defendants, only about 5 percent are detained pretrial, while about 77 percent are released on recognizance and 18 percent are released on bail. Fewer than 1 percent of all misdemeanor cases go to trial in New York City.

## **Case Tracking**

The court’s innovative computer system is the key to case tracking and integrated case

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<sup>16</sup> For example, although relatively few defendants charged with assault fail to appear at arraignment (since most are summarily arrested and detained until arraignment), the vast majority of these cases are adjourned and re-referred to the Downtown Court because of the need for an interview with the complaining witness.

management by all court officials. As in other courts, the pretrial agency interviews each defendant prior to arraignment and makes a release recommendation to the judge. At Midtown, two things are different. First, questions regarding housing, employment, financial status, health, and substance abuse have been added to the interview. Second, this additional information is available to the judge through the court's computer system. Judges are able to conveniently call up this information on a computer screen while the defendants are before them, to individualize release conditions and sentences.

Prosecuting and defense attorneys have access to the same information that the judge sees. Such information enables prosecutors to monitor defendants' sentences to ensure that they are being carried out, while also enabling defenders the opportunity to request the appropriate social services for their clients.

For any defendant sentenced to drug treatment, the court's case manager keeps in the court's computer system a detailed record of the defendant's progress, including attendance at treatment and drug test results. This information is readily available to the court and caseworkers.

Police are also linked to court computers which enable them to check the outcome of each case, including whether the community service was completed. If the defendant fails to show up for an assignment, a warrant is immediately issued by the court for the person's arrest, thereby alerting the arresting officer. Such feedback permits tighter control over offenders, while motivating officers by informing them of the consequences of their enforcement efforts.

## **Case Dispositions**

Of the Midtown Community Court cases disposed of at arraignment, more than two-thirds (69 percent) were disposed of through a guilty plea. The remainder were dismissed (3 percent) or continued for dismissal (28 percent) with conditions (typically, that defendants have no new arrests within six months and, sometimes, that they perform a prescribed community service or receive a prescribed social service). Fully 98 percent of defendants with prior convictions and 69 percent of defendants who are detained following arrest receive convictions for the current offense.

## **Sentences and Sanctions<sup>17</sup>**

There is a growing trend among courts generally to expand the middle range of sanctions for low-level offenses, in order to provide consequences that are intermediate between nothing or a fine

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<sup>17</sup> In New York, conditions can be imposed for both defendants whose cases end in conviction and for cases that are adjourned in contemplation of dismissal (ACD). Technically, "sanctions" imposed in conjunction with an ACD are not "sentences" because defendants have not been convicted of a crime. In the present paper, this distinction is ignored and these terms are used interchangeably.



on the one hand and jail on the other hand.<sup>18</sup> The development of intermediate sanctions has been a priority of the Midtown Community Court. However, the court reports being “aware that defendants are likely to adjourn their cases to the Downtown Court if sentences are substantially more severe than ‘going rates’ Downtown.” Thus, the court has designed both community service and social service sentences that are graduated in length and intensity in order to scale the consequences to the offenses.

A large majority of cases disposed of at arraignment (77 percent) have received sentences of community service, social service, or both. The court uses information about a defendant’s problems to influence the nature of a particular decision (i.e., to “pay back” or “help”); information about the “weight” of a case (the charge and criminal history) to determine sentence duration; and information about the risk of non-compliance to influence the intensity of supervision (high or low community service supervision, alternative sanction or jail).

Community service sentences include such activities as painting over graffiti, cleaning up refuse on area sidewalks and curbs, maintaining sidewalk street beds, sorting used clothing, and assisting the court with its mass mailing operation for area not-for-profit organizations. Community service sanctions range from one to 15 days, with most being very short (61 percent for one day; 20 percent for two days; and 19 percent for three or more days). For offenders who abscond before completing their prescribed community service work, no credit is given for partial performance; a warrant is issued by the court, and upon rearrest the person is sentenced to carry out the full service from the previous conviction, as well as any new sentence for absconding.

Social service sentences include such compulsory activities as health education groups for prostitutes and their customers; treatment readiness programs for defendants with substance abuse problems; and counseling/case management sessions for individuals with special needs, such as street youth, the homeless, and the mentally ill. As with community service sanctions, social service sanctions tend to be brief (with 58 percent placed in single-session engagement groups; 17 percent in intermediate duration groups lasting two to six days; and 6 percent in long-term treatment/case management).

Finally, traditional fines and jail terms are also available for sentencing at the Midtown Community Court, although they are being imposed relatively infrequently (8 percent and 0.3 percent, respectively).<sup>19</sup>

## **Offender Accountability**

The NCSC data analysis revealed that, compared to the Downtown Court, sentencing at the

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<sup>18</sup> Generally, the imposition of “intermediate sanctions” has the beneficial effect of increasing the certainty of punishment, since judges are often reluctant to impose jail itself.

<sup>19</sup> Nevertheless, significant jail sentences are sometimes imposed by the court. For example, during a site visit to the Midtown Manhattan Community Court, the author observed the imposition of a 90-day jail sentence to a woman convicted of a multiple-repeat shoplifting offense.

Midtown Community Court involves far fewer “walks” (dismissals), far greater use of intermediate sanctions, and relatively fewer jail sentences and fines. Some elaboration may be helpful.

- **Offenders are being held accountable, with fewer dismissals and less jail time.** Sentencing at the Midtown Community Court is more than twice as likely as at the Downtown Court to involve “intermediate sanctions”—i.e., community service work and/or social service sentencing.<sup>20</sup> This finding resulted from: 1) fewer dismissals for all types of crime handled at the court; and 2) significantly fewer “short-term” jail sentences for petit larceny, prostitution, and turnstile jumping.<sup>21</sup> This was accomplished without increasing the rates of adjournments (i.e., case continuations) or failures-to-appear at arraignment.
- **Intermediate sanction compliance rates are higher.** At the Midtown Community Court, approximately 75 percent to 80 percent of defendants sentenced to community service work comply with their sentence, compared to about 50 percent of defendants similarly sentenced at the Downtown Court.<sup>22</sup>
- **Justice is swifter.** Arrest-to-arraignment time averaged 18 hours at the Midtown Community Court, reportedly much faster than at the Downtown Court. This was in a single shift per day, in contrast to the two-to-three shift arraignment schedule Downtown. Fully 40 percent of offenders sentenced to community service started that work on the same day or the day following conviction.<sup>23</sup>

## Impacts on Offenders

The NCSC evaluation reveals that not only are offenders being held more accountable through higher rates of conviction and sentencing at the Midtown Community Court, but that many of them are being meaningfully helped as well. Social service screeners are housed within the court

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<sup>20</sup> The comparative analysis reported by NCSC used sophisticated logit regression analysis techniques and is statistically controlled for charge type, criminal history, and other defendant characteristics. See: NCSC, *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court* (1997).

