

EVERY REASONABLE CHANCE PLUS TWO:
HOW THE RED HOOK COMMUNITY
JUSTICE CENTER BRIDGES THE GAP
BETWEEN THE COMMUNITY AND
THE JUSTICE SYSTEM

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ABSTRACT

The following is excerpted from an article published by Fordham Law News:

Standing before Judge Calabrese is Sean Johnson (his name has been changed to protect his privacy). Over the years he has been in and out of Rikers Island and has been arrested multiple times, most recently for shoplifting.

Today, Johnson has come before Judge Calabrese not for arraignment or sentencing but to do his part to solve some of the problems that have kept him cycling in and out of prison. On this afternoon, he has tested drug-free after months of counseling and treatment.

“Mr. Johnson,” Judge Calabrese asks. “Is there anything you want to say?” Johnson shakes his head. “I just want to give you the chance,” he offers. “You’re the one who did the work.” Johnson laughs and smiles as [Judge] Calabrese continues.

“You said you could get drug-free and you did. And remember—you don’t need a case for us to help you. Just walk in the front door and we will help. We want you to be successful.” Johnson nods as [Judge] Calabrese calls him to the bench.

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Judge Calabrese's seat is at eye level rather than on a raised dais, so those coming before him don't have to look up at him. "I want to shake your hand," says [Judge] Calabrese, 65, reaching out to Johnson. "The case is dismissed. And you deserve a round of applause."

Everyone in court, including [Judge] Calabrese, lawyers, court officers, and those crammed into the five benches who are awaiting their own hearings, applauds loudly. Johnson beams and heads out to visit the job training office at the courthouse, one of a long list of social services offered on-site.¹

I. INTRODUCTION

Judge Alex Calabrese is the first and current presiding judge at the Red Hook Community Justice Center (the "Justice Center"). Judge Calabrese—along with social workers, drug counselors, educators, housing advocates, students, and supportive members of the community—have made it possible to protect the safety of the community, all while repairing the community's relationship with the justice system and providing offenders with necessary resources to heal.² Problem-solving courts, including community courts such as the Justice Center, are able to do so by rejecting a "one-size-fits-all approach to justice."³ By amplifying the voices of community members and recognizing that the community itself is an important stakeholder in criminal justice, problem-solving courts are uniquely tailored to address the particular criminal behavior that is threatening the individualized community and do so in a manner that improves the quality of life in the community as a whole.⁴

How the quality of life in communities is envisioned and achieved is for the community and its members to decide. Generally, there are two types of relationships that community courts, under the larger community justice model, aim to strengthen: (1) the relationship between the offenders and the community, to

¹ Helene Stapinski, *The Gift of a Second Chance*, FORDHAM L. NEWS (June 18, 2019), <https://news.law.fordham.edu/blog/2019/06/18/the-gift-of-a-second-chance/> [<https://perma.cc/G84M-BVNT>].

² *Id.*

³ ROBERT V. WOLF, PRINCIPLES OF PROBLEM-SOLVING JUSTICE, CTR. FOR CT. INNOVATION 7 (2007).

⁴ See Leslie Eaton & Leslie Kaufman, *In Problem-Solving Court, Judges Turn Therapist*, N.Y. TIMES (Apr. 26, 2005), <https://www.nytimes.com/2005/04/26/nyregion/in-problemsolving-court-judges-turn-therapist.html> [<https://perma.cc/MF3W-32QQ>].

which they belong; and (2) the relationship between the community members and the justice system.

Practitioners and supporters of community justice highlight the distant relationship between the justice system and its community members, which impedes the overall community's ability to thrive. Therefore, in an effort to bridge the gap between the justice system and its community members, including offenders, the Justice Center is motivated to change the perception of the justice system, which has traditionally been perceived as a remote and underserving institution.⁵ In order to prevent offenders from reacquainting themselves as defendants in court, the Justice Center gives an opportunity for offenders to meaningfully reflect on, and rectify, their actions. Rather than turning to incarceration as means to punish and reduce recidivism rates, Judge Calabrese embraces the value of offering a second chance, or rather, "every reasonable chance, plus two."⁶

This Article will examine how the Justice Center, as part of the community justice model at large, addresses and mends the relationship between community members and the justice system. To do so, the Article will be divided into the following parts: Part II will examine how the traditional criminal court's handling of criminal cases, especially those of low-level offenses, strains the relationship between members of the community as well as the relationship between these members and the justice system. The discussion of the challenges that traditional criminal courts face will provide a background to highlight the work of community courts, including that of the Justice Center. Part III will introduce community courts as an example of problem-solving courts, and will then discuss the broader theory of community justice. Part IV will explore the Justice Center as a prominent example of community justice. In discussing the goals and work of the Justice Center, this section will also explore theories of procedural and restorative justice. Lastly, Part V will conclude with a discussion of how fostering dialogue among members can create more equitable communities moving forward.

⁵ See Hon. Judith S. Kaye, *Rethinking Traditional Approaches*, 62 ALB. L. REV. 1491, 1494 (1999); see also Robert F. Worth, *New York Expands Experiment to Bring Courts and Communities Closer*, N.Y. TIMES (May 20, 2002), <https://www.nytimes.com/2002/05/20/nyregion/new-york-expands-experiment-to-bring-courts-and-communities-closer.html> [https://perma.cc/W2CF-YYMQ].

⁶ Jim Dwyer, *A Court Keeps People Out of Rikers While Remaining Tough*, N.Y. TIMES (June 11, 2015), <https://www.nytimes.com/2015/06/12/nyregion/a-court-keeps-people-out-of-rikers-while-remaining-tough.html> [https://perma.cc/BZ7X-S8XB].

II. WHAT IS WRONG WITH TRADITIONAL CRIMINAL COURTS?

The unification of the New York State court system in 1962 centralized criminal courts.⁷ While the goal of replacing the smaller localized courts with one criminal court in each borough was to promote efficiency, cases of low-level offenses were “legally disposed of,”⁸ with offenders pleading out and returning “right back to doing what had brought them to court in the first place.”⁹ As Chief Judge Judith S. Kaye of the State of New York puts into perspective:

[W]e are recycling many of the same people again and again, as their lives spiral downward. Like the child who grows up in the courts, graduating from neglect, to delinquency, to serious crime—from Family Court to Criminal Court. Like the abusive spouse who appears on an assault charge one day and a homicide soon after. Like the drug addict who after each court encounter returns to the same street corner and the same criminal conduct—for example, prostitution and shoplifting—to support a habit.

Conventional case processing may dispose of the legal issues in these cases, but it does little to address the underlying problems that return these people to court again and again.¹⁰

Therefore, while traditional criminal courts were successful in that they “duly ‘processed’” cases,¹¹ they have failed to keep individuals out of court.¹²

The pattern of repeat offenders entering and reentering the court system is referred to as the “revolving prison door” phenomenon.¹³ This phenomenon is a product of the theory that incarceration can correct the offender’s behavior. Specifically, the theory

⁷ See Herbert U. Feibelman, *A Unified Court System for New York*, 68 COM. L. J. 12, 12 (1963).

