

SPECIALTY COURTS & COMMUNITY JUSTICE

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—Center for Court Innovation, *Creating Off-Ramps: A National Review of Police-led Diversion Programs* (2016)

THE PROBLEM

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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. In 2015, local jails admitted 10.9 million people, and had an average daily population of about 728,000 a day.¹ With the national recidivism rate at 76.6%, many more than the majority of these inmates are repeatedly shuffled through the system.² And, like federal and state prison populations, local jail populations tend to be disproportionately people of color. While Blacks only comprise 13.2% of the national population, they account for 35% 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. Since 1983, the nationwide cost of local corrections—jail and communi-

ty corrections—has increased from \$6.8 billion to \$26.4 billion.⁴ A 2010 study found that **Philadelphia** spent seven cents out of every tax dollar on holding people in jail. That is more than it spent on anything other than police and human services, and about the same amount spent on streets and health departments combined. Smaller and mid-sized localities are suffering the most from the added burdens of these costs - a recent study by the Vera Institute found that the prison population in small and mid-sized counties was driving growth in the prison population nationwide.⁵

THE SOLUTION

Local governments are pursuing a range of policy solutions to help end the unabated growth of prison populations, from decriminalizing minor offenses to investing in alternatives to incarceration.

The **New York City** Council and Mayor’s office announced a plan to close the Rikers Island prison as part of a wide sweeping plan that will end the practice of imprisoning individuals who are awaiting trial and unable to afford their bail, which will save the city an estimated \$1.4 billion annually.⁶ Kim Ogg, **Houston’s** District Attorney has announced a marijuana diversion program that aims to reduce significantly the \$250 million that Houston spent over the last ten years prosecuting low-level possession cases. The program will divert marijuana possession cases and convictions away from local jails and into programs that process marijuana users quickly and leaves them with a clean record.⁷ A study from the Center for Court Innovation estimates that a similar program practiced on a wide scale in New York City could save up to \$45 million annually.⁸

Smaller municipalities have taken positive steps as well. **Hamden County, MA** was able to save \$16,000,000 annually by decreasing its incarcerated population.⁹

One important way 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 com-

munity-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: Community courts are neighborhood-focused courts that seek to use the justice system to solve local problems. They incorporate outside stakeholders such as residents, merchants, churches, and schools in an effort to bolster public trust in justice, while testing new approaches to reduce both crime and incarceration.¹⁰

Since the first community court was founded 23 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 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 repeat 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.”

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.

DRUG COURTS: Over the past thirty years, the criminal justice system has treated drug addiction as a criminal offense rather than a health concern. This practice has a massive economic cost for taxpayers. The Drug Policy Alliance reports that the US spends more than \$51 billion annually in the “war on drugs.”¹¹

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. A study of six drug courts by the Center for Court Innovation found that the courts reduced the recidivism rate by an average of 29% over three years.¹² Furthermore, the programs continued to have a positive effect beyond

the period of program participation, with recidivism falling by an average of 32% over the year “post-program”. Additionally, according to the Center for Court Innovation, “drug court participants stay in treatment much longer than those entering it voluntarily.” 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.¹³

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.” 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. 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.

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.¹⁴ And, according to the National Alliance on Mental Illness, 2 million people with serious mental illness are booked into jail every year, and only half of those mentally ill inmates report getting treatment while incarcerated.¹⁵ Mental Health Courts focus on taking people who suffer 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.

**INTERACTIVE CITATIONS AVAILABLE ONLINE AT
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