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Dispensing Justice Locally: The Impacts, Cost and Benefits of The Midtown Community Court

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Preface

The Center for Court Innovation received a grant from the National Institute of Justice (96-IJ-CX-0019) to carry out a second phase of an evaluation of the implementation and effects of the Midtown Community Court. The Center for Court Innovation entered into subcontracts with the National Center for State Courts and John Jay College to participate in the evaluation. Both organizations had participated as subcontractors for Phase I of the evaluation. Responsibility for Phase II work was divided in the following manner:

Staff at the Center for Court Innovation took responsibility for collecting the data, conducting the analysis, and writing the text for Chapter 2-5 of this report. The chapters document developments during the second half of the three-year Midtown Community Court demonstration period and analyze the Court's impact on the criminal justice system and community conditions. Dr. Robert Weidner, a graduate student in criminology at Rutgers University when the project began, was hired specifically to work on the research project. The material on prostitution and the recidivism analyses provided the basis for his dissertation. His dissertation committee separately reviewed substantial sections of the material in Chapters Four and Five.

In addition, CCI staff took the primary role in drafting Chapters 1 and 9 in collaboration with research staff at the National Center for State Courts and provided comments on the material in Chapters 6-8.

Staff at the National Center for State Courts provided detailed comments on Chapters 1-5 while in draft form, including the specific methodologies used to measure impacts, and participated in writing Chapter 9. National Center staff also took responsibility for collecting the data, carrying out the analysis, and writing the text for Chapters 6-8. In preparing those chapters, National Center staff conducted a round of interviews with key stakeholders in the Midtown Community Court, designed (in consultation with CCI staff) a telephone survey to assess opinion among Midtown residents, analyzed the survey data, and compiled information relevant to cost and benefit issues.

A team of ethnographers based at John Jay College monitored quality-of-life conditions in Midtown Manhattan on a regular basis between February 1994 and June 1997. The report prepared by the ethnographic team was incorporated into Chapters 2 and 5 of this report by staff at the Center for Court Innovation and submitted back to the team for approval.

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Chapter One

Introduction

I. Introduction

In October 1993, the Midtown Community Court opened as a three-year demonstration project, designed to test the ability of criminal courts to forge links with the community in developing a problem-solving approach to quality-of-life offenses. The product of a two-year long planning effort, the project brought together planning staff from the New York State Unified Court System (UCS); the City of New York; and the Fund for the City of New York (FCNY), a private non-profit organization. The purpose was to design a community-based courthouse that would provide effective and accessible justice for quality-of-life crimes -- low-level offenses like prostitution, shoplifting, minor drug possession, turnstile jumping, unlicensed vending and disorderly conduct -- that often arise in the Times Square area and the surrounding residential neighborhoods of Clinton and Chelsea. The decision to establish the Midtown Community Court grew out of a belief that the traditional court response to low-level offenses was neither constructive nor meaningful to victims, defendants or the community.

A. Need for Research. As a demonstration project, the Midtown Community Court required evaluation to document its evolution; identify the characteristics that distinguish the Community Court from the centralized court; examine its various impacts (on case processing, case outcomes, compliance with intermediate sanctions, defendants' recidivism, community conditions and community attitudes toward the court); and, ultimately, review the costs and benefits of the project. Beginning in 1993, with funding from the State Justice Institute, the National Institute of Justice and the Center for Substance Abuse Treatment (CSAT), research staff at the National Center for State Courts (NCSC), in collaboration with research staff at the Midtown Community Court, have been conducting a multi-method research project, designed to examine the implementation, effects, costs and benefits of the Court.

The research was designed in two phases. The first phase of the research examined the implementation and preliminary effects of the project over its first 18 months (Sviridoff et al, 1997).¹ The second phase of the research, reported on here, has two primary objectives: to

¹ The report on the first phase of the research presents a full description of the origins, implementation and operations of the Midtown Community Court. Some of this descriptive material, supplemented by a review of new

review overall project impacts and to develop a strategy for assessing the relative costs and benefits of the Midtown Community Court.

This report addresses a series of questions about project achievements and impacts that were not addressed in earlier research -- whether the project could sustain preliminary impacts on case outcomes, community conditions and community attitudes over a three-year demonstration period; whether the Court's approach affected recidivism rates for selected sub-groups of defendants; whether it produced an overall reduction in jail days after accounting for "secondary jail sentences", imposed for non-compliance with intermediate sanctions; and how ordinary community residents (a group not included in the first phase of the research) reacted to the project. It also considers the implications of those impacts for the assessment of project costs and benefits.

B. Approach to Research on Costs and Benefits The research described in this report reviews the impacts, costs and benefits of the Midtown Community Court. Planners in jurisdictions interested in implementing community courts are particularly concerned with cost issues. Decentralized community courts add expense to court budgets: they sacrifice economies of scale and require non-traditional staff on-site. Some community courts require new facilities or courthouse renovation. Therefore, planners need strategies to assess whether the additional costs entailed by the community court model are merited and to help them determine whether alternative approaches to traditional case processing are viable.

This evaluation examines the various impacts of the Midtown Community Court and reviews relationships between those impacts and public expenditures. Although it points to the Court's role as a key player in the transformation of street-level prostitution markets in Midtown and an associated revitalization of Midtown neighborhoods, given the complex synergy among contributing factors, the research is unable to estimate the dollar value of the Court's contribution to the neighborhood transformation.²

project components, is included in Appendix I.1.

² Between 1993 and 1996, the Midtown Manhattan neighborhoods surrounding Times Square have been visibly and dramatically transformed from New York City's tawdry, crime-ridden red-light district to a booming commercial and residential area. Although the resurgence of the national and local economy clearly contributed to this transformation, several local initiatives also played key roles. These include: the development of Business

Typically, court research projects do not consider questions about the relationships among courthouse activity, quality-of-life conditions in specific neighborhoods and economic development. Yet such questions are relevant to this research: community courts, as exemplified by the Midtown model, attempt to make a direct contribution to the quality of life in their target neighborhoods. If they do, they may have “multiplier effects” on the broader community. Although it is possible to document such effects through interviews and observations, there is little consensus about how to assess their worth.

This research does not attempt to estimate the dollar value of the Court’s contribution to the economic revitalization of Midtown Manhattan. The decision not to do that springs from a relatively conservative approach to the consideration of the costs and benefits. The research presented here instead represents an attempt to 1) think through the potential benefits -- system efficiencies and savings, defendant impacts and community impacts -- that might justify the additional expenses associated with community court operations; and 2) consider the appropriateness of alternative methods (traditional cost-benefit calculations, contingent valuation methods) for estimating the value of tangible and intangible benefits. It is deliberately cautious in calculating the dollar value of project benefits.

II. Findings of Phase 1 Research

Phase 1 research on the Midtown Court combined two key components: a process analysis and a preliminary impact analysis. The process analysis reviewed implementation problems, documented changes in the project over time and examined the role played by the community at the Court. The preliminary impact analysis included: (1) an analysis of court outcomes, comparing adjournment rates, dispositions, sentence outcomes and alternative sanction compliance rates over the Midtown Court's first year to a case sample from Manhattan’s centralized Downtown court; (2) an examination of the Court's impact on quality-of-life conditions -- the changing concentration of street-level offenses and disorderly conditions -- in the Court's target area; and (3) an analysis of the evolution of attitudes toward the Court among

Improvement Districts, dedicated to improving sanitation and security and addressing local problems in various Midtown neighborhoods; the implementation of long-stalled Times Square redevelopment plans; the emphasis of a new mayor and new police commissioner on responding aggressively to low-level quality-of-life crime; and the opening of the Midtown Community Court.

community leaders, residents, members of the local criminal justice community and defendants, before and after the Court opened.

The research employed a combination of qualitative and quantitative methods to examine project implementation and early impacts. These include “before” and “after” focus group and panel interviews with community and criminal justice representatives; pre-post analysis of the outcomes of Midtown misdemeanor cases; a quasi-experimental analysis of court processing for cases, processed at the Midtown and Downtown Courts; review of arrest trends; and structured ethnographic observations and interviews, examining quality-of-life conditions in the Midtown area.

A. Research Context: Misdemeanor Court Research. Preliminary research was undertaken not only to determine the specific preliminary impacts of the Midtown Community Court but also to broaden understanding of the operations of a high-volume misdemeanor court in an urban setting. It is widely recognized that misdemeanor courts are “the most significant -- and sometimes only -- point of contact which most Americans will have with the criminal justice system” (Barkai, 1978:274). They account for more than 90 percent of all criminal cases (Ragona and Ryan, 1984:i). Despite their clear importance, they have been labeled “America’s most neglected courts” (Ragona and Ryan, 1984:30). The chronic problems facing misdemeanor courts include:

The staggering volume of misdemeanor cases, the absence of dignity and decorum in these courtrooms, the lack of competence and integrity in court personnel. . . the pervasive failure to treat seriously these courts and the people who appear in them and the infrequent use of defense counsel (Barkai, 1978:272).

Lower courts have been criticized for failing to foster respect for the legal system, as well as being insensitive to due process. Juxtaposed against this criticism is the contention that lower courts are *too* formal, removed from the community where problems are concentrated (Silbey, 1981). Alarmed by such conditions, the President’s Commission on Law Enforcement and Administration of Justice went so far as to call the nation’s lower courts “assembly line justice” and recommended that they be abolished (President’s Commission, 1967: 128-129, in Alfini and Doan [1977:425]).

Despite misdemeanor courts’ integral role in the criminal justice process and their well-

documented maladies, with a few exceptions (including Feeley, 1979; Jamieson and Blowers, 1993; Ragona and Ryan, 1984; Ryan, 1980), there has been a relative dearth of empirical research on them. In his case study of New Haven, Connecticut's Court of Common Pleas, Feeley concluded that pretrial processing in the lower court system -- including arrest, pretrial detention and bail -- was more noxious than the sentence ultimately handed out.

Other researchers, based on a national survey of 1,366 misdemeanor judges, found that the tactic of engaging in plea negotiations to speed case processing was more common in big-city courtrooms (78%) than in small city and rural courts (51%) (Alfini and Doan, 1977:430). And in contrast to Feeley, Ryan (1980) concluded from his case study of Columbus, Ohio's Municipal Court -- a system in which processing costs were relatively small compared to ultimate sanctions -- that "the outcome is the punishment" (79). Ryan attributes the difference between Columbus and New Haven courts to several factors, including the contrasting political structure of the two communities, the different relationships between prosecutors and the police and differences in court structure.