<sup>21</sup> Nevertheless, the average jail sentence at the Midtown Community Court was found to be longer than at the Downtown Court, leading to the conclusion that the Midtown Court is using alternative sentencing in lieu of short-term, but not long-term, jail sentencing.

<sup>22</sup> This comparison is somewhat tenuous, given the infrequent use of intermediate sanctions at the Downtown Court. Furthermore, the authors note that, due to limited data at the Downtown Court, this particular finding is based on analysis that was not able to statistically control for the effects of the criminal charge, the offender’s criminal history, or arrest type.

<sup>23</sup> This speed-of-adjudication finding applies to offenders who were summarily arrested and detained until arraignment at the Midtown Community Court (roughly one-third of the total). Arrestees given DATs upon arrest are released (typically, on recognizance) and appear for arraignment approximately three weeks later.

building and, beginning at the intake interview, defendants' needs are assessed and defendants are referred by the court to relevant service providers for drug treatment, health care, basic education and job training, domestic violence counseling, mediation, or other applicable services.

The court also provides outreach services in which social workers from the court cruise neighborhoods with local police familiar with neighborhood activities and hot spots, to encourage the homeless, prostitutes, and others to come to the courthouse, whether just for a bowl of hot soup or for social services.

## **Impacts on the Court Itself**

One key benefit of the Midtown Community Court to the court system itself is that it siphons off a significant number of cases (more than 16,000 per year) that would otherwise be referred to the much larger Downtown Court. Nevertheless, since the creation of the Midtown Court corresponded with a significant increase in police enforcement of quality-of-life crimes throughout New York City, the Midtown Court did not actually reduce caseloads at the Downtown Court; instead, it limited the logjam that would otherwise have occurred downtown. Thus, its creation has enabled the city's court system to keep abreast of its misdemeanor caseload surge since 1993.

Court officials also claim that the Midtown Community Court is helping to knit together what is all too commonly seen as the fractured criminal justice system. The Midtown Community Court is an official branch of the New York criminal court system, arraigning misdemeanor cases from Times Square and surrounding neighborhoods. The Midtown Court has multi-jurisdictional authority extending to civil and family court cases, in addition to low-level criminal cases. A specially designed, interactive computer system facilitates up-to-the-minute defendant tracking, as well as coordinated information exchange among judges, prosecuting and defense attorneys, caseworkers, the arresting police officer, and so on.

Court officials also tout the effectiveness of the Midtown Community Court in helping to bridge the gap between the court and the community which typically exists for large centralized courts. The court has striven to mobilize local residents, businesses, community organizations, and social service providers to collaborate with the criminal justice system in various ways. From the beginning, those entities were included in the planning of the Midtown Manhattan Community Court. Their opinions and suggestions were weighed heavily in such decisions as whether to create a community court, how to structure and where to locate the court, the types of crime the court should focus on, the emphasis on community service work for convicted offenders, identification of potential community service work projects, the design of methods for incorporating continuing community input into ongoing court operations, and so on.

Police, community officials, block associations, and merchants in Midtown play an active role at the court. By attending community meetings, sitting on the court's community advisory board, and meeting with the community ombudsperson, community members tell the court about concerns like where the current crime hot spots are located or what eyesores could be tackled by the court's restitution programs.

Of course, such capacity enhancement and other benefits are not without cost. Staff of the Center for Court Innovation cite the operational costs of the Midtown Community Court as being roughly \$1.5 million per year above the likely cost of handling its caseload in the traditional manner at the Downtown Court. Most of that cost is due to the additional personnel needed to run the Midtown Court. Additional startup costs were incurred, as well, particularly for the innovative computerized tracking system.

## Community Impacts

The NCSC report cites the following community impacts resulting from the operation of the Midtown Community Court.

- **Quality-of-life in the community has improved.** The NCSC study found considerable evidence that the quality-of-life conditions in Midtown have improved since the creation of the Midtown Community Court, particularly with regard to reduced street prostitution, illegal vending, and graffiti.<sup>24</sup> More recently, Disney Enterprises and other firms have invested heavily in the Times Square area, rehabilitating many old Broadway Avenue theaters, building major new luxury hotels, and so on.

Whereas just a decade ago, much of the Times Square area's nightlife and daytime traffic revolved around its many live-sex establishments, open street prostitution, drug trafficking, and other such activities, today its streets are crowded with legitimate working people and tourists during the day and families, young couples, and many Broadway theater-goers during the evening and early morning with little fear of crime victimization. By all accounts, the Times Square area is well on the rebound from its recent moribund condition.

- **The community is more involved.** Community members and organizations were welcomed as central advisors to the court during the planning period, as well as on an ongoing basis. Court staff and community groups collaborated to identify local quality-of-life problems and to develop ways to address them through community restitution and court-based services. The community advisory board functions as a two-way provider of information and ideas between the community and the court. In addition, the court has begun to provide court-based mediation of certain types of disputes among community groups.
- **There is growing recognition within the community that low-level crime victimizes**

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<sup>24</sup> NYPD data show that, as a result of increased enforcement and court handling of street prostitution, arrests for prostitution began dropping dramatically when the Midtown Community Court opened and continued to drop throughout the study period. By March 1995, two years after the court opened, prostitution arrests had decreased by 56 percent within the midtown area, with only a slight displacement to other areas of Manhattan. Ethnographic research involving observing and interviewing street prostitutes confirmed that due to increased enforcement by police and the courts, both prostitution supply and demand had been significantly reduced within the midtown area. See: *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court*, NCSC (1997): Ch. 7, Community Impacts.

**the community.** Community service work projects for offenders are explicitly designed to provide restitution to the community where the crime occurred. The court is also experimenting with community impact panels, modeled after victim-offender reconciliation panels, in which the discussions are designed to help offenders understand the effects of their actions on the community.