⁸ Judith S. Kaye, *Delivering Justice Today: A Problem-Solving Approach*, 22 YALE L. & POL’Y REV. 125, 131 (2004).

⁹ See Kaye, *supra* note 5, at 1493.

¹⁰ See Kaye, *supra* note 8, at 129.

¹¹ *Id.* at 131.

¹² DEREK DENCKLA & GREG BERMAN, RETHINKING THE REVOLVING DOOR, CTR. FOR CT. INNOVATION 4 (2001) (noting that, especially with offenders suffering from mental illness, the criminal justice system does not offer the support and structure that is necessary to stop the revolving door process, but rather, it leads to these individuals to go through “from street to court to cell and back again”).

¹³ See Kahryn Riley, *Why There’s a Revolving Prison Door*, MACKINAC CTR. PUB. POL’Y (Nov. 8, 2017), <https://www.mackinac.org/why-theres-a-revolving-prison-door> [<https://perma.cc/DK3P-AS4S>].

presumes that putting an offender in prison ensures public safety and, in the long run, warrants the offender's successful reentrance into society.¹⁴ According to this theory, as ex-offenders spend the appropriate amount of time in prison and reenter society, they transition and transform from criminals to productive members of society.¹⁵ If the consequence of incarceration is effective reintegration, there are economic incentives to do so as well. Under the presumption that incarceration achieves its proposed goals, ex-offenders will want to replace the time they would spend committing crime with time finding jobs and improving their lives financially. This, in turn, will have a positive rippling effect to the economic welfare of the community at large.¹⁶

However, the reality of incarceration yields a different outcome. Despite the theoretical goals of incarceration to successfully reintegrate offenders, the unfortunate truth is that incarceration only further isolates the offender from the rest of the community. Incarceration is not "the medicine that cures all ills,"¹⁷ and the current practices and realities of incarceration do not contribute to ensuring public safety.¹⁸ While incarcerating offenders who have committed serious crimes, such as murder, may achieve the goal of protecting the community from violence, incarcerating individuals for low-level offenses, such as writing a bad check, does not benefit

¹⁴ See John Eligon, *'It's a Slap in the Face': Victims Are Angered as Jail Free Inmates*, N.Y. TIMES (June 16, 2020), <https://www.nytimes.com/2020/04/24/us/coronavirus-jail-inmates-released.html> [<https://perma.cc/6GVT-UWW2>] (noting that public safety is often a concern when incarcerating defendants; and as such, the release of defendants into society is observed as a threat to the community); see also JEREMY TRAVIS, *BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY* XXI (2005) (noting that reentry is an unavoidable consequence of incarceration. Specifically, reentrance is not an option, goal, or a form of rehabilitation. Rather, it is a mere consequence that offenders face as they return to society after their prison sentence.).

¹⁵ See Jessica White DiVento, *Closing the Revolving Door: Variables that Contribute to Lower Rates of Recidivism in Prisons in the United States*, at 3 (2011) (Ph.D. dissertation, California Institute of Integral Studies).

¹⁶ See Richard Freeman, *Can We Close the Revolving Door?: Recidivism vs. Employment of Ex-Offenders in the U.S.*, URB. INST. REENTRY ROUNDTABLE DISCUSSION PAPER 2, 2 (2003) (noting that ex-offenders can alter their previous behavior by entering the job market upon their reentrance into society).

¹⁷ The New York Times Editorial Board, *End Mass Incarceration Now*, N.Y. TIMES (May 24, 2014), <https://www.nytimes.com/2014/05/25/opinion/sunday/end-mass-incarceration-now.html> [<https://perma.cc/AS85-7XRK>].

¹⁸ See Lauren-Brooke Eisen & Nimai Chettiar, *39% of Prisoners Should Not Be in Prison*, TIME (Dec. 9, 2016, 5:01 AM), <https://time.com/4596081/incarceration-report/> [<https://perma.cc/8FKB-2VAQ>] (noting that incarceration as a form of punishment "produce[s] little public safety benefits;" as compared to the little incarceration achieves, it punishes individuals by destroying relationships with families and communities).

the community in the same way.¹⁹ For one, writing a bad check does not surmount to the same kind of danger to the community as murder.²⁰ Studies have also found that incarceration for nonviolent low-level crimes “has, at best, only a small effect on crime. . . . As the prison population gets larger, the additional prisoner is more likely to be a less risky, nonviolent offender, and the value of incarcerating him . . . is low.”²¹ Additionally, despite the theoretical financial incentives of incarceration—namely, that incarceration converts the individuals from criminals to job-seekers once they leave prison—this hopeful presumption is rebutted by the fact that incarceration is costly.²²

Not only is incarceration extremely costly, but it is also counterproductive. Incarceration produces a “‘criminogenic’ effect,”²³ which refers to the idea that putting individuals in prisons encourages them to commit more crimes after release.²⁴ Therefore, contrary to the goals of incarceration—namely, to produce productive members of society who are motivated to find jobs instead of committing crimes—offenders in prisons “may build criminal ties[,] . . . lose their labor-market skills[,] and confront substantial obstacles to re-entry.”²⁵ Furthermore, in addition to the difficulties of finding employment and housing, as well as reconnecting with families, ex-offenders are encouraged to commit more criminal acts.²⁶ There are also long-lasting psychological impacts.²⁷ A common consequence of incarceration is depression and

¹⁹ *Id.*

²⁰ See James Gilligan, *Punishment Fails. Rehabilitation Works.*, N.Y. TIMES (Dec. 19, 2012, 11:43 AM), <https://www.nytimes.com/roomfordebate/2012/12/18/prison-could-be-productive/punishment-fails-rehabilitation-works> [<https://perma.cc/BQN6-3YRP>] (noting that the only rational justification for prison is to “restrain those who are violent from inflicting harm on themselves or others”).

²¹ Jason Furman & Douglas Holtz-Eakin, *Why Mass Incarceration Doesn't Pay*, N.Y. TIMES (Apr. 21, 2016), <https://www.nytimes.com/2016/04/21/opinion/why-mass-incarceration-doesnt-pay.html> [<https://perma.cc/HWK2-66EA>] (noting that, because incarceration rates are already high, additional incarceration has little deterrence effect).

²² See generally Lauren Jones, Sandra van der Huevel, & Amanda Lawson, *The Cost of Incarceration in New York State*, VERA (Jan. 2021), <https://www.vera.org/publications/the-cost-of-incarceration-in-new-york-state> [<https://perma.cc/7DDX-95FQ>].

²³ See Eisen & Chettiar, *supra* note 18.

²⁴ *Id.* (noting that individuals learn to become better criminals in prison).

²⁵ See Furman & Holtz-Eakin, *supra* note 21.

²⁶ See White DiVento, *supra* note 15, at iv–v.