Finally, Ragona and Ryan (1984) examined four misdemeanor courts -- Austin, Texas; Columbus, Ohio; Mankato, Minnesota; and Tacoma, Washington -- to compare the political and economic environments in which the courts operated, court processes and sentences. They found that the type and severity of sanction were best predicted by charge type and individual judge. Fines were the most commonly imposed sanction across the four courts, primarily because of their revenue-generating potential; at three sites, judges felt pressured to generate revenue when local governments were facing fiscal crises. Not surprisingly, costly rehabilitation programs were rarely used. The authors concluded that the methods of court financing needed to be reconsidered in light of their conclusion that community members in these areas "indicated much greater preference for treatment programs, counseling, and volunteer community work for misdemeanor defendants than what is currently available or used by the courts" (i).

B. Process Analysis The Midtown Community Court was designed to address many of the problems identified in earlier research: crowded, chaotic conditions; community dissatisfaction with the courts in general and their response to quality-of-life offenses in particular; a limited range of intermediate sanctions for low-level offenses; high "no-show" and

'drop-out' rates for intermediate sanctions programs; and a need for more constructive responses to the multiple problems of defendants. It was also designed to help solve specific neighborhood problems that courts do not traditionally address: high concentrations of quality-of-life crimes; visible signs of disorder; and clusters of persistent high-rate offenders with serious problems, including addiction and homelessness.

Planners recognized that many cases that come before the Midtown Court are relatively easy to resolve but are committed by defendants who present complicated problems -- addiction, mental illness, high rates of recidivism. The Court's caseload includes low-level offenses like theft of service (primarily turnstile jumping) that are often classified as summonsable offenses elsewhere -- cases that would never come before a court in most jurisdictions. Because the cases do not present complicated legal issues, the Court can devote resources to responding to the associated problems presented by the case. It uses an expanded pre-arraignment assessment interview to identify defendants who might benefit from court-based services and attempts to craft sanctions that will address defendants' underlying problems.

The project introduced a number of features that depart substantially from "business as usual" in New York City Criminal Courts. These include:

- a coordinating team, working in partnership with court administrators, to foster collaboration with the community and other criminal justice agencies; oversee the planning, development and operations of court-based programs; and develop ideas for new court-based programs ;
- an assessment team, operating between arrest and arraignment, to determine whether a defendant has a substance abuse problem, a place to sleep, a history of mental illness, etc.;
- a resource coordinator to match defendants with drug treatment, community service and other sanctions;
- innovative technology, to provide immediate access to information needed to inform judicial decision-making and review defendant compliance with court orders;
- space for court-based social service providers to address underlying problems of defendants that can contribute to continuing criminal involvement;
- community service projects specifically designed to 'pay back' the community harmed by crime;
- a Community Advisory Board to keep the court abreast of quality-of-life problems in the community, identify new community service projects to address these problems, help plan new projects and provide feedback about the Court;
- court-based mediation to address community-level conflicts, rather than individual

- disputes; and
- a court-based research unit, to feed back information on case processing and case outcomes, defendant compliance with court conditions, the quality of life in the community and to suggest adjustments to the experiment as it proceeds.

By the end of the first 18 months, there was clear evidence that the project had achieved its stated operational objectives: to provide speedier justice; to make justice visible in the community where crimes take place; to encourage enforcement of low-level crime; to Marshal the energy of local residents, organizations and businesses to collaborate on developing community service and social service projects; and to demonstrate that communities are victimized by quality-of-life offenses.

The process analysis also noted the Court's ability to integrate staff from different agencies -- judges; court clerks and court officers; attorneys; pretrial interviewers; police officers in the Court's holding cells; court-based community service and social service staff -- into a single 'team'. Many roles expanded beyond traditional job descriptions. Instead of being overwhelmed by 'turf' issues and inter-agency skirmishes, interviews and observations revealed that personnel throughout the courthouse took part in the joint effort to promote defendant compliance with Court conditions and to link troubled offenders to appropriate services.³

The process analysis also identified several implementation issues that affected early operations. These include: difficulties in reaching the Court's projected caseload and problems with the routing of some Midtown cases to the Court; concerns about the confidentiality of information gathered in a pre-arraignment assessment interview; issues about "forum shopping" among defendants charged with prostitution and unlicensed vending;⁴ frustrations associated with the implementation of project technology; concerns about the role of the resource coordinator,

³ Some project observers point to the high quality of the court staff assigned to the project, including the judge, back-up judges, clerks and court officers, as one of the Court's distinguishing features. Others point to both the quality and the teamwork of the staff on the Court's sixth floor (social service and alternative sanction staff) as centrally important components of project operations. Since opening six years ago, several members of the Midtown court staff have moved on to more senior positions within the Office of Court Administration. Staff turnover has been relatively low. To date, three judges, two project coordinators and two chief clerks have served at Midtown.

⁴ There was concern that some defendants, faced with intermediate sanctions at the Midtown court, might adjourn their cases, seeking more favorable outcomes Downtown.

who makes recommendations about intermediate sanctions and serves as the link between the courtroom and intermediate sanction staff; concerns about changes in the “courtroom workgroup”, particularly a more active role for the judge in arraignment decision-making; and community concerns about a perceived reduction in outreach and engagement efforts once the Court became operational.

Research on the project’s early experience also served to identify areas that did not respond as readily as anticipated to proposed solutions, as described below:

- *DAT appearance rates* Project staff attempted to improve appearance rates for defendants issued Desk Appearance Tickets (DATs, a form of citation arrest) by scheduling cases at court more quickly. An early test of this approach showed no impact on appearance rates and the project returned to traditional practice.
- *Promoting widespread rehabilitation* Project staff struggled to engage a broader population of addicted offenders in mandatory long-term treatment. During early operations, the number of long-term treatment participants remained below staff expectations.
- *Reducing arraignment shifts Downtown* Project planners expected that the Midtown Court would provide a substitute for an existing arraignment part (five arraignment shifts) and ultimately reduce the number of arraignment parts Downtown. Instead, the project encountered delays in reaching its anticipated caseload over the first 18 months. At the same time, a substantial increase in arrests in other parts of Manhattan necessitated the addition of two additional arraignment shifts, rather than the anticipated reduction.⁵

C. Impact Analysis. Project planners anticipated impacts in four areas: case outcomes, compliance with intermediate sanctions, community conditions and community attitudes. The analysis of preliminary impacts pointed to substantial effects in all four areas.

1. *Case Outcomes.* A central objective of the Midtown Court was to change going rates for low-level offenses and move sentencing into the middle ranges, between ‘nothing’ (e.g., sentences of time served) and jail. Sentencing at the Midtown Court produced significantly more intermediate sanctions than the Downtown court including:

- more than twice as many intermediate sanctions (community service and social service sentences) for drug and petit larceny charges;

⁵ In 1994, the Court’s first full year, the number of Midtown arrests increased by two percent while arrests in other Manhattan precincts increased by 32 percent. This substantially increased the number of misdemeanor arraignments at the Downtown court.

- roughly three times as many community service and social service sentences for theft of service and unlicensed vending charges; and
- almost four times (95% versus 25%) as many community service and social service sentences for prostitution charges.

This was accomplished by substantially reducing the frequency of both “walks” -- specific case outcomes, including sentences of ‘time served’, ‘conditional discharge’ with no conditions specified and adjournments in contemplation of dismissal with no conditions imposed -- and jail sentences, as described below.

“Walks.” The frequency of case dispositions without sanctions imposed was significantly lower at Midtown than Downtown for the five most common Midtown charges, as described below:

- for prostitution, from 55 percent Downtown to 1 percent at Midtown;
- for drug offenses, from 39 percent Downtown to 5 percent at Midtown;
- for petit larceny and criminal possession of stolen property from 23 percent Downtown to 6 percent at Midtown;
- for turnstile jumping, from 50 percent Downtown to 15 percent at Midtown; and
- for unlicensed vending, from 70 percent Downtown to 23 percent at Midtown.

Jail. The broad use of intermediate sanctions was linked to a reduction in the frequency of short-term jail sentences (1 to 5 days) for defendants sentenced at arraignment for three offenses, including a 73% reduction for prostitution, a 50% reduction for petit larceny and a 29% reduction for turnstile jumping. Although the Midtown Court handed out fewer jail sentences than the Downtown court, Midtown jail sentences were typically longer than those Downtown, particularly for petit larceny (an average of 79 days, compared to 49 days at the Downtown court) and prostitution cases (an average of 15 days, compared to 5 days at the Downtown court).

‘Forum shopping.’ The research examined the possibility, proposed by critics of the Court, that defendants, facing an increased likelihood of sanctions at Midtown, would engage in widespread “forum shopping” and, thereby, increase the frequency of adjournments at arraignment, escalating system costs. The research found no significant difference in the frequency of adjournments at the Midtown and Downtown courts, after controlling for differences in charge type, arrest type and precinct of arrest. For some charges (unlicensed

vending and prostitution), there were higher adjournment rates at the Midtown Court than the Downtown court, reflecting “forum shopping” among defendants. For other charges (petit larceny, drugs) adjournment rates were lower at the Midtown Court, offsetting the potential effect of “forum shopping” on system costs.

2. *Intermediate Sanction Compliance Rates.* Planners anticipated that the Midtown Court would produce higher compliance rates for community service sentences than the Downtown court by promoting both immediacy and accountability. In 1993, roughly 20 percent of defendants sentenced to short-term community service Downtown left the court without scheduling community service and another 30 percent showed up for scheduling, but failed to complete their sentences. In contrast, at Midtown, court officers escorted defendants to the scheduling office where the majority of defendants were scheduled to begin community service within a week of sentencing -- substantially faster than at the Downtown court.

Phase 1 research found that aggregate community service compliance rates were higher at the Midtown Court than the Downtown court (75% compared to 50%). Yet the data on community service compliance at the Downtown court were insufficient to control for underlying differences in charge, criminal history and arrest type -- factors associated with differences in community service compliance rates at Midtown.⁶

3. *Community Conditions.* There was substantial evidence that the Midtown Court contributed to improvements in quality-of-life conditions in Midtown. Together, ethnographic observations of local 'hot spots', interviews with offenders, analysis of arrest data, focus group interviews and interviews with local police, community leaders and residents pointed to substantial reductions in concentrations of prostitution and unlicensed vending. Arrests for prostitution in Midtown dropped by 56 percent over the first 18 months and arrests for unlicensed vending fell by 24 percent, reflecting a visible reduction in street activity, reported by local police, community members and street ethnographers alike. Community members also reported a marked reduction in graffiti along Ninth Avenue, the commercial strip that serves the residential community.