- **Enforcement is greater.** The court encourages enforcement of low-level offenses by demonstrating a commitment to take quality-of-life crime seriously. As part of this agenda, coordinating staff meet regularly with police precinct commanders, make presentations at precinct toll-calls, and provide police at all levels with quick and detailed feedback about case outcomes. In response, the police have initiated several actions regarding low-level crime, including enforcing bench warrants for repeat misdemeanor offenders who fail to appear at trial or for community service work, recommending community service projects, and drawing upon court-based social service staff to help solve local problems.
- **Justice is more visible to the community.** Visibility is being enhanced through the offenders' community service work, as well as through several efforts by the court, including: establishment of a community advisory board; hosting tours; holding community meetings; and garnering extensive media coverage of the court and its role and activities.

## Criticisms of the Midtown Community Court

It has been difficult to locate any critical evaluations of the Midtown Community Court. The voluminous documents that were reviewed for the present policy analysis by House Research were mostly prepared by the Center for Court Innovation,<sup>25</sup> the U.S. Department of Justice's Bureau of Justice Assistance, and the NCSC. For example, this paper frequently cites the quantitative information and interpretations published in the recent NCSC evaluation study.<sup>26</sup> That evaluation incorporated data from multiple sources and utilized appropriate research methods and analysis techniques in an apparently professionally neutral manner. It also incorporated findings and conclusions from an ethnographic study by researchers from John Jay College, which employed structured observations and in-depth interviews with local offenders. Nevertheless, it would appear that the NCSC study and the other sources share an interest in promoting the community court concept through highlighting the many strengths and accomplishments of the Midtown Court; that study makes little attempt to critique its findings. Any reader of the present document should remain mindful of that impression and of House Research's reliance on those sources.

When pressed to relate any criticisms they might have heard, planners at the Midtown Community

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<sup>25</sup> The Center for Court Innovation was created by the New York State Unified Court System and the Fund for the City of New York. The center was designed to foster and assess court innovation both locally and nationally. Center staff are currently involved in planning New York City's second community court, the Red Hook Community Justice Center, to be located in Brooklyn.

<sup>26</sup> See the full citations to the NCSC study in footnotes 9 and 12.

Court noted only that there has been some debate regarding whether the Midtown Court is an efficient use of resources given the resource needs elsewhere in the court system. The district attorney's office reportedly had opposed the development of the Midtown Community Court for two reasons. First, the DA questioned the fairness of lavishing resources on a single community, rather than working to improve outcomes and procedures at the Downtown Court; in the DA's view, the plan to develop a community court constituted pandering to business interests in the midtown area. Hopefully, this resource utilization question will be addressed in a second phase of the NCSC research which is focusing on the costs and benefits of the Midtown Court. Second, the DA challenged the equity of having sentence outcomes differ according to "geography" within the city. Apparently, the DA persists in these views. In addition, the DA criticizes the reduced use of jail sentences at the Midtown Court.

The Legal Aid Society had also publicly opposed the development of the Midtown Community Court. Apparently, the defense bar raised issues about the confidentiality of the expanded offender information that would be gathered and made available at the Midtown Court, as well as about the possibility that the use of intermediate sanctions would lead to a widening of the net in apprehending and prosecuting petty offenders. Over time, however, defense attorneys have grown to believe that their clients are benefitting from the expanded array of social service sanctions and the ready access to court-based services.

The NCSC study reports that most of the other participating groups—including judges, court staff, police officers, community leaders, and residents—all supported the development of the Midtown Court, though they were initially somewhat skeptical that it could actually do much to improve community conditions. Apparently, this skepticism has dissipated as each of these groups has seen improvements in the quality of life in the area.

## **Applicability to Minneapolis and Hennepin County**

The Midtown Community Court has generated considerable interest in replication, both within New York City and elsewhere. Planning is currently well underway, for example, for development of the Red Hook Community Justice Center in Brooklyn,<sup>27</sup> and feasibility studies are also underway for community courts in Upper Manhattan and Greenwich Village, among other local sites. In addition, the recently opened Brooklyn Treatment Court, a specialized drug court within the centralized Brooklyn Supreme Court, has adopted key components of the Midtown Court model. Several other cities—including Atlanta, Baltimore, and Philadelphia—are planning community courts based on the Midtown model. Still other cities—including Hartford, Chicago, Boston, and Portland—have expressed interest in developing community courts or have already done so. The BJA is providing some funding for some of these developments, and has strongly

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<sup>27</sup> The Red Hook area of Brooklyn is a geographically and socially isolated area with needs that are very different from those in the midtown area. Over 70 percent of residents in the Red Hook neighborhood live in public housing. Drug sales and drug use are rampant, and domestic violence and juvenile delinquency are far more prevalent than in Manhattan.

encouraged local court planners to think creatively in order to tailor any new community court to local conditions, interests, and resources.<sup>28</sup>

## **A Minneapolis Community Court**

As noted earlier, Minnesota's Fourth Judicial District, the Hennepin County Court, started its own community court planning effort on February 1, 1998. Several Hennepin County judges and court officials, as well as several state and local policymakers, have visited and studied the Midtown Manhattan Community Court to determine whether it could be regarded as a general model for a community court in Minneapolis. This planning effort is being coordinated by Judge Richard Hopper (Dakota County, retired), and it will need to address at least the following important issues and questions:

- funding amounts and sources for planning, implementation, and continued operation;
- whether it should be a separate facility or limited to a separate calendar;
- if a separate facility, its location within the city;
- defining its catchment area—citywide vs. one or more specific areas within the city;
- targeted crimes—all misdemeanor crimes vs. targeted misdemeanor crimes vs. inclusion of some felony-level crimes;
- its role as an arraignment (and plead guilty) court versus a trial court (i.e., coordination within the Hennepin County Court itself);
- adequacy of support within the judiciary, among policymakers, and within the community; and
- a startup strategy (full blown vs. phased in).

Each of these items is discussed in turn below.