²⁷ See Furman & Holtz-Eakin, *supra* note 21 (noting that “time in prison not only means a loss of freedom, but it also means a loss of earnings, risks to the health and safety of the incarcerated, and prolonged absences from family that can strain marriages and increase behavioral problems in children”).

other related mental health issues.²⁸ As a result, a cumulation of these challenges further “perpetuat[es] the cycle and the revolving prison door.”²⁹

The primary goal of incarceration—to promote and protect public safety—is conflated with the theory of punishment. It is not difficult to imagine the fear that community members, especially victims of the crime, experience at the thought of having the individual who caused them harm freely roaming around the streets.³⁰ However, incarceration is insufficient and counterproductive to achieving public safety. As previously mentioned, the experience of incarceration only encourages individuals to commit more crime, which eventually leads to the same offenders recycling through the justice system.³¹ Given the shortcomings of achieving public safety, it is evident that incarceration fails to meet its primary goals. However, if the goal of incarceration is to punish those who caused harm, that goal is achieved.

Punishing offenders isolates them from the rest of society.³² When offenders arrive in prison, they are immediately identified by their sentences and legal labels (such as their label as a defendant or an offender). The lack of human identification, coupled with the lack of empathy that prisons promote, creates a “culture focused on punishment instead of rehabilitation.”³³

The culture of punishment is centralized around correctional handling of individuals and is specifically premised on the “need to learn a lesson.”³⁴ Additionally, punishing the offenders is also a statement. It is a way to show that there is a “formal, forceful expression of apology” on behalf of the individual who harmed the victim.³⁵ Yet, when offenders feel punished and are treated vio-

²⁸ See generally Katie Rose Quandt & Alexi Jones, *Research Roundup: Incarceration Can Cause Lasting Damage to Mental Health*, PRISON POL’Y INITIATIVE (May 13, 2021), <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/> [<https://perma.cc/5TJU-NJZP>].

²⁹ See White DiVento, *supra* note 15, at 3.

³⁰ See Eligon, *supra* note 14.

³¹ See White DiVento, *supra* note 15, at 3; see also Darcel D. Clark et al., *Why We Need to Reform New York’s Criminal Justice Reforms*, N.Y. TIMES (Feb. 25, 2020), <https://www.nytimes.com/2020/02/25/opinion/new-york-bail-reform.html> [<https://perma.cc/D36W-Q3J7>].

³² Tina Bloom & G. A. Bradshaw, *Inside of a Prison: How a Culture of Punishment Prevents Rehabilitation*, PEACE & CONFLICT: J. PEACE PSYCH. 1, 2 (2021) (noting that prisoners are identified as “unlike ‘normal people’ because they partake in ‘criminological thinking’”).

³³ *Id.*

³⁴ *Id.*

³⁵ Vincent Chiao, *Mass Incarceration and the Theory of Punishment*, 11(3) CRIM. L. & PHIL. 431, 436 (2017).

lently, it propagates more violence. James Gilligan, a clinical professor of psychiatry and an adjunct professor at N.Y.U. Law, analogizes incarcerated individuals serving prison sentences to children who are punished from a young age. According to generations of research, when children are punished, it leads them to be more violent, both as children and as adults.³⁶ Further, when violence is used for revenge or to teach children a lesson, the only lesson that is learned is that inflicting pain is acceptable.³⁷ The same can be said about incarcerated individuals, especially those who have been incarcerated since a young age.³⁸ Research has supported that recidivism data do not support the belief that people who commit violent crimes ought to be locked away for decades for the sake of public safety. Broadly, “[t]he risk for violence peaks in adolescence or early adulthood and then declines with age, yet we incarcerate people long after their risk as declined.”³⁹

Even before offenders enter prisons, the semantics of labeling the individual as a perpetrator or a defendant stigmatizes and treats these individuals as outcasts from the rest of the community.⁴⁰ Labeling the offenders as defendants perpetuates the notion that they are dangerous and thereby a threat to society.⁴¹ Additionally, the process of how offenders appear in court is also a generally isolating experience. When defendants appear in front of a judge, they are identified by their docket number. It is also common in court proceedings that the offenders do not speak for themselves. Rather, a lawyer communicates on each individual’s behalf.⁴²

³⁶ Gilligan, *supra* note 20.

³⁷ *Id.*

³⁸ Jan Ransom & Bianca Pallaro, *Behind the Violence at Rikers, Decades of Mismanagement and Dysfunction*, N.Y. TIMES (Dec. 31, 2021), <https://www.nytimes.com/2021/12/31/nyregion/rikers-island-correction-officers.html> [<https://perma.cc/SZY8-CCY9>] (noting that the culture of violence perpetuated in prisons—for example, allowing guards to utilize violent tactics—creates a culture of brutality inside and outside of prisons).

³⁹ Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2022*, PRISON POL’Y INITIATIVE (Mar. 14, 2022), <https://www.prisonpolicy.org/reports/pie2022.html> [<https://perma.cc/5TL6-XKY7>].

⁴⁰ See David R. Karp, *The New Debate About Shame in Criminal Justice: An Interactionist Account*, 21 JUST. SYS. J. 300 (2000).

⁴¹ See DANIELLE SERED, ACCOUNTING FOR VIOLENCE: HOW TO INCREASE SAFETY AND BREAK OUR FAILED RELIANCE ON MASS INCARCERATION, VERA INST. JUST. 1, 4 (2017), <https://www.vera.org/downloads/publications/accounting-for-violence.pdf> [<https://perma.cc/2HNJ-XDV5>].

⁴² *C.f.* Eaton & Kaufman, *supra* note 4 (noting that traditional criminal courts differ from problem-solving courts, in that in problem-solving courts, judges have more information about the person appearing in court; additionally, defendants are referred to as clients and they can talk for themselves to the judges, rather than having his/her lawyer speak on his/her behalf).

Additionally, when the judge renders a decision, he/she speaks to the attorney, who then relays the information to the client.⁴³ Therefore, the treatment of offenders as an enemy of their community is further emphasized with the offender's experience in court, as the offenders are not treated as someone capable of making their own decision.⁴⁴

The discrepancy between the goals of incarceration and its realities can be in part due to the framing of rehabilitation. Rehabilitation has been traditionally and increasingly perpetuated within the framework of risk. Under the framework of risk, the treatment of offenders is understood to be "capable of protecting the public, reducing risk, and being more cost-effective than simple, unadorned punishment. Rehabilitation is thus represented as a targeted intervention inculcating self-controls, reducing danger, [and] enhancing the security of the public."⁴⁵ Under this framework, rehabilitation is more concerned with protecting the community and its members who have been or are under threat of danger, rather than focusing on treating and providing for the offenders.⁴⁶

The traditional criminal court's dismissal of low-level offenses with simple prison sentences also hinders the larger community's relationship with the justice system. The community is undoubtedly affected by criminal behavior, even that of low-level offenses. When considered individually, singular acts of vandalism, for example, do not seem to negatively impact the community at large. However, based on the "broken windows theory," even a single act can have a rippling effect on the safety of the whole community. According to social psychologists and police officers, "if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken."⁴⁷ This theory suggests that regardless of whether it is one broken window or multiple broken windows, the presence of even a single broken window indicates that the community does not care and that there are no consequences

⁴³ *C.f. id.*

⁴⁴ M. SOMJEN FRAZER, THE IMPACT OF THE COMMUNITY COURT MODEL ON DEFENDANT PERCEPTIONS OF FAIRNESS 1, 14–15 (Center for Court Innovation ed., 2006), https://www.courtinnovation.org/sites/default/files/Procedural_Fairness.pdf [<https://perma.cc/2GNT-DB27>] (noting that data show that clients in traditional criminal courts feel less respected and represented by their attorneys and judges).