⁶ There was no difference between the two courts in average community service sentence length, another factor that affected the likelihood of compliance at Midtown.

Together, ethnographic observations and interviews with key stakeholders, including defendants, suggested that the Midtown Court contributed to these improvements in a variety of ways. Community service crews played an important role in cleaning up local streets. Court-based service providers assisted those defendants who were ready to change their lifestyles, by arranging placements in drug treatment facilities, helping with education and employment or securing bus tickets back home. Several prostitutes, repeatedly sentenced to perform community service, reported that it had become too difficult to work two jobs -- on the streets and at the courthouse. As a consequence, they took measures to reduce the risk of arrest by working fewer hours, working indoors or out of cars, or catering to a select group of known customers.

4. *Community Attitudes.* Before the Midtown Community Court opened, observers voiced mixed expectations about the project. Community leaders and residents complained that courts in the past had paid insufficient attention to low-level crime and sought a more constructive response to low-level offenses. Yet their expectations about what the Court might accomplish were muted by prior experience with failed neighborhood improvement initiatives.

After the court had been operating for a year, community leaders, residents and local police attributed improvements in local quality-of-life conditions -- prostitution markets, graffiti - to the Court.⁷ The attitudes of community groups and some criminal justice personnel (particularly local police) who were initially skeptical about the project improved substantially.

As a whole, the Midtown Court's early experience reduced the initial skepticism of community members and some criminal justice practitioners about the project's ability to achieve its objectives. Research on the implementation and early effects of the Midtown Community Court over its first 18 months found that the project had a significant impact on the types of sentences handed out at arraignment, more than doubling the frequency of community service

⁷ Focus groups and individual interviews also examined the attitudes of defense attorneys and prosecutors to the project. Initially, the District Attorney's Office and representatives of the Legal Aid Society had publicly opposed the development of the Midtown Court. The defense bar raised issues about the confidentiality of new information about defendants and about the possibility of "net widening" through an expansion of intermediate sanctions. Over time, defense attorneys came to believe that their clients benefitted from the expanded array of intermediate sanctions and the access to Court-based services. Prosecutors raised issues of cost and equity. They questioned the fairness of lavishing additional resources and top-quality court personnel on a single community, rather than working to improve outcomes and procedures at the Downtown court. They also challenged the equity of having sentences outcomes differ according to "geography."

and social service sentences. In addition, the project served to increase compliance with community service sentences and reduce local quality-of-life problems, including the concentration of street prostitution, unlicensed vending and graffiti in the Court's target area. The project also served to demonstrate that community-based groups and organizations can become an active partner in solving local problems. Overall, the Midtown Court served to spark interest -- in both local and national-level conversations -- in the role that community-focused courts can play in developing constructive responses to quality-of-life offenses.

The first phase of the research also pointed to the project's influence on several jurisdictions that were interested in replicating the community court model. Several cities, including Hartford, CT; Portland, OR; Minneapolis, MN; and Austin, TX had begun the process of planning community-based courts, inspired by the Midtown model. Since then, several new community courts have begun operating.

III. Phase 2 Research: Issues and Methods

Phase 1 research was planned both to stand on its own, as a study of the implementation and preliminary effects of the Midtown Court, and to serve as the first step of a longer-term analysis of impacts, costs and benefits. Phase 2 analysis addresses a different set of issues, including:

- whether preliminary effects on case outcomes, compliance rates, local quality-of-life problems and community attitudes can be sustained;
- 'jail displacement' effects, taking into account defendants who are resentenced after failing alternative sanctions;
- the Court's effects on defendant recidivism for specific sub-groups;
- the attitudes of a random sample of community residents to the project;
- defendant and staff perceptions of the value of court-based services; and
- the costs and benefits of the Midtown Court.

A. Sustaining Preliminary Impacts.

1. Case Outcome Analyses. Although preliminary analysis, comparing the Midtown and Downtown courts, found substantial impacts on sentence outcomes and alternative sanction compliance during the Court's start-up phase, it was important to explore whether these effects could be sustained with an expanded, changing caseload and after the initial energy associated with program "start-up" had diminished. Some pilot programs have strong preliminary effects

resulting from the high staff commitment, the energy of a new project and the small caseloads associated with a "start-up" period. As Malcolm Feeley pointed out:

New programs experience a rapid loss of moral fervor: charismatic spokespersons are replaced by bureaucrats; prestigious sponsors move on to other things; young and enthusiastic staff age and become more security conscious; co-optation and adaptation become necessary for survival. Concern for original goals gives way to concern for organizational maintenance... (1983: 201)

Caseload transformations could also affect the Court's impacts on case outcomes and on alternative sanction compliance by changing the 'mix' of dispositions, sentences and compliance rates. Preliminary analysis showed that charge type was strongly associated with sentence outcomes -- jail, community service sentences, sentences of "time served" -- and compliance rates.

To examine changes in case outcomes at the two courts over the three year demonstration period, the research gathered aggregate data from the UCS documenting dispositions, sentences and alternative sanction compliance Downtown for comparison with data drawn from the Midtown data base. The research also used aggregate data from the Downtown court to examine impacts on case processing -- arrest-to-arraignment time, the frequency of dispositions at arraignment -- that have implications for the cost-benefit analysis.

2. *Jail Displacement Analyses.* By establishing a graduated range of alternative sanctions at the Midtown Court, the Court has created both short-term and long-term alternatives to jail sentences. These alternative sentences have the capacity to produce a system saving that might offset the costs of the Midtown Court. Preliminary analysis not only pointed to a reduction in the frequency of jail sentences at Midtown arraignment compared to Downtown but also demonstrated that average jail sentences were longer at Midtown than Downtown. Phase 1 research did not examine whether the Midtown Court produced any reduction in the number of jail days served.

Phase 2 research documents the extent of these primary jail savings by comparing jail frequency and average jail sentence length at the two courts for Midtown's five most common charges over three years. It also examines 'secondary' effects on jail time that occur when defendants who fail to complete alternative sanctions programs are resentenced to jail. Some

critics of alternative sanctions programs for jail-bound populations argue that programs can "set participants up to fail" and, thereby, increase the extent of incarceration by increasing "secondary" jail sentences. Phase 2 research compares the extent of resentencing for cases arraigned at the Midtown Court and at the Downtown court in an effort to calculate the Court's overall impact on jail-days served.⁸

3. *Examining Community Conditions.* Phase 1 research included an ethnographic component that examined the Court's impact on prostitution, unlicensed vending and other community conditions (e.g., graffiti). For the first 18 months of Court operations, an urban ethnographer conducted structured observations, weekly 'counts' and interviews at local 'hot spots' where quality of life offenses were concentrated. Interviews with prostitutes, vendors and other low-level offenders on Midtown streets examined their awareness of variation in enforcement efforts, their perceptions of appropriate court responses to these offenses, their awareness of the Midtown Court, their perception of its objectives and effects, and adaptations in the way they conduct business.

Phase 2 research used ethnographic observations and life history interviews to continue to examine (1) adaptations in behavior (e.g., moving to an indoor location); (2) displacement beyond the target area; and (3) efforts to "give up the life" among street offenders. An ethnographic team continued to monitor quality-of-life conditions in the Midtown Court target area to determine whether preliminary impacts on prostitution and unlicensed vending had been sustained. In addition, research staff continued to gather arrest data from the New York City Police Department to identify changes in enforcement patterns for low-level offenses.

4. *Community Perceptions and Attitudes.* During Phase 1 analysis, NCSC research staff conducted a series of focus group and semi-structured individual interviews with community leaders, court actors and criminal justice personnel (including community police officers) to assess community awareness of the purposes of the Midtown Court; their awareness of

⁸ Methodological issues affected this analysis. Although the Midtown Court's data base tracks secondary jail sentences, data bases containing case outcome information for the Downtown court, maintained by the UCS and by New York City's Criminal Justice Agency (CJA), do not go beyond the first disposition and sentence recorded in a case. Therefore, to gather information about the frequency of 'secondary' jail sentences for cases sentenced at the Downtown court, research staff examined data in the Midtown data base for cases that were adjourned at Midtown arraignment but sentenced Downtown -- the only data available to support this analysis.

community service crews working in the area; perceptions of, experiences with and expectations for the Midtown Court; and perceptions of the Midtown Court's effects on disorderly conditions. Phase 2 research extended these panel interviews to examine the effects of these efforts, monitor possible changes in community attitudes toward the Court and provide additional feedback about local quality-of-life problems.

In addition, a telephone survey of over 500 community residents served to document the extent of knowledge about the Midtown Court, perceived improvements in quality of life, the components of the Court that are seen as important and the perceived value of the project to neighborhood residents.⁹ To aid in the cost-benefit analysis, the interview included a "contingent valuation survey", asking how much respondents might spend to support a community court using a form of analysis developed for the study of environmental impacts.

B. Defendant Impacts: Recidivism Analyses and Linkages to Social Service

Recidivism. Phase 1 research helped identify sub-groups of defendants for whom the Midtown Court was most likely to have an effect on rearrest rates, as described below:

- Prostitutes arrested in the Midtown target area. This sub-group typically has extensive records of prior misdemeanor arrests. Although this group is at high risk of rearrest, Phase 1 research pointed to a substantial reduction in prostitution arrests in the Midtown Court target area. For this group, recidivism analysis was designed to determine whether the reduction in local prostitution arrests represented a change in rearrest frequency, a reduction in the number of individuals charged with prostitution or both.
- Participants in long-term drug treatment as an alternative to jail. The typical participant in the Midtown Court's mandatory long-term treatment program has a substantial history of petit larceny arrests, is actively addicted to heroin and/or cocaine and is at high risk of rearrest. Recidivism analysis for this group examined the effect of the treatment program on the extent of recidivism for a population exposed to Midtown Court social services.

Methodology for Recidivism Analyses. For prostitutes, recidivism analyses were based on a comparison between Midtown Court defendants and an equal-sized sample of defendants whose cases were disposed at the Downtown court. These samples were drawn from the caseload samples assembled for Phase 1 analysis. Because many of the defendants whose cases

⁹ Community surveys measuring the effects of well-publicized quality-of-life initiatives (community policing, tactical narcotics teams) in New York City of have consistently found low levels of awareness of project activities within the broad community of residents (McElroy et al, 1992; Sviridoff et al, 1993).

were disposed at the Downtown court also had cases at Midtown, the analysis of recidivism rates for prostitutes also employed a pre-post design examining historical changes in annual arrest frequencies for both samples combined before and after the opening of the Midtown Court. For each member of the recidivism sample, research staff calculated "lambdas" (annual arrest frequencies that control for jail time) for a three year period before the sampled arrest to establish a baseline arrest rate compared to the annual arrest rate for a follow-up year.