## **Funding**

The court has received a number of planning grants, including the following: a 1998 legislative appropriation of \$200,000 for FY99 (see Appendix A); a 1999 legislative appropriation of

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<sup>28</sup> According to the NCSC report, the first contemporary community court was established by the Los Angeles Municipal Court in 1987 to hear nontraffic misdemeanor cases arising from the Hollywood Police Precinct. The Hollywood Court features alternative sanctions, including education and treatment; community restitution; recognition of the impact of highly concentrated prostitution markets on the neighborhood; and judge continuity across court appearances.

\$130,000 for FY00-01 (\$65,000 each year); a \$25,000 grant in 1998 from the Minnesota Department of Children, Families and Learning (CFL); and a \$300,000 federal pass-through grant from CFL for the current biennium (\$150,000 each year of FY00-01). The court has also submitted grant requests to the BJA and to the Minneapolis Foundation.<sup>29</sup> These funds are being used primarily to pay staff salaries, both for court personnel (i.e., Judge Hopper, one administrative assistant, and one research assistant,) and for a portion of the assistant city prosecutor(s) and district public defender(s) assigned to the community court calendar.

In addition to these planning grants and appropriations, development of the community court will require an additional investment of several million dollars (though the estimate has not yet been completed).<sup>30</sup> Judge Hopper notes that a community court is not an immediate cost-saver, nor is it necessarily a more efficient or easier approach in the long-run either; rather, it should be viewed as providing a means for handling a large quantity of quality-of-life crime cases that would otherwise generally be diverted by law enforcement, prosecutors, or the court itself. Any overall cost savings associated with the community court would come indirectly through the intended effect of enhancing the quality of life in the community, rather than directly through court efficiencies. The court is considering the possibility of proposing a city or county bond referendum to fund the community court development. The court is also hopeful that significant funding for development will be forthcoming from the county, state, federal government, and/or private sources.

## **Separate Calendar vs. Separate Facility**

Nationally, there are examples of each type of physical arrangement for community courts—i.e., a separate calendar within the regular court versus a separate facility. Advocates for the separate facility generally assert that this arrangement greatly facilitates the internal coordination of a community court, while simultaneously enabling it to forge closer relations with the community. Proponents of a separate calendar approach generally cite its greater cost efficiency.

Court planners are hopeful that the community court will be housed in a separate facility located within the community within a couple of years time. However, they recognize that the court may need to create and operate the community court for a time as a separate calendar at the centralized Hennepin County Courthouse in downtown Minneapolis. This arrangement as a separate calendar is expected to be more cost-effective during startup and would provide for some experimentation, the results of which would be helpful for designing any separate facility into which the community court might ultimately move. Nevertheless, the ultimate decision for a separate facility versus a separate calendar remains to be made.

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<sup>29</sup> The court has also approached HEALS for financial support, but was informed that HEALS does not view itself as a major funding organization.

<sup>30</sup> A court administrator notes that community courts such as that in midtown Manhattan and Hartford require an annual sustaining budget of roughly \$1 million or more.



## **Location**

This decision, too, has not been finalized. However, there is emerging consensus that the Third Police Precinct (south Minneapolis) may be the logical choice for placement of the community court if and when a separate facility becomes possible. The court intends to hold a number of community planning meetings to address this and related questions. The Fourth Police Precinct (north Minneapolis) would seem, on the basis of its crime statistics, to be equally deserving of a community court. The plan may need to provide a rationale for selecting one area versus the other and discuss whether the selection of either area implies the future need for a second community court in the other area.

## **Target Crimes and Catchment Area**

These decisions hinge in part upon the ultimate capacity of the community court. The Midtown Manhattan Community Court handles about 16,000 cases per year. The Minneapolis city attorney has noted that its own caseload (including misdemeanors of all kinds, but excluding traffic) totals roughly 35,000 cases per year citywide. This excess of possible cases over likely capacity suggests the possibility that the community court could target a selected subset of quality-of-life crimes and/or cases from a selected catchment area, both of which could be expanded as the community court gains experience and increases its proficiency.<sup>31</sup>

The question arises regarding whether it would be possible for the community court to effectively serve the entire city of Minneapolis while located in only a single neighborhood of the city. The great diversity of community courts throughout the nation suggests that, while there are likely to be tradeoffs to any particular court design, virtually any arrangement is possible provided that it is tailored to the needs and resources of the host city. Fortunately, with good public transportation throughout Minneapolis, virtually all parts of the city are accessible from any other part of the city. Nevertheless, there might well be limits to the size and scope of a community court that could operate to reduce effectiveness with overextension. The court needs to be, and is being, cautious in weighing the alternatives.

## **Coordination within the Hennepin County Court**

It is widely recognized that the planned community court would need to be coordinated within the larger Fourth District Court system itself. Chief considerations involve resource and personnel allocation. However, other considerations may be equally important. For example, unless use of community court is mandatory, there must exist within the court system a credible tier of sanctions in order for offenders to be willing to have their cases disposed of within the community court. If, for example, offenders perceive that they can get more favorable treatment at the downtown court (or on the regular calendar) than at the community court, then it is likely that

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<sup>31</sup> By way of comparison, the Midtown Manhattan Community Court processes targeted misdemeanor crimes from three of the 41 police precincts in Manhattan, as well as all prostitution cases from throughout Manhattan.

many will refuse to plead guilty at arraignment and will request an adjournment for continuation at the downtown court. Such continuations decrease the efficiency and effectiveness of the court system by log-jamming case processing while resulting in more case dismissals due to lost records, disappearing witnesses, and so on. Thus, for the community court to work efficiently and effectively, credible and firm outcomes must be likely at the downtown court.

## **Support for the Community Court**

There appears to be widespread and growing support within the judicial system for development of the community court within Minneapolis. Both the Minnesota Supreme Court and the Minnesota Legislature have already provided material and moral support for the project. The offices of the Hennepin county attorney and the Minneapolis city attorney have been highly encouraging and are planning for their own respective roles within the community court.<sup>32</sup> The Minneapolis Mayor's Office and the Minneapolis Police Department have also expressed interest in the community court concept. The state public defender, while expressing some concerns for the protection of defendants' rights within this type of court, also recognizes some of the claimed advantages for community courts. Thus, it is with growing consensus and support that the Fourth Judicial District Court proceeds with its planning for a community court within Minneapolis.