⁴⁵ DAVID GARLAND, THE CULTURE OF CONTROL: CRIME AND SOCIAL ORDER IN CONTEMPORARY SOCIETY 176 (2001); *see also* FRAZER, *supra* note 44, at 15.

⁴⁶ GARLAND, *supra* note 45.

⁴⁷ George L. Kelling & James Q. Wilson, *Broken Windows: The Police and Neighborhood Safety*, ATLANTIC (Mar. 1982), http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/?single_page=true [<https://perma.cc/WBC2-5WFW>].

of breaking windows.⁴⁸ As a result, this psychologically creates an incentive for other members of the community to break windows, and to do so without the fear of consequences.⁴⁹ As expected, this theory is not limited to broken windows. Rather, it applies to a broad spectrum of low-level quality-of-life crimes.⁵⁰

As the criminologist, George Kelling, puts into perspective:

[M]any residents will think that crime, especially violent crime, is on the rise, and they will modify their behavior accordingly. They will use the streets less often, and when on the streets will stay apart from their fellows, moving with averted eyes, silent lips, and hurried steps. . . . For some residents, this growing atomization will matter little, because the neighborhood is not their “home” but “the place where they live.”⁵¹

Therefore, turning a blind eye to repeated crimes can subject the community to “criminal invasion.”⁵²

To regulate crime, communities depend on the police and the justice system for order.⁵³ However, the disproportionate number of arrests of people of color by the police produces a distrust in the police as an agent of, and extension to, the justice system.⁵⁴ Although community members are not directly involved in the crime, as the offender would be, under the broken windows theory, every member is subject to the harmful consequences.

In the traditional criminal courts, low-level quality-of-life crimes—such as prostitution, street-level drug possession, and vandalism—are generally overlooked. Such crimes are overlooked due to one fundamental cause: the lack of available resources to address these crimes. Even if low-level offenses appear on the ra-

⁴⁸ *Id.*

⁴⁹ See GEORGE KELLING & CATHERINE COLES, *FIXING BROKEN WINDOWS: RESTORING ORDER AND REDUCING CRIME IN OUR COMMUNITIES* (1996).

⁵⁰ See Kelling & Wilson, *supra* note 47.

⁵¹ *Id.*

⁵² *Id.*

⁵³ See Ngozi C. Kamalu & Emmanuel C. Onyeozili, *A Critical Analysis of the ‘Broken Windows’ Policing in New York City and Its Impact: Implications for Criminal Justice System and the African American Community*, 11 *AFR. J. CRIMINOLOGY & JUST. STUD.* 71, 72 (2018) (noting that there are four pillars of the “broken window” theory: “(1) putting police in close contact with those who are predisposed to commit crime; (2) projecting high police presence and visibility which has strong deterrence effect on potential criminal elements and perpetrators of crime; (3) enhancing the ability of citizens to take control of their neighborhoods thereby preventing crime; [and] (4) promoting the cooperation of the police and community in fighting crime through an integrated approach”) (quoting GEORGE KELLING & CATHERINE COLES, *FIXING BROKEN WINDOWS: RESTORING ORDER AND REDUCING CRIME IN OUR COMMUNITIES* (1996)).

⁵⁴ *Id.* at 82–89.

dar of the justice system, offenders are likely to plead out with time served.⁵⁵ Due to the lack of resources dedicated towards low-level offenses, compared to those devoted and prioritized to “major violent crimes,”⁵⁶ criminal courts are unable to offer other meaningful “sentencing alternatives,”⁵⁷ such as community service or treatment programs. Offering sentencing substitutes would require tremendous resources to ensure compliance and oversight, resources to which the courts do not have access.⁵⁸ Due to the limited resources, manpower, and time that courts can dedicate to individual cases, low-level offenses have been quickly dismissed with a simple prison sentence.⁵⁹ As a result of the lack of meaningful sentencing options that traditional criminal courts are able to offer, justice is perceived as “something done to someone ‘downtown,’”⁶⁰ and results in courts becoming “less personal, [and] more remote.”⁶¹

As standard fixed sentences dominated lower-level offenses, it has been “less likely . . . that the peculiar facts of the case and the individual characteristics of the offender [would] shape the outcome.”⁶² As a result, those affected by crime felt that the justice system was not personalized, nor did they feel it was responsive to the issues that impacted their localized communities and their lives.⁶³ In sum, an offender was perceived as a “projected image rather than an individual person”⁶⁴ and the “methods of fixing sentences well in advance of the instant case extend the distance between the effective sentencer and the person upon whom the sentence is imposed.”⁶⁵ The critique of the traditional criminal courts is not a reflection on hard-working judges in those courts. This Article instead seeks to highlight the challenges of addressing these complex issues under a traditional court system.

⁵⁵ Judith S. Kaye, *Changing Courts in Changing Times: The Need for a Fresh Look at How Courts are Run*, 48 HASTINGS L. J. 851, 856 (1997).

⁵⁶ Linda M. Ricci, *Hawking Neighborhood Justice: Unlicensed Vending in the Midtown Community Court*, 12 YALE L. & POL’Y REV. 231, 231 (1994) (noting that violent crimes include “rape, murder, and armed robbery”) (citing interview with Judge Robert G.M. Keating, Administrative Judge of the New York City Criminal Court, in New York, N.Y. (Feb. 1, 1993)).

⁵⁷ Ricci, *supra* note 56, at 248.

⁵⁸ See Kaye, *supra* note 8, at 131.

⁵⁹ *Id.*

⁶⁰ See Kaye, *supra* note 55, at 856.

⁶¹ *Id.*

⁶² GARLAND, *supra* note 45, at 179.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

III. WHAT ARE COMMUNITY COURTS? HOW DO THEY WORK?

As a response to the frustration towards the traditional criminal courts and the growing distant relationship between the justice system and the community, community justice practitioners proposed and advocated for “a package of court innovations and new practices known as ‘community justice,’ [as] part of a broader appeal to ‘community’ and ‘partnership.’”⁶⁶ By adopting a “community justice model,” community justice practitioners were motivated to improve the “quality of justice” that individuals received from the legal system.⁶⁷ With both external pressures—from citizens demanding more accessible and effective legal mechanisms—and internal pressures—from discontent within the courts—community justice practitioners were able to experiment with a new justice mechanism.⁶⁸

Community justice reimagines the role of the judicial branch. Rather than the judicial branch, which was traditionally viewed as the “impartial arbiter of state power . . . [it] instead seeks to serve a victimized community that is in need of repair. The judicial branch now becomes an activist pressing for social transformation and neighborhood healing.”⁶⁹ To ensure more trust between the community and the justice system, community justice reconceptualizes the role of the courts as one that maintains its legal symbolism, yet one that involves transparency with the community in order to bring its members closer to the legal system.⁷⁰ Community justice practitioners and community justice advocates are fundamentally motivated by the realities of the criminal justice system, rather than the theoretical discussions. Therefore, under the community justice model, courts and individuals are not the only players in criminal justice. There is a third player—the community.⁷¹

The theory of community justice generally refers to “all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of com-

⁶⁶ Jeffrey Fagan & Victoria Malkin, *Theorizing Community Justice Through Community Courts*, 30 *FORDHAM URB. L. J.* 897, 897 (2003).