Recidivism analysis for defendants sentenced to the long-term treatment program as an alternative to jail was initially based on a pre-post design with the first 100 participants in the long-term treatment program serving as their own "control" group. The primary reason for this strategy was that existing information about defendants in the Downtown court did not permit research staff to identify an appropriate comparison group. There was no available information on defendants' substance abuse or other problems at other courts and, therefore, no way to identify a comparable pool of "eligible" defendants. To supplement this analysis, the research examined pre-post annual arrest rates for the first 100 project "completers." Measures of recidivism (lambdas) were calculated for all treatment sample members.

Links to Social Services. By locating social services in the courthouse itself, the Midtown Court has helped establish links between defendants and service providers, including drug treatment agencies -- a capacity not available in other misdemeanor courts in New York City at that time. Without a rigorous experimental design, it was impossible to determine how often treatment graduates would have found comparable help had the Court not existed. In Phase 2, in-depth interviews with treatment graduates and social service staff help identify the perceived value of court-based services and the likelihood of encountering treatment-focused alternatives to jail at the Downtown court.

C. Cost Benefit Analysis. Criminal justice officials, interested in replicating Midtown Court programs, are particularly interested in learning whether the expense involved in establishing a community court is justified by the benefits. The second phase of the evaluation includes an exploration of this issue.

Traditional cost-benefit analysis must carefully enumerate and clarify both the benefits and the costs associated with a project -- both tangible and intangible -- and account for both

internal costs and benefits and those that affect people and organizations beyond the project. Cost-benefit analysis forces decision-makers to think carefully through the costs and benefits associated with a program, to define expected outputs and to be explicit about tradeoffs between alternative uses of resources. It provides a comprehensive and systematic framework for evaluation, which takes into account the complexity inherent in most public policy initiatives.

There is relatively little literature on conducting such analysis in relation to the costs of courts and associated criminal justice initiatives (Roman et al, 1999; Belenko et al., 1993; Roberts and Camasso, 1990; Chabotar, 1987). As Roberts and Camasso (1990:37) note, although legislators, judges, and criminal justice administrators often speak the language of cost-benefit analysis, "only a few cost-benefit studies have been completed" in those areas.

The assessment of costs and benefits for the Midtown Court is more complicated than cost-benefit analyses of court innovations such as drug courts (Roman et al, 1999) or specialized court parts designed to speed case processing (Belenko, 1993).¹⁰ It needs to take into account a broader variety of potential impacts and benefits -- system efficiencies, impacts on case outcomes and jail costs, impacts on compliance with alternative sanctions, diffusion effects on outcomes in the broader court system, impacts on community conditions and community attitudes, impacts on defendant recidivism -- than previous studies.

Although the process of determining the additional costs required to operate the Midtown Court is reasonably straightforward, measuring the dollar value of benefits is more complicated. The value of some tangible benefits -- shorter disposition times, jail displacement, quicker arrest-to-arraignment times and court time associated with reduced recidivism rates -- can be estimated based on comparisons between the Midtown Court and the Downtown court.¹¹ For these

¹⁰ Cost benefit studies of drug courts, for example, focus primarily on the value of defendant impacts -- reduced crime, improved health, labor market gains -- and the public savings associated with those impacts. The evaluation of the Midtown Court needs to focus as much on system impacts and community impacts as on defendant impacts.

¹¹ These analyses employ a "counterfactual" approach that uses aggregate data from the Downtown court to estimate what would have happened to the cases arraigned at the Midtown Court if they had been processed routinely at the Downtown court. There are limitations to this approach. It is unable to take into account the possible effect that the Midtown Court had on processes and outcomes Downtown. Conceivably, for example, average arrest-to-arraignment times at the Downtown court would have been even longer if Midtown cases were still processed there. Similarly, absent the example set by the Midtown Court, the frequency of community service

benefits, dollar values could be assigned based on recognized costs of incarceration, arraignment and other documented system costs. Other tangible benefits can be measured directly, such as the value of free labor associated with community service sentences.

Yet other benefits, such as reductions in local prostitution or graffiti, are intangible and external to the court. As economists would say, such benefits are goods that are not bought and sold in the marketplace. Access to these 'goods' -- e.g. local quality-of-life benefits -- is universal to all residents and 'non-excludable'. Possible indicators for such benefits include changes in property value and rents for residential, retail, and office uses; changes in patterns of people and businesses moving into and out of the Court's catchment area; or change in the frequency of police calls for service about Midtown quality-of-life problems. Such "shadow price" indicators (Schmid, 1989) provide a rather crude approach to the measurement of quality-of-life benefits.

For this reason, the research here has employed a "compensating variations" approach, previously used in cost benefit analyses of public expense for national parks, a service that produces public benefits that are difficult to value (Thompson, 1980). Using this approach, a "contingent valuation survey" of community residents examined the additional price that people were willing to pay for a community court in Midtown.

This approach allows the research to take into account some project impacts, perceived as important by criminal justice professionals and/or local stakeholders, that do not lend themselves to traditional cost valuation procedures. For example, in the first phase of the research, the Midtown Court was recognized as promoting enhanced monitoring and accountability for alternative sanction programs. Although such features may be "valued" by project stakeholders, they may impose additional costs, particularly if they increase the frequency of secondary jail. Traditional cost benefit analyses are better at documenting the costs of increased monitoring and accountability (increased staff time; secondary jail time) than at documenting its value. Intangible benefits, such as increased public confidence, are not factored into the cost benefit

sentences Downtown might not have increased.

Counterfactual reasoning is unavoidable in most forms of research, and a valuable research tool if steps are taken to ensure that counterfactual propositions are as reasonable as possible (Lieberman, 1985:45-8; King et al., 1994: 77-8; Marshal, 1994:95). Reasonableness "requires the determination of appropriate controls" (Lieberman, 1985:46). In this analysis, the most important variable to control for is charge type.

calculation.

Traditional cost-benefit analyses often seek to produce a “bottom line” ratio that reduces project impacts to a return on dollars invested. For example, a study might find that every dollar spent on drug treatment courts yielded three dollars in jail savings; reduced criminal justice costs, stemming from reduced recidivism; and reduced public health expenditures. Such findings may be built on relatively shaky ground, including the lack of randomized controlled experiments or strong quasi-experimental designs; questionable assumptions about costs and savings;¹² and inexact estimates that affect the calculation of dollar values.

This study does not seek to produce such a bottom line. Instead of narrowly focusing on the dollar value of a few well-documented impacts, we have attempted to broaden the inquiry. The goal here is modest – to identify the broad variety of costs and benefits associated with the Midtown Community Court, to provide admittedly rough estimates of the value of tangible benefits and to point to the potential value of less tangible benefits. Because this approach is broader and arguably “softer” than traditional cost-benefit analyses, we have relegated the calculation of dollar savings for tangible benefits to appendices. In some instances, we acknowledge that potential benefits (for example, impacts on recidivism for defendants completing mandatory long-term treatment) have not been documented with sufficient rigor to justify calculating a dollar value.

IV. Organization of this Report

This report begins by examining whether the various impacts identified in the first phase of the research could be sustained throughout the demonstration period. Chapter Two updates several phase 1 analyses (including impacts on arrest-to-arraignment time, arraignment disposition rates and case outcomes) and examines broad trends that affected caseloads, case processing and case outcomes. Chapter Three reviews project impacts on jail time. Chapter Four looks at the Court’s impact on local prostitution markets and examines effects on

¹² It is common for studies of jail displacement to assess the dollar value of jail and prison time in terms of the average annual cost of a jail- or prison-bed. Yet, because jail and prison costs are heavily determined by staffing levels, they are relatively inflexible. Therefore, displacing several “jail-bed days” has little actual impact on correctional expenses. Instead, in jurisdictions with crowded correctional facilities the effort to save jail days may stave off costs for new jail or prison construction -- costs that are more difficult to document. Policy-makers generally recognize and accept strategies that use the costs of saved jail-days as an inexact proxy measure.

recidivism among local prostitutes. Chapter Five examines impacts on arrest frequency for participants in the Court's long-term treatment/case management program and reviews defendant and staff perceptions of the value of court-based services. Chapters Six and Seven examine community attitudes as documented by updated panel interviews and a random survey of residents; Chapter Seven also examines the correlates of resident's "willingness to pay" for a community court. Chapter Eight reviews findings about the Court's costs and benefits. Chapter Nine presents an overview of findings and reviews the implications of the research for replications of the Community Court model.

Chapter Two

Sustaining Preliminary Impacts: Three-Year Trends

I. Introduction

A central research task was to examine whether the preliminary impacts of the Midtown Community Court, identified in the evaluation's first phase, were sustained over the Court's first three years.¹ Could reductions in arrest-to-arraignment time be maintained as caseload volume grew? How long did it take for the Court to achieve its target caseload of 15,000 arraignments per year? Would the Midtown Court continue to impose substantially more intermediate sanctions and substantially fewer 'walks' than the Downtown court? Would aggregate community service compliance rates remain higher at Midtown than Downtown? Could reductions in street prostitution and unlicensed vending be sustained? And how would attitudes among community members and criminal justice professionals change during the later stages of project implementation?

In examining the project's ability to sustain preliminary impacts and reviewing trends in police and court practice that affected those impacts, this chapter examines four specific areas: 1) caseloads and case processing; 2) case outcomes; 3) alternative sanction compliance; and 4) community conditions. To do that, it draws upon data from a variety of sources – the court's MIS; data on arrest-to-arraignment time from the city's Criminal Justice Coordinator; data on case outcomes at the Downtown court from the Office of Court Administration; and structured ethnographic observations of community conditions and street interviews with prostitutes and vendors. It also reviews data from the NYPD documenting trends in arrest frequency for low-level crime that affected the size and composition of the Court's caseload.

The task of reviewing the project's ability to sustain preliminary impacts involved updating information in a broad variety of areas. Although several "sustainability" issues are addressed in this chapter, some topics (e.g., a review of impacts on jail time, updated panel interviews with community leaders) are addressed in separate chapters. This chapter ranges broadly, reviewing findings about arrest trends; changes in DAT policy; impacts on arrest-to-arraignment time; impacts on arraignment disposition rates; impacts on case outcomes by charge; trends in alternative sanction compliance; impacts on community service compliance; and impacts on community conditions.