There appears to be a growing philosophical and programmatic emphasis within Minneapolis and Hennepin County generally and, to some extent, among other state and local policymakers, that is compatible with the principal goal of the planned community court—i.e., restoring public order and enhancing community development through a firm and fair application of justice, and effectively delivering social services and other needed community-based assistance, while simultaneously increasing community involvement. This emphasis is reflected in various ways in a number of recent and/or current initiatives, including but not limited to the following: the CODEFOR policing program; the COPS program (i.e., community-oriented policing); the Weed and Seed program; the Minnesota HEALS coalition; various violence prevention and prostitution recovery programs; the state and county sentence-to-service (STS) programs; enhanced probation officer funding; etc. This growing orientation, with its recognizable "community justice" elements, constitutes a generally compatible atmosphere in which to plan the community court in Minneapolis.

## **Experimental Startup of the Community Court**

To ease into community court development and gain valuable experience, the Fourth District Court began in June 1999 to conduct a separate community court calendar to handle certain low-level felony offenses involving property crimes from the Third Precinct (south Minneapolis), including burglary, criminal damage to property, arson, dishonored checks, fraud, forgery, vehicle

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<sup>32</sup> Whereas most states combine misdemeanor and felony prosecution responsibilities into a district attorney's office, in Minnesota misdemeanor prosecution is the responsibility of the city attorney, while felony prosecution is the responsibility of the county attorney. Nevertheless, an exception is made within rural counties where, by default, the county attorney often also performs the functions normally reserved for city attorneys.

theft, and so on. A range of selected misdemeanor offenses will be added soon. This community court calendar is held each Thursday afternoon, with Judge Hopper presiding. Initially, the number of cases being heard has been kept quite small, and most defendants plead guilty.

Nevertheless, the community court calendar is a full trial court.<sup>33</sup> This pilot startup period is scheduled to last through calendar year 2000.

An important goal for the community court during this pilot period is to develop effective inter-agency working relationships and procedures with relevant community corrections and social service agencies. Sentences at the community court typically include some period of incarceration in the county workhouse, which is often partially or wholly stayed pending satisfactory performance of an alternative sentence involving performance of required community service work and participation in any social services that the court may require.

An offender's community service work is organized and managed by the Hennepin County Department of Community Corrections (DOCC) under its sentence-to-serve program (STS), which has dedicated one of its 20 work crews specifically for offenders sentenced by the community court.<sup>34</sup> That crew is assigned to projects within the court's catchment area, the Third Precinct, where it has maintained city lots and community facilities under contract with the Minneapolis Community Development Agency (MCDA). Additional STS work crews will be created as needed to serve the community court.

The community court has arranged for social service delivery to sentenced offenders through Hennepin-Powderhorn Partners,<sup>35</sup> a coalition of several Hennepin County agencies.<sup>36</sup> Each of the participating agencies have committed one or more employees to serve together in a single location within the Third Police Precinct of south Minneapolis. This coalition of agencies provides services to offenders from the community court and their families, if any, as well as to

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<sup>33</sup> This is , in contrast to the Midtown Manhattan Community Court, which is limited to doing arraignments and either a) accepting guilty pleas and sentencing, or b) making referrals to the Downtown Court.

<sup>34</sup> According to its director, Bob Hunter, the DOCC's STS program was created in 1993 and has expanded sharply since January 1997. Currently, the program involves 20 separate work crews that cycle through an estimated 5,600 offenders per year, with an average of 76 work crew days during its standard seven-day week. The crews provide services such as landscaping, lot cleanup and maintenance, park maintenance, graffiti removal, and so on, under contract to a range of Hennepin County agencies and private businesses. Initially, the STS program filled its work crews with offenders who were serving sentences in the county workhouse; however, it abandoned this practice based on concerns from the Association of County Correctional Workers that guards should accompany all inmates while out on the work crews. Currently, many Hennepin County judges are sentencing offenders directly to STS, often instead of probation or incarceration.

<sup>35</sup> This organization was formerly named the "Neighborhood Collaborative."

<sup>36</sup> The Hennepin-Powderhorn Partners organization includes one or more representatives from each of the following Hennepin County agencies: Adult Services, Child and Family Services, Community Services, Office of Economic Assistance, Health and Human Services, Training and Employment Services, Veterans Services, and Community Corrections.

other needy residents of the area.

The Hennepin County Department of Community Corrections (DOCC) has assigned two probation officers to the Hennepin-Powderhorn Partners. The caseloads of these officers include all probationers residing in the area, including those sentenced by the community court. These officers perform pre-sentence investigations, appear in court with the assigned offenders, and provide follow-up supervision over them. These probation officers collaborate closely with the social service providers in the Hennepin-Powderhorn Partners, as well as with their colleagues in the DOCC who manage the STS work crews, to ensure that the offenders receive both the required supervision and the needed social services.

## **Conclusion**

On the basis of the preceding discussion, the creation and implementation of an effective community court in Minneapolis is complicated. With significant support from his colleagues and management in the Hennepin County Court, Judge Hopper and his staff have been working steadily to define and resolve the many questions and issues involved in this effort. The recent implementation of the pilot community court calendar will undoubtedly help to sharpen the issues and highlight the remaining needs, while providing all the players with the opportunity to develop and integrate their roles as they gradually escalate the community court caseload. Clearly, these accomplishments represent significant progress in the development of a community court in Minneapolis. Nevertheless, it remains to be seen whether and how the Minneapolis Community Court develops beyond the pilot stage, with success hinging on the continued support of the Hennepin County Court, Hennepin County, the city of Minneapolis, the Minnesota Supreme Court, and other state and local policymaking bodies. Given the complexity of the task of creating any such community court, unified support from these sources is clearly necessary for success.