⁶⁷ *Id.* at 901.

⁶⁸ *Id.* at 903.

⁶⁹ *Id.* at 902.

⁷⁰ See Michael C. Dorf & Charles F. Sabel, *Drug Treatment Courts and Emergent Experimental Government*, 53 *VAND. L. REV.* 829, 832–38 (2000).

⁷¹ TODD R. CLEAR & DAVID R. KARP, *COMMUNITY JUSTICE IDEAL: PREVENTING CRIME AND ACHIEVING JUSTICE* 20–21 (1999).

munity quality of life as a goal.”⁷² There are five key pillars to community justice: “(1) neighborhoods, (2) problem solving, (3) decentralization of authority and accountability, (4) community quality of life, and (5) citizen participation.”⁷³ Each of these pillars will be discussed in the subsequent paragraphs:

1. First, community justice operates on a neighborhood level. Community courts focus specifically on addressing community-level issues, and, as a result, produce community-level outcomes. Achieving community-level outcomes allows the underlying and systematic patterns to be addressed.⁷⁴ This differs from traditional criminal courts for the reasons mentioned in the previous section: underlying issues to crime—such as drug abuse and mental illness—cannot be addressed on a centralized and broader level.

2. Second, the goal of community justice is to problem-solve. Under traditional interpretations of criminal law, criminal justice is perceived as a “contest between the accused and the state.”⁷⁵ This perception of a contest leads to the goals of criminal justice becoming punishment-focused.⁷⁶ However, community courts and community justice diverge from the punishment-focused goal. Under the community justice model, victims and offenders are not parties to a “contest,” but rather, are considered as stakeholders in a “series of problems to be solved.”⁷⁷ Community courts also gather information pertaining to underlying issues that threaten the community, based on community-level information.⁷⁸

⁷² David R. Karp & Todd R. Clear, *Community Justice: A Conceptual Framework*, in *CRIMINAL JUSTICE* 2000 323, 324 (2000).

⁷³ *Id.* at 327.

⁷⁴ See Anthony C. Thompson, *Courting Disorder: Some Thoughts on Community Courts*, 10 *WASH. U. J. L. & POL'Y* 63, 66–67 (2002) (noting that, with the increase in control over the community (and the conduct that threatens its safety), it would result in the reduction of crime rates in that community; it follows that the community’s specialized understanding of its own territory allows communities to achieve optimum control).

⁷⁵ Karp & Clear, *supra* note 72, at 328.

⁷⁶ See Etienne Benson, *Rehabilitate or Punish?*, 34 *AM. PSYCH. ASS'N* 46 (2003).

⁷⁷ Karp & Clear, *supra* note 72, at 328.

⁷⁸ See WOLF, *supra* note 3, at 2–3 (noting that better information about the context of crime and the players involved in the criminal act will help judges and attorneys make informed decisions about offenders and the necessary treatment to be prescribed. Such information includes information on education, employment, health, and mental illness.).

3. Third, community justice “decentralizes authority and accountability.”⁷⁹ Traditional criminal courts operate based on a hierarchical structure: “at each level of the organization, a worker reports to an immediate superior, who in turn reports to the next level.”⁸⁰ Contrary to such a structure, community justice embraces a non-traditional approach. “Managers in one organization (for example, policing) may be ‘matrixed’ with managers of another organization (for example, probation or prosecution) in order to improve coordination and increase cross-fertilization of ideas and action.”⁸¹
4. Fourth, community justice prioritizes the community’s quality of life, rather than the sentencing and consequences of one individual’s actions.⁸² Comparable to the procedures of the traditional criminal courts—which focus on the individual, their accused crimes, and the victims, to a certain extent—community justice provides mechanisms to address and prioritize the well-being of the entire community.⁸³
5. Fifth, community justice recognizes that members of the community are important stakeholders. Therefore, community justice relies on the participation of community members.⁸⁴ This allows for the community members to be more involved in the areas that would traditionally exclude community control. Such areas include policing and adjudication.

The community justice model also permits community members to be involved in policing efforts. Details of how community policing efforts are executed will be discussed in the next section. Nonetheless, involving the community with the police alleviates the once contentious relationship. As a result, community officers are seen less as bureaucrats caught in autocratic organizations and more as innovators whose knowledge of the world at the line level

⁷⁹ Karp & Clear, *supra* note 72, at 328.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.* at 329.

⁸³ Robert J. Sampson, Stephen W. Raudenbush, & Felton Earls, *Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy*, 277 *SCI.* 918, 918 (1997).

⁸⁴ Karp & Clear, *supra* note 72, at 330.

gives them a special expertise in problem solving. Arrest rates and 9-1-1 calls are decreasingly used as indicators of success; they are being replaced by citizen satisfaction with police services, direct solutions to citizen-articulated problems, and, of course, reductions in criminal victimization. Police are learning to divest themselves of the “we/they” syndrome that dominates the “thin blue line” tradition; instead, police see residents as potential partners in making localities better places to live.⁸⁵ This permits the police to be “less reactive and more participatory in relation to the communities with which—and in which—they operate.”⁸⁶

In regard to adjudication, community justice allows the community’s concerns to be recognized and targeted. For this reason, academics have also referred to this movement as “therapeutic jurisprudence.”⁸⁷ The concept of therapeutic justice refers to the notion that a “court system should attempt to resolve the social problems that may have precipitated the criminal activity.”⁸⁸ By adding the third player to the equation, courts focus on communities “whose members restrict their daily practices because of crime levels (real or perceived).”⁸⁹

One way to involve the community in the adjudication process is by including the community in prosecution. Community prosecution is defined by three factors: (1) engagement, (2) partnership, and (3) problem-solving.⁹⁰ As community prosecution is a residual effect of the broader community justice model, the factors that make up community prosecution are similar to the five pillars of community justice. In terms of engagement, community prosecution aims to engage the community by “[building] bridges between prosecutors’ offices and their constituents in pursuit of safer communities and improv[ing] public confidence in justice.”⁹¹ Similarly, community prosecution operates in partnership with other governmental agencies, including community-based organizations and individuals of the community, to better understand the underlying

⁸⁵ *Id.* at 326.

⁸⁶ Anthony C. Thompson, *It Takes a Community to Prosecute*, 77 NOTRE DAME L. REV. 321, 323 (2002).