¹ See Sviridoff et al (1997) for a full description of the Midtown Community Court and a review of how its practices differ from traditional criminal court processing.

Because it synthesizes a great deal of information, an overview of findings about trends and sustainability is presented at the end of the chapter.

The Midtown Community Court developed during a period in which dramatic transformations in police policy and practice affected the composition of criminal court caseloads citywide. One central factor affecting caseload composition was the New York City Police Department's (NYPD) increased focus on low-level offenses, some of which had not traditionally been enforced in large numbers.² As police began making arrests for offenses that had not been traditionally enforced (e.g., panhandling in the subway, public drinking), these changes in enforcement policy affected both caseload volume and caseload composition at the Court. In addition, tightened policies about the issuing of Desk Appearance Tickets (citation arrests, known locally as DATs) sharply reduced the percent of Midtown cases involving DATs by Year 3. As discussed below, these changes in turn affected aggregate case outcomes and aggregate alternative sanction compliance rates.

Cost implications Many of the impacts discussed below have implications for the review of project costs and benefits in Chapter Eight. For example, an early project objective was to promote

² Shortly after the court opened, the New York City Police Department intensified its focus on low-level quality-of-life crime (Purdy, 1997; Cooper, 1998). Since 1993, misdemeanor arrests for quality-of-life offenses have risen sharply while felony crime rates have plummeted. Local police officials have argued that the increased focus on low-level offenses was one of the primary causes of the decline in felony crime; other commentators have offered a variety of alternative explanations (Anderson, 1997; Butterfield, 1997a and 1997b; Kelling and Coles, 1996; Karmen, 1996; Hernandez, 1996; Gladwell, 1996; Butterfield, 1996).

Throughout the Court's demonstration period, the local debate about the relationship between disorder and felony crime was heated. Some suggested that low-level enforcement sweeps large numbers of 'status' offenders (homeless, mentally ill and minority youth populations) into the criminal justice system for minor infractions with little effect on serious crime. They argued that intensive order maintenance, particularly in minority neighborhoods, was no more than a guise for discriminatory enforcement that subjected passers-by to abusive 'stop and frisk' searches (Lii, 1997). Others argued that proactive order maintenance had substantially improved quality of life and helped lower serious crime. The debate was focused primarily on police practice, not on court operations.

In 1995, at the peak of the crackdown on quality-of-life offenses, several disorderly behaviors in New York City were reduced from misdemeanor to violation status -- a form of "decriminalization". In 1996, however, police regained the power to arrest individuals for public drinking, sparking a substantial number of arrests for this offense. More recently, legislative change gave New York police the power to arrest individuals for panhandling at Automated Teller Machines (ATMs). These changes in charge status affected the court's caseload, increasing the percent of cases involving low-level offenses that had not previously been classified as crimes or had not previously been enforced in substantial numbers. These cases, classified as 'other' in the tables and figures below, were more likely than penal law offenses to receive sentences of "time served" if defendants were detained before arraignment.

system efficiencies (reducing arrest-to-arraignment time, increasing dispositions at arraignment) and, thereby, reduce pre-arraignment detention costs and the costs of subsequent court appearances. Another example: the expanded use of intermediate sanctions (community service and social service) was seen as having several types of value; it would not only provide a means to “pay back the neighborhood harmed by crime” through community service labor (seen by planners as a direct contribution to the neighborhood), but it might also serve to reduce costly jail time. The effort to transform street prostitution markets was seen not only as reducing the costs of arrest, court processing, detention and jail but also as having potential “multiplier” effects on neighborhood quality-of-life (see Chapter Four). In addition, efforts to address underlying defendant problems such as drug addiction were seen as having the potential to reduce the costs of recidivism (see Chapter Five).

The cost implications of the various impacts identified in the first phase of the research are considered separately in appended materials, referenced in various sections below and/or appended to other chapters. This chapter focuses primarily on trends that affected project performance and on the project’s ability to sustain preliminary impacts throughout the demonstration period.

II. Caseloads and Case Processing

A. Misdemeanor Arrest Trends. The caseload of the Midtown Community Court was affected by citywide trends in the enforcement of low-level crime in Manhattan. The Court opened in the midst of a mayoral election that brought an intensified focus to quality-of-life crime. Before the election took place, the New York City Police Department had already implemented an intensive crackdown on “squeegee” window washers – a low-level offense that generated widespread complaints among local drivers. The success of that crackdown, marked by the virtual elimination of “squeegee” activity in Manhattan, led (early in 1994) to an intensified and well-publicized focus on low-level quality-of-life crime as the hallmark initiative of the newly elected mayor, Rudolph Giuliani, and his new police commissioner, William Bratton (Krauss, 1994; Kelling, Julian and Miller, 1993). The citywide focus on addressing quality-of-life crime sprang from widespread community concern about the need for increased attention to the low-level offenses that bothered community members intensely – low-level drug offenses, turnstile jumping, harassment by “squeegee” window washers, graffiti and other visible signs of disorder.

The heightened citywide focus on low-level crime reflected a commitment to the “broken windows” philosophy (Wilson and Kelling, 1982) – the belief that widespread disorder, if left unattended, can lead to a spiral of increased disorder, crime and urban decay. The increased focus on low-level crime appeared to complement the new Court’s emphasis on addressing low-level offenses that were of great concern to community members, but had typically received little court attention. Although there was substantial synergy between the police and the Midtown Community Court in the emphasis placed on quality-of-life offenses, the police agenda regarding quality-of-life enforcement was separate and distinct from the Court’s effort to expand constructive sentencing for low-level offenses.

In practice, review of official arrest data showed that the NYPD’s heightened emphasis on the enforcement of low-level crime had far more effect outside of Midtown than in Midtown. Over the Court’s first three years, there was a substantial increase in misdemeanor and violation arrests in Manhattan as a whole. Yet the number of arrests in the Midtown Court’s three target precincts – traditionally known as the center of New York City’s quality-of-life enforcement activity – dropped.³ Between 1992 and 1996, the number of non-felony arrests in Midtown fell by 12 percent (from 26,244 to 22,499) while increasing by 66 percent in the rest of Manhattan (from 34,355 to 57,162). As a result of these changes, the percent of Manhattan arrests arising in Midtown fell from 43 percent in 1992 to 28 percent in 1996.

Table 1 shows changes in arrest volume by geographic area and charge. It demonstrates that trends in arrest volume varied considerably by arrest type. For example, Midtown’s share of Manhattan arrests for prostitution and turnstile jumping fell sharply between 1992 and 1996 (prostitution, from 83% to 61%; turnstile jumping, from 55% to 34%), reflecting both decreased arrests in Midtown and increased arrests in the rest of Manhattan. In contrast, a borough wide increase in low-level drug and shoplifting arrests did not greatly affect the percent of Manhattan cases arising in Midtown.

³ For years, police in Midtown had made substantial numbers of arrests for prostitution-related offenses, vending and turnstile jumping. Yet low-level offenses, particularly drug and other quality-of-life offenses, had not traditionally produced substantial numbers of misdemeanor arrests in the rest of Manhattan.

Table 1:
Trends in Arrest Frequency from 1992 to 1996 by Charge and Area

Trends	Charge			
	Prostitution-Related Offenses	Theft of Services (Fare Evasion)	Low-level Drug Offenses	Petit Larceny & Criminal Possession of Stolen Property
Midtown Precincts: % Change from 1992 to 1996	-57%	-38%	+81%	+13%
Other Manhattan Precincts: % Change from 1992 to 1996	+34%	+55%	+140%	+14%
Midtown Precincts as % of Manhattan, 1992	83%	55%	23%	44%
Midtown Precincts as % of Manhattan, 1996	61%	34%	18%	44%

Changes in Manhattan enforcement levels varied by location. For drug offenses and turnstile jumping, the intensified enforcement of low-level crime focused more intensively on inner-city neighborhoods (e.g., Central Harlem) than on Midtown Manhattan, where low-level arrests had traditionally been concentrated. At the same time, an intensified focus on street prostitution in Midtown after the opening of the Court led to a market restructuring that reduced arrest frequency (traditionally very high) in Midtown and increased arrest frequency (traditionally very low) in the rest of Manhattan (see Chapter Four).

Changes in enforcement strategy in Midtown affected the volume of quality-of-life cases classified as "other" in the Midtown database. The Midtown database demonstrates sharp increases from Year 1 to Year 3 in arrests for disorderly conduct (from 63 to 228), public drinking (from 1 to 234) and criminal trespass (from 132 to 443).⁴ These trends reflect the NYPD's effort to "raise the bar" for acceptable behavior -- an effort seen by some commentators as "zero tolerance"

⁴ Available NYPD data do not track changes in the frequency of a variety of low-level offenses (public drinking, disorderly conduct) that were enforced with increasing frequency in Midtown over the demonstration period.

enforcement. An additional explanation for this increase was offered by some Midtown police: as street conditions improved, the police were freed to increase their focus on less serious offenses.

B. Caseload Composition and Caseload Volume

Reduced DATs and Increased DAT Appearance Rates. In the Midtown Court's third year, there was a dramatic shift in arrest practices – specifically, a reduction in the frequency with which DATs were issued and a concomitant increase in the number of defendants held before arraignment. When the Court opened, DATs were typically issued to defendants with identification and without open warrants; these defendants were scheduled to appear at arraignment roughly three weeks after the instant arrest. In the middle of the Court's third year, the NYPD substantially tightened procedures for checking identification and open warrants before issuing DATs. The change in arrest policy led to a substantial drop in the proportion of cases sent to the Midtown Court that involved DATs from 70 percent in Year 1 to 46 percent in Year 3 (see Chart 1).⁵

The effect of the change in DAT policy varied by charge. The reduction in the percent of cases involving DATs was particularly steep for theft of service (turnstile jumping) cases (from 86% to 40%), drug cases (from 55% to 27%) and “other” cases (from 56% to 40%).⁶