## **Addendum: The Ramsey County/St. Paul Community Court**

With the assistance of state community court funds, the Second Judicial District (Ramsey County) also created a community court, which began operating in January 1999, to address quality-of-life crime issues in various St. Paul neighborhoods. The Ramsey County/St. Paul Community Court is designed as a separate calendar in the district court building located in downtown St. Paul. This calendar is conducted twice per week, with a maximum number of 30 cases per calendar or 60 per week. The community court targets misdemeanor cases that are regarded as affecting neighborhood quality-of-life, including prostitution, loitering to solicit, theft, disorderly conduct, and other such offenses. Felony defendants, as well as misdemeanor defendants opting for trial (i.e., unwilling to plead guilty), are screened out and directed onto regular court calendars. Thus, the community court is essentially a “plead-guilty” court for misdemeanants charged with livability crimes.<sup>37</sup>

Typically, the convicted misdemeanants are sentenced to three to five days of community work service in the neighborhood where they offended. Most such work service is performed on sites like empty lots or corner parks, and is supervised by a representative from the local block club, a charitable organization, or the St. Paul Weed and Seed Program. Offenders must sign in and out with the volunteer supervisor to receive credit for the work service. Typically, an offender will chose to work off his or her sentence at the rate of one day per week, since most offenders are employed full-time.<sup>38</sup> Usually, there is more than one offender at a time laboring on a work site.<sup>39</sup> Some offenders sentenced by the community court—i.e., those deemed to be less trustworthy or who have committed more serious offenses—are required to perform their community service under the county’s sentence-to-serve program (STS), which provides closer supervision by a full-time county work supervisor.

A small percentage of sentences meted out by the community court include other conditions of probation, such as chemical dependency treatment, periodic reporting to a probation officer, and “john school,” a community justice forum in which patrons of prostitutes hear from former prostitutes, community members, police, and public health specialists about the effects of their prostitution-related crimes.

Judge Cohen, chief judge of the Second District Court and the principal organizer of the Ramsey County/St. Paul Community Court, and other participants in the effort express considerable

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<sup>37</sup> Cases are screened for inclusion only with prior agreement to one of the three following outcomes: a guilty plea; a continuance for dismissal; or diversion into Project Remand. Each of these outcomes involves significant mandatory community service work.

<sup>38</sup> At the time of this writing, there were 153 “active” community court cases, in which the convicted offenders had not yet completed their work-service sentences. In order to minimize stigmatization, offenders are not identified by any particular clothing or in any other formal way while performing their community service work.

<sup>39</sup> The Ramsey County Community Corrections agency manages or oversees all probation services for offenders sentenced by the community court, including the community work service activities, the STS program, and any other conditions to which offenders may be sentenced.

enthusiasm about the apparent success of the court to date. However, Judge Cohen has cautioned that without additional funding, this court will need to shut down at the end of the fiscal 2000-2001 biennium. He explained that the community court was conceived and created in response to an unexpected legislative appropriation of \$200,000 for fiscal year 1999 (see Appendix A).<sup>40</sup> He noted that most of that amount has been directed toward covering the additional salary costs incurred by the collaborating authorities in the community court effort, including the St. Paul city prosecutor, the second district public defender, and the Ramsey County Community Corrections Agency. Apparently, it was the shared expectation of these offices that state funding would continue at the level of that initial appropriation. Thus, the additional legislative appropriation of \$220,000 for the fiscal year 2000-2001 biennium (\$110,000 per year; Appendix A) has been perceived by the court as “nearly a 50 percent funding cut.”

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<sup>40</sup> The initial funding proposal introduced during the 1998 legislative session proposed a \$200,000 appropriation for fiscal year 1999 for the startup of a community court in Minneapolis (i.e., Hennepin County, the Fourth Judicial District). Then, late in the session, the proposed amount was doubled to \$400,000, with half being directed to the Second Judicial District for creation of a community court in St. Paul (i.e., Ramsey County; see Appendix A).

## Appendix A: Recent Enactments Related to Community Courts in Minnesota

### 1997 Legislation

The 1997 omnibus crime bill ([Laws 1997, ch. 239](#)) contained a number of provisions dealing with the quality-of-life/nuisance crime problem, as follows.

- **Grants for restorative justice pilot projects.** [[Laws 1997, ch. 239, art. 1, sec. 12, subd. 4](#)]

Appropriates \$50,000 in FY98 to the Department of Corrections (DOC) for grants for such projects. (The second year appropriation was removed in the first special session.)

- **Definition of “Restorative Justice Program.”** [[Laws 1997, ch. 239, art. 2, sec. 11](#)]

For purposes of the grants from DOC above, a “restorative justice program” is defined as a program that provides forums that may be an alternative to prosecution where certain individuals charged with committing a crime meet with the victim, the victim’s family members or other supportive persons (if appropriate), the offender’s family members or other supportive persons (if appropriate), a law enforcement official or prosecutor when appropriate, and members of the community in order to:

1. discuss the impact of the offense on the victim and the community;
2. assign an appropriate sanction to the offender; and
3. provide methods for reintegrating the offender into the community when the offender is from the community.

- **Quality-of-life Crime Legislation.** [[Laws 1997, ch. 239, art. 3, sec. 9](#)]

This provision increases penalties for the following misdemeanor crimes:

1. Prostitution;
2. Motor vehicle tampering;
3. Damage to property;
4. Dangerous weapons; and
5. Violations of local ordinances prohibiting the unlawful sale or possession of controlled substances.

The legislation strengthens enforcement and accountability in two ways. First, it provides greater control upon the arrest of a repeat offender. If there is reason to believe that a suspect has a prior conviction for any of the above misdemeanor crimes, the arresting officer is authorized to take the person into custody when rearresting that person for any of the above crimes. Custody is ordinarily not authorized upon arrest for a misdemeanor crime. Second, the legislation enhances to the gross misdemeanor level any third or subsequent arrest for any of these crimes.

- **Grants to Courts for Innovative Projects.** [[Laws 1997, ch. 239, art. 1, sec. 12, subd. 4](#)]

This legislation appropriates \$700,000 in each year of the biennium (\$1.4 million total) to the DOC for making grants to judicial districts for implementing innovative projects to improve the administration of justice, including but not limited to drug courts, night courts, community courts, family courts, and projects emphasizing early intervention and coordination of justice system resources in the resolution of cases.

## 1998 Legislation

The 1998 omnibus crime bill contained a number of provisions related to community court planning and development, as follows.

- **\$400,000 appropriation to begin the establishment of community courts.** [[Laws 1998, ch. 367, art. 1, sec. 2.](#)]

This is a one-time appropriation in FY99 to the Minnesota Supreme Court, to be split equally between the Fourth and Second Judicial Districts—i.e., Hennepin County (Minneapolis and suburbs) and Ramsey County (St. Paul, primarily)—for use in the establishment of community courts.