⁸⁷ Eaton & Kaufman, *supra* note 4.

⁸⁸ Susan Flynn, *The Red Hook Community Justice Center: An Evaluation of a Community Court*, 33 J. PSYCHIATRY & L. 43, 46 (2005) (noting that such social problems include: substance abuse, family separation, education or job-related issues, and mental illness).

⁸⁹ Fagan & Malkin, *supra* note 66, at 905.

⁹⁰ ROBERT V. WOLF, WHAT IS COMMUNITY PROSECUTION? AN EXCERPT FROM ENCYCLOPEDIA OF COMMUNITY POLICING AND PROBLEM SOLVING 75 (2013).

⁹¹ *Id.*

issues that communities face and how to effectively address such issues.⁹² Lastly, aligned with the problem-solving goals of the community justice model, community prosecution also aims to fix problems. However, they differ from current modes of prosecution found in traditional criminal courts, in that community prosecution is not solely focused on prosecuting cases but is also focused on collecting data and “local knowledge to craft new crime prevention strategies . . . that are not overtly crime related.”⁹³

One of the nation’s first problem-solving courts was the Midtown Community Court. Created in 1993, the Midtown Community Court was designed to improve the quality of life in Midtown, New York.⁹⁴ The kinds of crime that pervaded the Midtown community were quality-of-life misdemeanors, such as shoplifting and prostitution. In an effort to provide meaningful sentencing to offenders and prevent these individuals from being part of the revolving door of the criminal courts, the Midtown Community Court offered social services, such as drug treatment, health care, education, and job training. Additionally, offering such services to offenders did not forgo accountability. However, in lieu of incarceration, offenders were “sentenced” to improve the community. As a result, offenders were ordered to care for street trees, remove graffiti, and clean subway stations.⁹⁵

Though critics had little faith in the untraditional modes of sentencing, in the first two years of operation, neighborhood prostitution arrests dropped 63%.⁹⁶ Not only did the number of arrests decrease, but it was also evident that immeasurable improvements to the community were made. Namely, community members, including local police officers, utilized the resources offered by this court. The court was not seen as a distant institution that prosecuted criminals but was instead seen as a place that residents of the community would go for help, thereby preventing crime from occurring in the first place. Additionally, the neighborhood quality of life also improved. To put it into context,

Graffiti along the busy Ninth Avenue business corridor, once a symbol of Midtown’s problems, [was] virtually nonexistent. Fo-

⁹² *Id.*

⁹³ *Id.*

⁹⁴ RALPH B. TAYLOR ET AL., *CRIME AND PLACE: PLENARY PAPERS OF THE 1997 CONFERENCE ON CRIMINAL JUSTICE RESEARCH AND EVALUATION* 1, 81–82 (U.S. Department of Justice ed., 1998), <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.137.1542&rep=rep1&type=pdf> [<https://perma.cc/9TVY-PTDZ>].

⁹⁵ *Id.* at 83.

⁹⁶ *Id.* at 84.

cus group participants credited the court's community service work crews, which each year contributed more than \$175,000 worth of labor to the community. A sign of the court's impact on prostitution appeared when Residents Against Street Prostitution (RASP), a neighborhood group that for many years led the fight against local prostitution, disbanded, declaring victory. The court is only one protagonist in this success story; changes in law enforcement, aggressive economic development, and public safety efforts by government and local businesses played a major part. However local activists and merchants point to the court as being important and acknowledge that communities that work together are communities that work.⁹⁷

As the Midtown Community Court exemplifies, the adaptation of the community justice model has positive outcomes for the community at large. Unlike traditional criminal justice, the inclusion of community voices and concerns saves the community from being further harmed by crime.

IV. HOW DOES THE RED HOOK COMMUNITY JUSTICE CENTER FIT INTO THIS MOVEMENT?

Modeled after the Midtown Community Court, the Red Hook Community Justice Center was established in 2000.⁹⁸ The Justice Center, located in southwest Brooklyn, New York, is home to predominately low-income families.⁹⁹ Like many communities, Red Hook's residents are comprised of a diverse demographic of communities and subpopulations, including but not limited to: public housing tenants, industrial business owners, artists, real estate developers, and private homeowners.¹⁰⁰ Besides its diverse community, today, the Justice Center is most well-known as the first multijurisdictional community court in the nation. Unlike traditional courts or other community courts, the Justice Center, under Judge Alex Calabrese, hears criminal, civil, and family matters. Outside of Red Hook, these cases would be heard separately under different and respective courts.¹⁰¹

⁹⁷ *Id.*

⁹⁸ Flynn, *supra* note 88, at 44.

⁹⁹ Greg Berman & Aubrey Fox, *From the Benches and Trenches: Justice in Red Hook*, 26 JUST. SYS. J. 77, 77 (2005) (noting that Red Hook is New York's oldest and largest public-housing project; it is also physically isolated by a highway).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

However, the Justice Center was not always well-known for its success and progressiveness. In 1992, the shooting—and death—of an elementary school principal sparked the creation of the community court. The principal was a beloved figure in the community, and he was caught in a crossfire between two gangs that dominated the area. During this time, Red Hook was known to be “plagued by crime and neglected [by] city officials.”¹⁰² As Judge Calabrese recalled, “Red Hook became synonymous in the popular mind with the crack epidemic. *Life* [M]agazine called Red Hook one of the most drug-infested neighborhoods in the country, and residents complained of a sense of lawlessness.”¹⁰³

The Kings County District Attorney at the time, Charles J. Hynes, promised the community “that he would bring the killers to justice—he did—but also that he would work to bring justice to the community.”¹⁰⁴ To do so, the Brooklyn District Attorney, Charles J. Hynes, and the Chief Judge of New York State, Judge Judith S. Kaye, worked together to bring the Justice Center to life.¹⁰⁵ Similar to the Midtown Community Court, the goal of the Justice Center was to strengthen communities and build safer neighborhoods.¹⁰⁶ The Justice Center also shared the same strategy that was adopted by the Midtown Community Court, in that the Justice Center aimed to achieve these goals by offering offenders services—such as job training and drug treatment—and creative sentencing options to improve the quality of life for each offender, as well as the community at large.¹⁰⁷

In an attempt to bridge the gap between the community and the justice system, the Justice Center does not limit its services to victims and offenders. Rather, the courthouse is inviting of all members of the community. For example, it offers services and a

¹⁰² Berman & Fox, *supra* note 99, at 78.

¹⁰³ Alex Calabrese, *Neighborhood Justice: The Red Hook Community Justice Center*, 41 JUDGES J. 7, 8 (2002).

¹⁰⁴ Terry Carter, *Red Hook Experiment*, ABA J. (June 1, 2004, 10:30 PM), https://www.abajournal.com/magazine/article/red_hook_experiment [<https://perma.cc/V3YH-ZE3K>].