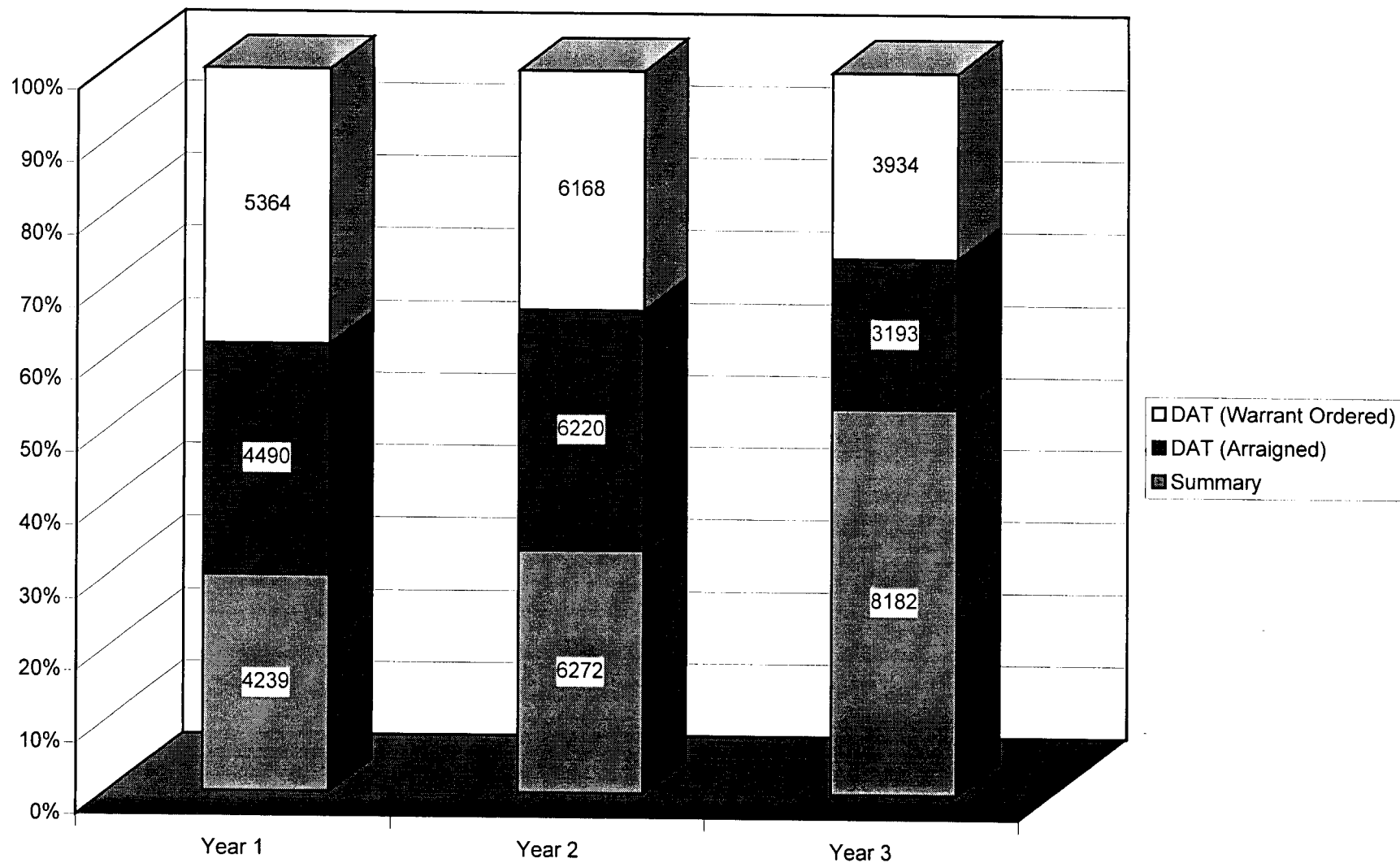
For drug cases, the reduction in the proportion of cases involving DATs that were sent to Midtown springs from *both* changes in case referral mechanisms and tightened policies about issuing DATs. In the Court's first two years, the District Attorney kept substantial numbers of summary arrest cases involving drug charges Downtown because of the need for an interview between the

⁵ More recently, the percent of calendared cases involving DATs dropped even more substantially. At the end of the Court's fifth year citywide DAT rates fell again after an officer, attempting to serve a DAT warrant, was shot by an offender with a prior violent felony record. Police drastically cut the frequency of DATs by requiring the production and review of a rap sheet from Albany before a DAT could be issued. As a result, the percent of cases involving DATs at the Midtown Court fell to eight percent. As a local police officer put it, “If Jesus Christ were arrested in New York City these days, he couldn't get a DAT.”

Reductions in the frequency of DATs were associated with a gradual increase in DAT appearance rates at the Court – the result of tighter screening before DATs were issued. For years, DATs had been known as “disappearance tickets” because of the high “no-show” rates associated with “citation” arrests in New York City. By the Court's third year, the DAT appearance rate had grown from 46 percent in the first year to a more respectable 58 percent. The reduction in DAT frequency in the fifth year was associated with an additional increase in appearance rates to 87 percent.

⁶ “Other” cases include soliciting prostitution, possession of burglary tools, criminal trespass, disorderly conduct, panhandling in the subway, public drinking and a variety of other low-level offenses.

Chart 1: Docketed Midtown Cases by Arrest Type and Year



arresting officer and an Assistant District Attorney before the complaint could be drawn. By the Midtown Court's third year, video conferencing capacity in Midtown precincts reduced the need for on-site interviews. In addition, an executive order issued by the NYPD ensured that *all* weekday misdemeanor arrests arising in Midtown be sent to the Midtown Court. Together, these procedural changes substantially increased the numbers of summary arrests involving drug charges sent to Midtown.

Trends in Caseload Composition by Charge. Table 2 breaks down the number and proportion of the Midtown Court's most common charges by year. As discussed above, the number of drug cases arraigned at the Midtown Court increased each year of the demonstration period from 301 in Year 1 to 1,213 in Year 3.⁷ Prostitution volume held relatively steady across the years despite reductions in prostitution arrests in Midtown; this was because the Court began handling weekday prostitution arrests from all Manhattan precincts in Year 2.⁸ After a sharp increase from Year 1 to Year 2, the number of theft-of-service cases in Year 3 fell dramatically in response to changes in enforcement. The increased emphasis on quality-of-life enforcement over the first three years is reflected by the growing number and proportion of "other" cases at Midtown.

Caseload volume remained an issue until the last few months of the demonstration period when caseload volume grew large enough to match initial projections. Since that time, however, caseloads have continued to fluctuate in response to changes in enforcement policy and community conditions.⁹

⁷ Because defendants in drug-possession cases were seen as particularly appropriate for the Midtown Court's court-based treatment capacity, coordinating staff, in August 1994 the project reached an agreement with the District Attorney's office to permit defendants, held on misdemeanor drug charges, to be delivered to the Midtown Court before the arresting officer met with the Assistant District Attorney.

⁸ The decision to send Manhattan-wide prostitution cases to the Court was influenced by concerns about caseload volume, concerns about the threat of displacement to adjacent precincts and early indications that the Court's sentencing practices may have reduced the concentration of prostitution in Midtown.

⁹ The Midtown experience demonstrates that community courts require the flexibility to modify their caseloads and/or their target area in response to changes in local enforcement policy or practice.

Table 2:

Midtown Court – Docketed Cases by Arraignment Charge, First Three Years of Operation

Year	Drugs	Petit Larceny	Prostitution	Theft of Service	Unlicensed Vending	Other	Total
One	466 (3.3%)	2,433 (17.4%)	1,104 (7.9%)	5,396 (38.5%)	2,988 (21.3%)	1,631 (11.7%)	14,018
Two	1,026 (5.5%)	2,604 (14.0%)	1,255 (6.8%)	8,691 (46.9%)	2,681 (14.5%)	2,290 (12.3%)	18,547
Three	1,369 (9.1%)	2,988 (19.8%)	1,481 (9.8%)	3,509 (23.2%)	2,869 (19.0%)	2,911 (19.2%)	15,127
Total	2,861 (6.0%)	8,025 (16.8%)	3,840 (8.1%)	17,596 (36.9%)	8,538 (17.9%)	6,832 (14.6%)	47,692

Table 2a:

Midtown Court – Arraigned Cases by Arraignment Charge, First Three Years of Operation

Year	Drugs	Petit Larceny	Prostitution	Theft of Service	Unlicensed Vending	Other	Total
One	301 (3.5%)	1,596 (18.4%)	1,085 (12.5%)	2,879 (33.3%)	1,580 (18.3%)	1,215 (14.0%)	8,656
Two	758 (6.1%)	1,707 (13.8%)	1,223 (9.9%)	5,364 (43.3%)	1,460 (11.8%)	1,874 (15.1%)	12,386
Three	1,213 (10.1%)	2,166 (18.0%)	1,456 (12.1%)	2,890 (24.0%)	1,674 (13.9%)	2,662 (22.1%)	12,061
Total	2,272 (6.9%)	5,469 (16.5%)	3,764 (11.4%)	11,133 (33.6%)	4,714 (14.2%)	5,751 (17.4%)	33,103

C. Arrest-to-Arrest Time Before the Midtown Court opened, the burden of processing misdemeanor cases in New York City had led to chronic, recurring crises in the criminal justice system. Between 1980 and 1989, the volume of misdemeanor arrests in the five boroughs that constitute New York City escalated steadily, increasing from 68,000 to over 133,000. The mounting volume gave rise to heightened concerns about the costs associated with arrest-related processing time for police officers, overcrowding in pre-arrest holding facilities and the length of time between arrest and arrest. At the peak of this escalation, the average time between arrest-to-arrest hovered close to 72 hours, leading to a court order that imposed penalties when arrest-to-arrest time exceeded 24 hours. During the planning period for the Midtown Community Court, there was considerable interest in the project's potential effects on arrest-to-arrest time, which had long been an issue of concern in New York City.

The Midtown Court's arrest-to-arrest procedures were designed to speed case processing. Before the Midtown Court opened, police officers had to escort defendants downtown. In some instances, arresting officers were required to wait downtown until they had been interviewed by an Assistant District Attorney, responsible for preparing the complaint. In other cases, for example prostitution and shoplifting cases, police officers could file an expedited affidavit that eliminated the need for a face-to-face interview. Court clerks had to assemble a full set of paper records, including 'rap' sheets sent from Albany, before defendants could proceed to arrest.

The Midtown Court instituted several changes designed to reduce processing time. First, because the Court is in Midtown, police officers did not have to escort defendants downtown, but could bring them directly to the Midtown Court, close to the arrest point, saving travel time.¹⁰ In follow-up focus group interviews, some police officers reported that this practice had substantially reduced overtime expenditures:

For me, it cuts out my overtime because I used to take misdemeanors down to Central Booking, and I would make overtime in central booking. And now I don't need to see Central Booking. I hardly even go there. So I lose out on the overtime...