- **Community Right to Know Act, with \$100,000 appropriation for Minneapolis City Attorney.** [[Laws 1998, ch. 367, art. 1, sec. 2; and art. 2, sec. 29.](#)]

This legislation directs the city of Minneapolis, Hennepin County, and the Hennepin County District Court to collect, maintain, and report certain crime and certain criminal case processing information for crimes occurring within Minneapolis. To the extent practicable, this information must be stratified by neighborhood. The legislation includes a one-time appropriation of \$100,000 for FY99 to the supreme court for making a grant to the Minneapolis City Attorney to implement this data reporting requirement.

It is expected that this information will highlight the types and locations of crime that are particularly deleterious to the quality of life in Minneapolis neighborhoods, and also reveal how that crime is being handled by the justice system within the city. It is conceivable that such information might be used in the design and siting of one or more community courts within the city, as well as in any subsequent evaluations of them.



- **\$200,000 for community justice system collaboration team in the judicial branch.** [[Laws 1998, ch. 367, art. 1, sec. 2.](#)]

This appropriation is intended to enable the supreme court to create a six-person court services team of experienced, multi-skilled court and social science professionals to provide implementation assistance for statewide multi-disciplinary programs and policies and other specialized assistance to local courts. The team will manage complex legal and social services projects that identify and organize court and community resources to respond to court-community problems, such as domestic violence, drugs, decaying housing stock, quality-of-life crimes in the inner city, violent juvenile crime, and neglected children.

This appropriation is for FY99, and it will increase the supreme court's base budget for future years.

- **Amendment to base court fees on "charges" instead of "cases."** [[Laws 1998, ch. 367, art. 8, sec. 7.](#)]

A provision of the omnibus crime bill amends the statute governing certain court fees to base their assessment on "charges filed" instead of "cases." This significantly increases fee revenues for cities (for charges pertaining to violations of city ordinances) and counties (for all other charges), since many cases involve multiple charges. The amendment directs that any additional money received by the city of Minneapolis as a result of this legislation must be used to provide additional funding to the city attorney, and that this funding may not be used to supplant existing funding.

Although this legislation does not explicitly address the establishment of community courts, it is highly relevant to the underlying issue of providing more certain consequences for misdemeanor crimes occurring within the city. While the Minneapolis City Attorney's Office is currently unable to provide much data to assess case processing within that office, recent partial data released by that office suggests that over half of the misdemeanor cases referred to it are being dismissed or continued for dismissal. This situation contrasts markedly with the handling of misdemeanor crime in the Midtown Manhattan Community Court catchment area, for example, where nearly all misdemeanor cases are vigorously prosecuted. It is expected that the additional resources will enable the Minneapolis City Attorney's Office to significantly enhance its rate of prosecution. Presumably, the office will then have resources to assign one or more attorneys to any new community court that might soon be established in the city.

## 1999 Legislation

The 1999 omnibus crime bill contained the following provisions related directly or indirectly to community court planning and development.

- **\$350,000 appropriation for community courts.** [[Laws 1999, ch. 216, art. 1, sec. 4.](#)]

This appropriation provides \$65,000 in each year of the FY00-01 biennium to the Fourth Judicial District (Hennepin County) for use in salary costs related to establishment of the community court in Minneapolis, and \$110,000 in each year to the Second Judicial District for the continued operation of the community court calendar in Ramsey County (St. Paul). A rider for this appropriation also requires a quarterly report from the Fourth and Second Judicial Districts describing how the appropriation was spent and reporting on the cooperation received from relevant criminal justice agencies and any other county units of government.

- **\$4,738,000 appropriation for new judgeships.** [[Laws 1999, ch. 216, art. 1, sec. 4.](#)]

This appropriation adds 13 new judge units during the biennium to five targeted judicial districts, including two in the Fourth Judicial District, without which the Minneapolis community court effort may have been unfeasible. A judge unit consists of a judge, law clerk, and reporter.

- **\$1 million appropriation for criminal justice information system integration (HEALS).** [[Laws 1999, ch. 216, art. 1, sec. 7, subd. 6.](#)]

This appropriation is earmarked to support the development and/or implementation costs for a criminal justice system integration plan, expected to begin in Hennepin County and possibly Ramsey County (i.e., the Commissioner of Public Safety must award at least two separate grants). This legislation also directs the commissioner to consider using federal Byrne grant money to pay for some of these costs. Depending on how it is developed, such an integrated system could be very helpful for administering a community court in the recipient counties.

- **\$500,000 appropriation for COPS grant program.** [[Laws 1999, ch. 216, art. 1, sec. 7, Subd. 6.](#)]

This appropriation is for continuation of a community-oriented policing grant program aimed at increasing the number of law enforcement officers available to investigate or prevent juvenile crime, to perform community-oriented policing, or to work overtime in high crime areas. Funding for this program is distributed statewide, though a significant share is expected to be directed to Minneapolis.

- **\$100,000 appropriation for teen prostitution grant program.** [[Laws 1999, ch. 216, art. 1, sec. 7, subd. 6.](#)]

\$50,000 each year is for grants to organizations committed to intervention and prevention of teen prostitution. Most of the grant applicants serve the inner-city areas of Minneapolis and St. Paul.

- **\$795,000 appropriation for CODEFOR in Hennepin County.** [[Laws 1999, ch. 216, art. 1, sec. 7, subd. 6.](#)]

This appropriation is for a one-time grant to Hennepin County to implement a coordinated criminal justice system response to CODEFOR law enforcement strategy undertaken by the Minneapolis Police Department which began in January, 1998.

- **\$420,000 for Hennepin County Public Defenders Office for CODEFOR.** [[Laws 1999, ch. 216, art. 1, sec. 7, subd. 6.](#)]

This appropriation is a one-time grant to enable the Office of the Fourth Judicial District Public Defender to adapt to the increased caseload resulting from the CODEFOR policing strategy in Minneapolis.

- **\$300,000 for Weed and Seed grants.** [[Laws 1999, ch. 216, art. 1, sec. 7, subd. 6.](#)]

\$150,000 each year is for continuation of the Weed and Seed grant program to eradicate violent crime, illegal drug activity, and illegal gang activity in targeted neighborhoods, and to economically and physically revitalize those neighborhoods. At least 50 percent of this funding must be awarded to Minneapolis and St. Paul.