¹⁰⁵ *Id.*

¹⁰⁶ Victoria Malkin, *Community Courts and the Process of Accountability: Consensus and Conflict at the Red Hook Community Justice Center*, 40 AM. CRIM. L. REV. 1573, 1578 (2003) (noting that there are four goals of the Justice Center: “(1) the court’s provision of social services for both defendants and residents; (2) the court’s ability to provide resources for young people, including educational services and job training; (3) requiring defendants to participate in local community service projects; [and] (4) the court’s ability to help the community improve public safety”).

¹⁰⁷ *Id.* at 1575.

place for the kids to come and do their homework after school.¹⁰⁸ Unlike judges of traditional criminal courts, Judge Calabrese is extensively involved in the community. He attends baseball games with the children and students of the community and has also started a book club to encourage children to read more and develop a relationship with him.¹⁰⁹

For the defendants who are appearing in front of Judge Calabrese, the Justice Center continues to embrace an untraditional approach. First, there are physical differences between the Justice Center’s courthouse and traditional criminal courts. As illustrated,

[The Justice Center] doesn’t feel like a courthouse, or at least not any you’ve ever seen before . . . the hallways are wide and welcoming and lined with artful photos of the neighborhood. Defendants’ holding cells are walled in thick glass—not bars—and the entire place is bathed in natural light. Instead of imposing dark paneling, the open-plan rooms have crisp white walls and blond wood. In one meeting room, a wall-sized mural painted by teens in the neighborhood shows a lively streetscape at the intersection of “2nd Chance Street” and “Perseverance Road.” Throughout the facility, instructions on signs go out of their way to be polite, even to criminal suspects. “Questions?” reads a placard near a set of metal detectors. “Our court officers are happy to help.”¹¹⁰

In addition, Judge Calabrese has an unconventional relationship with the individuals who appear before him. As described,

The unconventional vibe continues once defendants find themselves in front of the judge—Judge Alex Calabrese, who has served as the public face and the sole judge of this groundbreaking justice center since it opened. . . . His bench sits at eye level with the defendants, rather than looking down on them from above, to better facilitate a dialogue. During proceedings, [Judge] Calabrese makes sure that defendants understand what’s going on. He talks with them about problems in their lives and how they might address them. He smiles. He asks engaging questions: Have you ever been in treatment for drug addiction? Do you have kids? Are you happy with the shape your life is taking? “We want them to know that we want them to be

¹⁰⁸ Calabrese, *supra* note 103, at 8.

¹⁰⁹ *Id.* at 8 (noting that the informal book club gives neighborhood kids a dollar for every book they read).

¹¹⁰ Daniel C. Vock, *In Unconventional Courtroom, a Little Respect Goes a Long Way*, GOVERNING (Feb. 17, 2017), <https://www.governing.com/archive/gov-red-hook-brooklyn-justice-center.html> [<https://perma.cc/EN59-4TXE>].

successful,” [Judge] Calabrese says. “They’re so used to getting knocked on their head by the court system.”

Some of [Judge] Calabrese’s interactions with defendants can be almost startlingly polite. If, for example, repeat offenders have never been offered drug rehabilitation services, “I will apologize,” says [Judge] Calabrese. “That’s just not right. It’s not fair.” After carefully explaining how he reached his rulings, he often ends proceedings with a handshake or a hug. If a defendant has had a particularly dramatic turnaround, the judge may even applaud.”¹¹¹

The welcoming atmosphere of the courthouse, combined with Judge Calabrese’s humanization of the defendants, encourage a stronger relationship between the community and the courts.

The Justice Center has three primary characteristics. First, the community court implemented “certainty of meaningful punishment—including follow-up sanctions in response to a defendant’s noncompliance with the original court order.”¹¹² To achieve meaningful punishment, judges ordered regular appearances of defendants to ensure compliance with programs and resources offered. Second, the founders of the Justice Center believed that in order to effectively rehabilitate an offender, it must identify an offender’s behavior at its root cause.¹¹³ Thus, the Justice Center “intervenes” by offering programs and resources that render positive change for both the offender and the larger community.¹¹⁴ The intervention programs include drug treatment programs, job training, GED classes, computer labs, medical examinations, mental health counseling, and family services.¹¹⁵ Lastly, procedural justice is at the crux of repairing the relationships between the community and law enforcement.¹¹⁶

Procedural justice is the idea that individuals are more likely to comply with the law and court orders when the court process is

¹¹¹ *Id.*

¹¹² See CYNTHIA G. LEE ET AL., *A COMMUNITY COURT GROWS IN BROOKLYN: A COMPREHENSIVE EVALUATION OF THE RED HOOK COMMUNITY JUSTICE CENTER* 2, 4–5 (National Center for State Courts ed., 2013), <https://www.courtinnovation.org/sites/default/files/documents/RH%20Evaluation%20Final%20Report.pdf> [<https://perma.cc/KJF5-WKZ8>].

¹¹³ See *id.* at 6 (“By treating the underlying addiction rather than merely punishing the offender for the resulting crime, the Justice Center aims to break the cycle of recurrent criminal behavior caused by drug addiction.”).

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ See *id.* at 7–9.

fair.¹¹⁷ Leading researchers in this field—including Tom Tyler, a professor of psychology at New York University—identify four elements of procedural justice: (1) voice, in that litigants feel that their story and concerns have been heard; (2) respect, in that litigants feel they have been treated with dignity and respect by the judges, attorneys, and court staff; (3) neutrality, in that the decision was rendered without bias; and (4) ensuring that litigants fully comprehend the court procedures and the outcome of their cases.¹¹⁸

Procedural justice does not necessarily exist on the grounds that courtroom actors intentionally attempt to confuse or promote disrespect. Rather, it recognizes the “numerous real-world obstacles to effective courtroom communication, including overwhelming caseloads, poor acoustics, legal requirements, courthouse traditions, and increasing cultural and linguistic diversity among court actors” that can deliver an unfair justice process.¹¹⁹ Failure to deliver a fair justice process can result in defendants not fully understanding the consequences of their pleas, sentencing requirements, and/or convictions. As a result, victims can feel unheard and that their concerns were not addressed.¹²⁰ The result of implementing procedural justice in the courtroom is that litigants prioritize the fairness of the process rather than the outcome itself.¹²¹ As a result, even if defendants in the courtroom do not necessarily receive an outcome that is favorable to them, they nevertheless feel that they have been treated fairly from their treatment in the courtroom alone.¹²²

Procedural justice plays an important role in the community’s relationship with the police. To mitigate the strained relationship between the justice system and the community, the Justice Center’s approach to community policing reconsiders the role that commu-

¹¹⁷ M. Somjen Frazer, *Focus: Examining Defendant Perceptions of Fairness in the Courtroom*, 91(1) JUDICATURE 36, 36 (2007), <https://www.courtinnovation.org/sites/default/files/perceptionsoffairness.pdf> [<https://perma.cc/LY3R-2PGG>].

¹¹⁸ See Steven L. Blader & Tom R. Tyler, *A Four-Component Model of Procedural Justice: Defining the Meaning of a “Fair” Process*, 29(6) PERSONALITY & SOC. PSYCH. BULLETIN 747 (2003), <https://www.researchgate.net/publication/8516970> [<https://perma.cc/PV6T-XGZV>].