In addition, clerks used the Court's technology helps identify the oldest cases in the system to reduce

¹⁰ A video-conference link between the Midtown North precinct house and the District Attorney's office, established in August 1995, was introduced to eliminate the need for a face-to-face interview between arresting officer and an Assistant District Attorney in cases that were not eligible for expedited affidavits.

the risk of exceeding the 24 hour limit on arrest-to-arraignment time.

There were other reasons to expect that the Midtown Court might arraign cases relatively quickly. Many Midtown cases (e.g., prostitution, shoplifting, unlicensed vending) could be handled through an expedited affidavit that eliminated the need for a police-ADA interview and the project worked with police to increase the use of expedited affidavits in Midtown. Cases that required such interviews (e.g., assault, drug cases) could be handled through video-conference technology (installed in Midtown precincts in 1995). In contrast, much of the caseload at the Downtown court, which included substantially more assaults as well as felony matters, was inappropriate for expedited review.

Estimating differences in arrest-to-arraignment time Because of the difference in caseload composition, it is difficult to estimate the precise effect of the Midtown Court on arrest-to-arraignment time with existing data. Data on arrest-to-arraignment time at the Downtown court are only available in the aggregate (including both felonies and misdemeanors). It is not possible to compare arrest-to-arraignment time for comparable cases (e.g., specific types of misdemeanor cases). Misdemeanor arrests that permit expedited case processing (a substantial part of the Midtown caseload) can be processed more quickly than other misdemeanors or felonies. Therefore, the Midtown caseload would be expected to produce shorter arrest-to-arraignment times simply because its caseload is easier to process than the caseload Downtown.

There is qualitative evidence that arrest-to-arraignment times were reduced for some types of offenses. For example, defendants charged with prostitution (a charge that permitted expedited processing) reported that they were just as likely to spend over 24 hours or longer awaiting arraignment at the Downtown court as defendants charged with serious felony offenses. According to court officials, much of the delay in processing cases for arraignment Downtown stemmed from the wait for “rap” sheets – a queue that was unaffected by case type. Yet there is insufficient quantitative data to estimate the project’s impact on arrest-to-arraignment time precisely. Such an analysis would require information on average arrest-to-arraignment times for specific offense types at both courts.

Calculating the Reduction in Arrest-to-Arraignment Time. Although there are methodological issues that limit our ability to determine the extent to which reductions in arrest-to-

arraignment time stem from operational changes introduced in Midtown rather than differences in caseload composition, the difference in average arrest-to-arraignment time can be calculated and cost savings estimated. Over the Court's first three years, arrest-to-arraignment time at Midtown was consistently lower than at the Downtown court, averaging 18.9 hours compared to 29.2 for a comparable period. Overall, 16,926 defendants were detained at Midtown arraignment for a total of 319,415 hours. Although arrest-to-arraignment time increased somewhat at the end of the Court's third year, in response to an increase in the number of defendants held before arraignment, average arrest-to-arraignment time remained well below 24 hours (See Appendix Table 2-1-A).

To estimate the amount of time between arrest and arraignment saved by the Midtown Court, we multiplied the average arrest-to-arraignment time Downtown by the number of detained defendants at Midtown for a total of 493,522 hours (See Appendix Table 2-1-B). We then subtracted detention time at Midtown from detention time Downtown in hours and converted that savings into days and years of detention time, as shown below:

**Table 3:
Annual Reduction in Arrest-to-Arraignment**

	Savings in Hours	Savings in Days	Savings in Years
Year 1	43,466	1,811	4.96
Year 2	63,199	2,633	7.21
Year 3	67,439	2,810	7.70
Total	174,107	7,254	19.8

Over three years, it is estimated that the Midtown Court saved a total of nearly 20 detention years in pre-arraignment holding cells, or an average of 6.6 pre-arraignment detention years annually (See Appendix 2.1 for a review of estimated cost savings based on aggregate differences).¹¹

III. Case Outcomes

A. Increasing the Number of Cases Disposed at Arraignment. There was considerable local interest in the potential effect of the Midtown Community Court on the rate of dispositions

¹¹ The gap between Midtown and Downtown in arrest-to-arraignment time closed substantially in the Court's fifth year as procedures for electronic transmission of fingerprints and 'rap' sheets were institutionalized Downtown. Currently, arrest-to-arraignment time Downtown is well within the 24 hour benchmark.

at arraignment. Some local criminal justice professionals had predicted that the Court's effort to increase the use of constructive intermediate sanctions would backfire. They suggested that instead of an increase in intermediate sanctions the Court would produce substantial amounts of "forum shopping." They argued that large numbers of defendants would adjourn their cases to the Downtown court to avoid sentences to community service and social service and predicted that widespread "forum shopping" would substantially increase system costs. In the first phase of the research, although adjournment rates increased for prostitution and unlicensed vending cases at the Midtown Court, there was no *net* reduction in dispositions at arraignment and, therefore, no overall impact on system costs.

Over the Court's first three years, there was growing evidence that the Midtown Court might be increasing the frequency of dispositions at arraignment. Routine statistical reports at the Midtown Court demonstrated that adjournment rates dropped substantially over time, particularly for prostitution and unlicensed vending -- the two charges for which there was early evidence of "forum shopping".

Examining differences in disposition rates at the two courts by charge To examine the impact of the Midtown Court on the disposition rate at arraignment over three years, research staff gathered data from both the Midtown and Downtown courts on the number and proportion of cases disposed at arraignment, broken down by charge, case type (DAT or summary arrest) and year – factors that are associated with variation in arraignment disposition rates at the two courts. These data allowed us to calculate average arraignment disposition rates at both courts over the three-year study period and estimate the number of cases, actually arraigned at Midtown, that would have been disposed if they had been arraigned Downtown.

Tables 4 and 5 below document trends and permit a comparison of disposition rates at arraignment at the Midtown (Table 4) and Downtown courts (Table 5) for specific charges over three years. As shown below, the frequency of dispositions at arraignment at the Midtown Court for all arrest types combined modestly increased over the first three years from 73 percent to 78 percent. The increase was largest for prostitution (from 70% to 82%) and unlicensed vending cases (from 49% to 57%), as shown in Table 4. Third year disposition rates were higher than first year rates for all charges.

**Table 4:
Percent of Cases Disposed at Arraignment at the Midtown Court, by Charge and Year**

	Prostitution	Theft of Service	Low-level Drugs	Petit Larceny	Unlicensed Vending	Assault	Total
Year 1	70%	90%	78%	76%	49%	3%	73%
Year 2	76%	88%	81%	76%	48%	4%	77%
Year 3	82%	94%	81%	78%	57%	5%	78%

In contrast, at the Downtown court there was little change in the aggregate disposition rate from Year 1 (64%) to Year 3 (63%). Yet there were notable trends for some charges, including a substantial dip in the arraignment disposition rate for prostitution (from 77% to 67%) and drug cases (from 66% to 61%). There was also a marked increase in the arraignment disposition rate for unlicensed vending (from 74% to 85%), increasing the contrast with Midtown for this charge.

**Table 5:
Percent of Cases Disposed at Arraignment at the Downtown Court by Charge and Year**

	Prostitution	Theft of Service	Low-level Drugs	Petit Larceny	Unlicensed Vending	Assault	Total
Year 1	77%	84%	66%	57%	74%	6%	64%
Year 2	70%	83%	64%	59%	79%	6%	62%
Year 3	67%	85%	61%	59%	85%	5%	63%

The two offenses that varied substantially over time in the rate of arraignment disposition at *both* courts (prostitution and unlicensed vending) were the only offenses associated with concerns about “forum shopping” during the first phase of the research. For prostitution, these concerns had faded by the third year. By that time, arraignment disposition rates for prostitution were substantially higher at Midtown than they were Downtown. Disposition rates for vending cases, however, remained lower than at the Downtown court throughout the study period and concerns about “forum shopping” remained.

Examining differences in disposition rates at the two courts by arrest type Arrest type also had a strong influence on arraignment disposition rates at the two courts over three years as

shown in the tables below. At Midtown, summary arrests had a higher aggregate disposition rate over three years than DATs (82% compared to 69%). This difference was apparent for most charges, as shown in Table 6. The exception is prostitution cases, which rarely received DATs.

Table 6:

Arraignment Disposition Rates by Arrest Type & Charge, Midtown Community Court

	Prostitution	Theft of Service	Low-level Drugs	Petit Larceny	Unlicensed Vending	Assault	Total
Summary Arrests	76%	95%	82%	80%	70%	8%	82%
DATs	84%	86%	75%	71%	42%	3%	69%

In contrast, at the Downtown court, arraignment disposition rates were typically higher for DATs (73%) than for summary arrests (56%), as shown in Table 7. The exceptions to this pattern Downtown involve prostitution and unlicensed vending charges, where summary arrests had a slight edge.

Table 7:

Arraignment Disposition Rates by Arrest Type and Charge, Downtown Court

	Prostitution	Theft of Service	Low-level Drugs	Petit Larceny	Unlicensed Vending	Assault	Total
Summary Arrests	74%	83%	62%	56%	82%	5%	56%
DATs	72%	85%	67%	63%	81%	8%	73%

Estimating the Court's impact on dispositions rates at arraignment Because arraignment disposition rates varied by charge, year and arrest type, it was important to control for these factors in estimating the number of cases arraigned at Midtown that *would have been disposed* at the Downtown court. To produce this estimate (needed to support the cost analysis), we applied Downtown disposition rates for specific years, charges and arrest types to comparable Midtown cases. Tables, summarizing the results of these calculations separately for summary arrests and DATs over the three year period, are included in Appendix 2-2.

As shown in that appendix, for summary arrests, we estimated that an average of 71

percent of cases *would have been disposed* at the Downtown court compared to 82 percent that were actually disposed at Midtown.¹² This stemmed from the fact that the frequency of arraignment disposition for summary arrest cases was substantially higher at the Midtown Court for most charges (shoplifting cases, Midtown, 80%; Downtown, 56%; drug cases, Midtown, 82%; Downtown, 62%; turnstile jumping cases, Midtown, 95%; Downtown, 83%; prostitution cases, Midtown, 76%; Downtown, 74%). The exception was unlicensed vending (Midtown, 70%; Downtown, 84%).

To estimate the number of Midtown summary arrest cases that *would have been disposed at Downtown arraignment*, we multiplied the arraignment disposition rates for specific types of summary arrest cases Downtown by the actual number of cases arraigned at the Midtown Court. Based on this, we estimated that 1,798 fewer summary arrest cases would have been disposed Downtown than were actually disposed at Midtown (see Appendix 2-2).

