

Specialty Courts & Community Justice

THE PROBLEM

America's enormous inmate population is of increasing concern to policymakers across the country. While most of the discourse about incarceration focuses on federal and state prisons, local jails are also overcrowded. From 2011-2012, local jails admitted 11.6 million people, and had an average daily population of about 736,000 a day.¹ With the national recidivism rate at 57%, many of these inmates are repeatedly shuffled through the system.² And, like federal and state prison populations, the local jail population tends to be disproportionately minority. While blacks only comprise 13% of the national population, they account for 37% of those in local jails.³

The effect on local budgets is also massive: for local governments with limited resources, sustaining such imprisonment levels is simply untenable. In Maricopa County, which includes **Phoenix**, the jail budget increased 106% between 1999 and 2009. **Philadelphia** spends seven cents out of every tax dollar on holding people in jail. That is more than it spends on anything other than police and human services, and about the same amount spent on streets and health departments combined.⁴

THE SOLUTION

One way that local governments can help address the issues that lead to criminal activity without needlessly relying on incarceration is to implement specialized courts that are focused on addressing community-specific challenges. Unlike more traditional courts, specialized courts usually center on one type of offense or offender and are incorporative of other social service providers.

POLICY ISSUES

COMMUNITY COURTS: Since the first community court was founded over twenty years ago, these specialized systems have played a critical role in addressing criminal activity, instituting alternative sanctions, and defraying the massive costs of criminal justice involvement. Some community courts



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— Bureau of Justice Statistics,
Jail Inmates at Midyear 2012 (2013)

focus on an entire city or county, while others center on a neighborhood, but all seek to address the issues that lead to criminal behavior, while engaging the community and imposing logical sanctions.

Courts often mandate participation in both restorative community service and individualized services, including counseling, treatment, and other programs. Each court creates innovative approaches to help problem-solve in communities where the same issue tends to repeats itself. Ultimately, the most important thing about community courts is that they are “shaped by the unique political, economic, and social landscapes in each community.”⁵

In **New York City**, the Harlem Community Justice Center's programs include Attendance Court, which focuses on chronically truant students and parents. Bronx Community Solutions provides all judges with a number of options, such as addiction counseling and treatment, job training, family services, and help with mental health issues. In **Atlanta**, the Reunification Program assists homeless defendants who want to be re-connected to family or other support outside of the city by making connections and providing access to transportation.⁶

DRUG COURTS: Over the past thirty years, the criminal justice system has treated drug addiction as a criminal offense rather than a health concern. Drug courts seek to reverse that tide by connecting drug offenders with treatment and judicial monitoring.

When implemented correctly, drug courts are better able to reduce recidivism and treat addiction. The National Institute

of Justice found that participants are less likely to abuse drugs (56% vs. 76%) and less likely to test positive (29% vs. 46%) than comparable offenders in traditional courts. Additionally, according to the Center for Court Innovation, “drug court participants stay in treatment much longer than those entering it voluntarily.”⁷

And while the costs of treatment are typically higher for participants in drug courts, localities should see this as a worthwhile investment. With less recidivism, drug courts actually save about \$6000 per offender overall.⁸

REENTRY COURTS: Many Community Courts provide services for those who have been recently incarcerated. One way to assist this population is by implementing a Reentry Court.

Reentry Court provides support to parolees and others recently released from prison by providing consistent oversight and service provision. According to the Center for Court Innovation, the goal of Reentry Court is to provide stability by “helping them to find jobs, secure housing... and assume familial and personal responsibilities.”⁹ In many Reentry Courts, participants graduate from the program, providing a sense of accomplishment and accountability. However, they are still eligible for case management and social service assistance.¹⁰

A study of the Harlem Justice Center Reentry Court showed that parolees, including graduates and those who failed to graduate, were less likely to be rearrested and less likely to be reconvicted.¹¹

MENTAL HEALTH COURTS: Jails have been called the “new asylums” because of the high number of mentally ill inmates. In many states, funding has been cut for mental health services, leading to an increasing number being incarcerated. The Justice Policy Institute estimates that 6 out of 10 jail inmates suffer from a mental health problem. And according to the National Alliance on Mental Illness, only 40% of those mentally ill inmates report getting treatment while incarcerated.

Mental Health Courts focus on taking people who suffer



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– Center for Court Innovation, *Reentry Courts Looking Ahead A Conversation about Strategies for Offender Reintegration* (2011)

from mental illness out of the court system and into a more community-based treatment. By requiring close supervision by a judge and regular check-ins with the service providers associated with the court, mental health courts can support the mentally ill without needlessly punishing them for circumstances outside of their control.

LANDSCAPE AND RESOURCES

Above are just some of the examples of alternative courts available to local governments. For more information on specialty courts, please visit **The Center for Court Innovation**, the **Justice Policy Institute**, and the **Bureau of Justice Assistance at the U.S. Department of Justice**.

NOTES

1. Jail Inmates at Midyear 2012 - Statistical Tables, Bureau of Justice Statistics (May 2013)
2. Local Jails: Working to Reduce Populations and Costs, The Pew Charitable Trusts Philadelphia Research Initiative (2010).
3. Jail Inmates at Midyear 2012 - Statistical Tables, Bureau of Justice Statistics (May 2013)
4. Philadelphia’s Crowded, Costly Jails: The Search for Safe Solutions, The Pew Charitable Trusts’ Philadelphia Research Initiative (2010).
5. “What is a Community Court? How the Model is Being Adapted Across the US” Center for Court Innovation (2011).
6. Id.
7. Drug Courts an Effective Treatment Alternative, Center for Court Innovation (2004).
8. Multi-Site Adult Drug Court Evaluation, National Justice Institute (2011).
9. See <http://www.nadcp.org/learn/what-are-drug-courts/models>
10. See <http://www.courtinnovation.org/topic/reentry>
11. Reentry Courts Looking Ahead A Conversation about Strategies for Offender Reintegration, Center for Court Innovation (2011)

Local Progress is a national municipal policy network of local elected officials and partners who want to create more just and equitable cities. Our purpose is to build a broad network to support and learn from each other, share best practices and policies, and develop strategies for advancing shared goals.

The **Center for Popular Democracy** promotes equity, opportunity, and a dynamic democracy in partnership with innovative community-based organizations, elected officials, local and state networks, and progressive unions across the country. We work with our allies to design, pass, and implement cutting-edge state and local policies that deliver tangible benefits for working families.