¹¹⁹ *Improving Courtroom Communication: A Multi-Year Effort to Enhance Procedural Justice*, CTR. CT. INNOVATION, https://www.courtinnovation.org/sites/default/files/documents/Courtroom_Communications.pdf [<https://perma.cc/EYN8-TFPW>] (last visited Apr. 18, 2022).

¹²⁰ *Id.*

¹²¹ Greg Berman & Emily Gold, *Procedural Justice from the Bench: How Judges Can Improve the Effectiveness of Criminal Courts*, 51(2) JUDGES’ J. 20, 20 (2012), https://www.courtinnovation.org/sites/default/files/documents/JJ_SP12_BermanGold.pdf [<https://perma.cc/QDM7-WUYE>].

¹²² *Id.*

nities play in relation to the police. As discussed *supra*,¹²³ because of the broken windows theory and the fact that poor maintenance of low-level crimes will put the community at risk of a criminal invasion, policing the community is necessary. However, the community justice model alleviated some of these concerns by inviting the community to take a more significant role in the community policing work.

The Justice Center also recognizes the importance of community voice in the policing of the community. To achieve this, the Justice Center's officers strive to implement several factors. First, the officers are "well-mannered, genuinely concerned about [the community members], and non-accusatory in their approach."¹²⁴ Second, officers are "neutral in their decision-making,"¹²⁵ and they do not discriminate based on physical appearance or the neighborhood to which an individual belongs.¹²⁶ Third, the police properly inform the individual why they were stopped or arrested.¹²⁷ Fourth, the officers allow the individual to tell their side of the story.¹²⁸

Restorative justice also plays a role in the work of community courts, including the Justice Center. Susan Abrahams, a leading researcher in the field, distinguishes a restorative justice approach from the goals of traditional criminal courts in the following ways:

Where traditional criminal courts focus sentencing decisions on the judge imposing "appropriate" punishment, a restorative justice approach to sentencing asks the questions: "Who was harmed? What was the harm? How can we heal?" Restorative justice recognizes a human need to right our world and our communities, to allow those harmed to participate in a process that addresses the wrongdoer and the crime, to restore the dignity of each person's life to the extent possible. It allows and encourages wrongdoers to take responsibility for the harm they have caused, to make amends as best they can, and to engage in a process through which the voices of each person affected can be

¹²³ See *supra* Section II.

¹²⁴ RACHEL SWANER ET AL., WHAT DO DEFENDANTS REALLY THINK? PROCEDURAL JUSTICE AND LEGITIMACY IN THE CRIMINAL JUSTICE SYSTEM 1, 18 (Center for Court Innovations ed., 2018), https://www.courtinnovation.org/sites/default/files/media/documents/2018-09/what_do_defendants_really_think.pdf [<https://perma.cc/5HRM-J2TT>].

¹²⁵ *Id.* at 21.

¹²⁶ *Id.* at 19–21.

¹²⁷ *Id.* at 23–24.

¹²⁸ *Id.* at 24–25.

heard and listened to, and through this process reach a consensus on how to move forward.¹²⁹

The Justice’s incorporation of restorative justice principles is evident in their programs, such as Peacemaking and Youth Court.¹³⁰

Adopting restorative justice principles also allows the defendants to be held accountable. Unlike the traditional criminal courts, which used incarceration as means to correct the offenders from their criminal mindsets, restorative justice can hold offenders of crimes accountable and can provide them with the necessary services that may be needed. These goals do not compromise the opportunity for the offender to develop “new competencies, social skills, and the capacity to avoid future crime.”¹³¹ According to Judge Calabrese, this requires a “[quick response] to the offenses.”¹³² He describes the process:

If I sentence an offender to perform community service, for example, he is escorted promptly to an office upstairs and assigned to a community-restitution team. Often, he is put to work immediately—picking up trash in local parks, painting over graffiti, or working on a cleaning detail at the Justice Center. Through community restitution, the Justice Center forces the offender to repay the neighborhood for harm caused by the offense. . . . This underlines the idea of individual responsibility and shows local residents that justice can be swift and sure.¹³³

Therefore, offenders do not need to be incarcerated to be held accountable. Rather, by incorporating meaningful consequences in which an offender can engage, in lieu of traditional modes of punishment, the offender can benefit the community and feel heard and respected.

Accepting and viewing the offender as a part of the community and as a person who is deserving of respect can have positive consequences to the community, both in the short run as well as in the future. As for immediate effects, residents can enjoy the aftermath of the community service that the judge imposes. In terms of

¹²⁹ Susan Abraham, *Through the Lens of Restorative Justice: A Re-Humanizing*, 64 N.Y. L. SCH. L. REV. 11, 18 (2019).

¹³⁰ See *Peacemaking Program*, CTR. CT. INNOVATION, <https://www.courtinnovation.org/programs/peacemaking-program> [<https://perma.cc/C2S4-M8S7>] (last visited Apr. 15, 2022); see also *Youth Court*, CTR. CT. INNOVATION, <https://www.courtinnovation.org/programs/youth-court> [<https://perma.cc/T7CN-R8Q3>] (last visited Apr. 15, 2022).

¹³¹ Gordon Bazemore, *Restorative Justice and Earned Redemption: Communities, Victims, and Offender Reintegration*, 41(6) AM. BEHAV. SCIENTIST 768, 772.

¹³² Calabrese, *supra* note 103, at 9.

¹³³ *Id.*

long-term benefits, because offenders are more inclined to respect the law and can heal effectively, crime rates in the community decrease and thereby promote a safer community.

V. CONCLUSION

The traditional criminal courts pose obstacles for defendants to have a relationship with the community to which they belong. This is partly due to the harmful consequences of incarceration and in part due to the lack of alternative sentencing options offered under a centralized system. As a rippling effect, the relationship between the justice system and the community at large is also hindered, creating distrust and disconnect. However, local community courts can collaborate with its members to provide more meaningful consequences to the offender's harmful actions under the community justice model. One imperative way that community courts include its members is by welcoming their contributions and participation in spaces where they were traditionally excluded, specifically in the adjudicative and policing spheres. Therefore, by having processes like community prosecution and community policing, members can feel that the justice system is personalized and representative of their needs and desires.

The Red Hook Community Justice Center is no exception to this approach. By incorporating procedural and restorative justice, the justice system at Red Hook offers a meaningful experience for community members, including defendants who directly engage with the justice system. By adopting procedural justice, the Justice Center treats defendants with respect. As a result, defendants reciprocate by respecting the law and meaningfully reflecting on the consequences of their actions. Therefore, implementing procedural justice into criminal justice has the power and potential to at least stymie the revolving door cycle. Procedural justice also goes hand-in-hand with restorative justice, as restorative justice also restores humanity in defendants. As a result, defendants no longer become isolated members of the community and will instead have the appropriate avenue to heal and reenter society. This, in the long run, creates more equitable communities. To conclude, as the work of the Justice Center and community courts at large illustrate, the value of a second chance, or rather, every reasonable chance plus two, is an unconventional yet extraordinary one.