- **\$1.25 million for the Weekend Camp Program at Camp Ripley.** [[Laws 1999, ch. 216, art. 1, sec. 7, subd. 6.](#)]

This legislation transfers this program from the Department of Corrections to the Department of Public Safety, and appropriates \$625,000 each year for its operation. It also directs the DPS to expand the program to serve up to 500 youth each year. Many of the youth it serves are from economically disadvantaged inner-city areas of Minneapolis and St. Paul.

- **\$600,000 for Women Leaving Prostitution Residential Program.** [[Laws 1999, ch. 216, art. 1, sec. 8, subd. 3.](#)]

\$300,000 each year is for grants to nonprofit organizations proposing to develop and operate residential programs for women leaving prostitution. It is expected that this crime victims' assistance program would serve primarily inner-city areas.

## Appendix B: Crime and Policing in New York City, A Synopsis

In *Turnaround*, a newly published book recounting the policing changes that have helped to reverse most crimes trends in New York City during the mid-1990s, former NYPD Police Commissioner Bill Bratton describes the situation of lawlessness and fear that existed in the city by the early 1990s.<sup>41</sup>

New Yorkers wanted a way out of the danger and lawlessness they saw around them. They couldn't walk from their apartments to the subway without getting aggressively panhandled or threatened or worse—"Hey, hey, hey, mister, gimme a quarter. That the best you got?" They couldn't walk to work without seeing men and women using the streets and sidewalks as outdoor toilets. They couldn't stop their car at a traffic light without some guy smearing their windshield with a filthy rag and demanding a dollar for his efforts. Squeegee men, these fellows were called, and to many people it seemed they just about ruled the city. . . . New York City felt it was under siege, and there was the widespread sense that no one was doing anything about it.

In 1990, shortly after he was elected, (the previous mayor) David Dinkins and his entire administration took a major hit when, in response to a particularly bloody week in the city, the *New York Post* ran this tabloid headline in huge type on its front page: "*DAVE, DO SOMETHING*". . . . *Time* magazine had a cover story in September featuring "The Rotting of the Big Apple." In response to this challenge, Dinkins increased the size of the city's three police departments by over six thousand officers.<sup>42</sup> But by 1994 (the year in which Richard Giuliani was elected to replace Mayor Dinkins), even this ongoing infusion of personnel hadn't seemed to help. There was a sense of doom on the streets.

As related in Bratton's book, it was into this "climate of danger and lawlessness" that Giuliani, a former federal prosecutor, was elected mayor in 1994, "largely on the quality-of-life and crime issues." Mayor Giuliani, impressed with Bratton's success in cleaning up the city's subway system during his three years as transit police chief, brought Bratton in as NYPD police commissioner to clean up the rest of the city. Bratton vowed to reform the department and to "take this city back for the good people who live here, neighborhood by neighborhood, block by block, house by house."

Working from a "broken windows" perspective,<sup>43</sup> Bratton brought a zero-tolerance approach to not only crime, but to social disorder as well, both within the NYPD itself (where significant corruption existed) and New York City generally. His leadership and success in cleaning up the dismal and dangerous NYC subway system was already legendary. As police commissioner,

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<sup>41</sup> *Turnaround: How America's Top Cop Reversed the Crime Epidemic*, by William Bratton, with Peter Knobler; New York: Random House (1998).

<sup>42</sup> The three departments are: the NYPD, the New York Transit Authority, and the New York Housing Authority. In 1995, the three separate departments were merged into a single department of 38,310 members, more than three times as large as any other police department in the country.

<sup>43</sup> Wilson, James Q. and George L. Kelling, "Broken Windows: The Police and Neighborhood Safety," in *Atlantic Monthly*, March 1982: pp. 29-38; and "Making Neighborhoods Safe," *Atlantic Monthly*, February 1989. Also see: Kelling, George, Catherine M. Coles, and James Q. Wilson, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities*.

Bratton quickly implemented his broken windows philosophy throughout the city and quickly won the respect of the department's rank and file for backing officers as they aggressively attacked crime and social disorder. Today his leadership, with Mayor Giuliani's backing, is widely credited with the significant and broad-based downturn in crime trends throughout the city since the mid-1990s.

It was in the general context of this emerging culture of zero-tolerance for public disorder—essentially the broken windows approach—that the Midtown Manhattan Community Court was created. What its creators were proposing was a precursor of the new philosophy and policies soon to be embraced and implemented, with broad public support, by the mayor's office and the NYPD. As the NYPD began to aggressively attack social disorder and sharply increase its arrest rate for misdemeanor crime, it became the role of the innovative Midtown Manhattan Community Court to ensure that all misdemeanants arrested within its catchment area would face consequences. With that concerted effort—involving the police, the court, city hall, and citizens—crime rates soon began to rapidly decline in New York City, and especially in midtown Manhattan, even as they continued to rise in most other large American cities (including Minnesota's Twin Cities).

Table B-1 displays the trend for Part I crimes in New York City over the past decade. These data reveal that the reversal and decline in serious crime actually began about 1989, thus predating the election of Mayor Giuliani and the appointment of Commissioner Bratton. Thus, Bratton appears to have overstated somewhat the effectiveness of his own police reforms, while minimizing the contributions of his predecessors. Nevertheless, the data reveal that the decline in crime which began during the administration of Mayor Dinkins dove during 1995 and 1996, which were Commissioner Bratton's years at the helm of the department.

Table B-1 <b>Reported Serious Crime Incidents in New York City                  1984 to 1997</b>		
	<b>Index Crime*</b>	
	<b>Number</b>	<b>Percent Change</b>
1984	600,216	n.a.
1985	601,467	0.2%
1986	635,199	5.6%
1987	656,505	3.4%
1988	718,483	9.4%
1989	712,419	-0.8%
1990	710,222	-0.3%
1991	678,855	-4.4%
1992	626,182	-7.8%
1993	600,346	-4.1%
1994	530,120	-11.7%
1995	444,758	-16.1%
1996	382,555	-14.0%
1997	355,893	-7.0%

\*Index crime consists of murder, rape, robbery, and aggravated assault (violent crimes), as well as burglary, larceny-theft, and motor vehicle theft (property crime). The eighth type of Part I crime, arson, is not include in the crime index.

Source: U.S. Dept. of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, Table 3.113.

House Research Department