DATs. As shown in Appendix 2-2, we used the same procedures to estimate the effect of the Midtown Court on the number of DAT cases disposed at arraignment. We estimated that the Downtown court would have disposed more DAT cases at arraignment over three years (75%) than were actually disposed at Midtown (69%). Although disposition rates were somewhat higher at Midtown for several offenses, the Downtown court had a substantially higher DAT arraignment disposition rate for unlicensed vending cases (Midtown, 42%; Downtown, 81%) and assault cases (Midtown, 3%; Downtown, 8%). The Downtown court had a lower DAT disposition rate for prostitution cases (Midtown, 84%; Downtown, 72%) – an offense for which DATs were relatively rare (less than 1% of all DATs). It also had a lower DAT disposition rate for shoplifting cases (Midtown, 71%; Downtown, 63%) and drug cases (Midtown, 75%; Downtown, 67%). For DATs, the difference in disposition rates for vending cases more than offset the increased frequency of DAT arraignment disposition for other charges. We estimated that over three years the Midtown Court disposed 846 fewer DAT cases than would have been

¹² The estimate that 71 percent of Midtown cases would have been disposed Downtown is substantially higher than the *actual* average Downtown rate of 56 percent for all Downtown cases. The difference stems from underlying differences in the caseloads at the two courts. The Midtown caseload includes more cases that are likely to reach disposition at arraignment than the Downtown caseload. For example, there are substantially more assault cases at the Downtown court (18% of summary arrests Downtown) than at Midtown (1%). Assault cases are rarely disposed at arraignment at either court.

disposed Downtown.

Overall, the Midtown court increased the estimated frequency of dispositions at arraignment for summary arrests, but not for DATs. By combining estimates for summary arrests and DATs, we estimated the Midtown Court's net effect on dispositions at arraignment: an increase of 952 dispositions out of over 27,000 dispositions in three years. This increase is modest but represents an improvement over the first 18 months in which the Court had *no net impact* on the frequency of arraignment dispositions. Much of the estimated net increase in dispositions at arraignment occurred in the Court's third year, as shown in the appendix, which reviews the cost implications of the increase in dispositions at arraignment.

B. Sentence Outcomes One of the central questions posed in this research on the Midtown Community Court concerned whether the Court's preliminary impacts on case outcomes, identified in the first phase of the research, could be sustained over a longer period. A central objective of the Midtown Court was to change going rates for low-level offenses and move sentencing into the middle ranges, between "walks" (e.g., sentences of "time served") and jail. The initial research showed that the Midtown Court did produce significantly more intermediate sanctions than the Downtown court, fewer jail sentences and substantially fewer "walks".

Specifically, in terms of intermediate sanctions, in Phase 1 research the Midtown Court produced:

- more than twice as many community service and social service sentences for drug and petit larceny charges;
- roughly three times as many community service and social service sentences for theft of service and unlicensed vending charges; and
- almost four times (95% versus 25%) as many community service and social service sentences for prostitution charges.

This was accomplished by substantially reducing the frequency of case outcomes in which no conditions are imposed (e.g., sentences of "time served", "conditional discharge" with no conditions specified and adjournments in contemplation of dismissal). At the same time, the frequency of jail sentences was significantly reduced for petit larceny and criminal possession of stolen property (Downtown, 44%; Midtown, 22%); prostitution (Downtown, 15%; Midtown, 4%); and turnstile jumping (Downtown, 17%; Midtown, 12%).

Sentence Outcomes by Charge. The sections below compare sentence outcomes for cases convicted at arraignment at the Midtown and Downtown courts for the five most common charges at the Midtown Court. Although case outcomes at the Midtown Court for these charges remained relatively unchanged over the first three years (with a few exceptions), there were notable changes Downtown for some charges (specifically, reductions in “time served” sentences and increases in community service sentences for prostitution and unlicensed vending; and sharp reductions in fines for unlicensed vending).

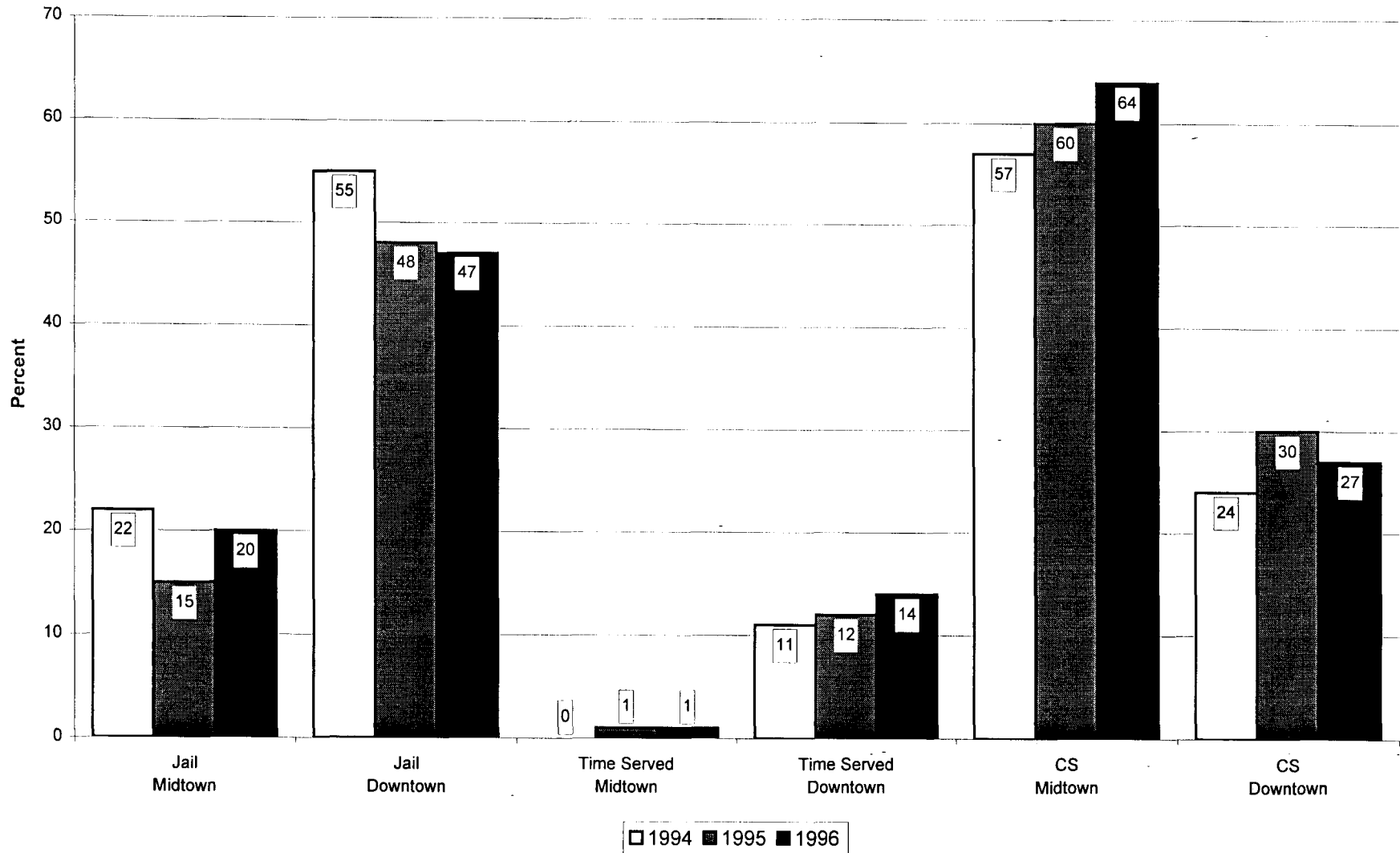
The sections below document sentencing trends for misdemeanors convicted at arraignment at the two courts using aggregate data from the Midtown MIS and the UCS CRIMS data base. They do not account for differences in the frequency of social service sentences (relatively rare Downtown) because such sentences are not recorded on the UCS data base. Therefore, they do not document the total number of “walks” handed out, because, unlike the Midtown data base, UCS CRIMS data do not permit distinguishing cases with social service sentences from “walks”. Instead, they document trends for specific sentences that can be counted accurately -- jail sentences, community service sentences, sentences of “time served” and (for charges where fines were used with some frequency Downtown) fines.¹³

Petit Larceny. Chart 2 shows that, for petit larceny cases, there was relatively little change in outcomes for convicted cases at either the Midtown Court or the Downtown court over three years. Jail sentences were roughly two and a half times as common Downtown (annual average: 50%) as at Midtown (annual average: 19%). The percentage of cases receiving “time served” was markedly higher at the Downtown court (annual average: 12%) than at Midtown (annual average: 1%). Community service was ordered at Midtown more than twice as

¹³ These aggregate comparisons do not control for underlying differences between the two courts in arrest type (summary arrest or DAT). The Midtown Court’s caseload contains a higher percent of DATs -- cases that are far less likely to be convicted than summary arrests -- than the Downtown court (for example, at Midtown 53% of DATs disposed at arraignment are convicted, compared to 90% of summary arrests). By limiting this analysis to *convicted* cases and by examining differences in sentence outcomes for specific charges, we have attempted to minimize caseload differences between the two courts.

Overall, we found that the differences between the two courts in sentence outcomes found here are comparable to the differences documented in the first phase of the research. That research used a comparison data set compiled by New York City’s Criminal Justice Agency and was able to control for underlying differences between the two courts. (For a more detailed discussion of the methodology used for this analysis, see Appendix 2-3.)

Chart 2: Petit Larceny -- Sentences as a Percent of Arraignment Convictions, by Court and Year



frequently (annual average: 60%) as at the Downtown court (annual average: 27%).

Prostitution. While outcomes for convicted prostitution cases at Midtown varied little over the first three years, at the Downtown court there was a sharp decline in “time served” sentences (from 53% of convicted cases in Year 1 to 34% in Year 3) and a concomitant increase in community service sentences (from 20% in Year 1 to 37% in Year 3: see Chart 3). Throughout, jail sentences were imposed roughly twice as often Downtown (annual average: 20%) as at Midtown (annual average: 10%). “Time served” sentences were much more frequent Downtown (annual average: 40%) than at Midtown (annual average: less than 1%) although the gap between the two courts diminished over time. Community service, the most common sentence at Midtown (annual average: 66%) was far less frequent Downtown (annual average: 30%) -- although the ratio between Midtown to Downtown for community service sentences changed from roughly three to one in Year 1 to roughly two to one in Year 3. Fines for prostitution, virtually never used at Midtown, they were handed out in a small number of Downtown cases.

Turnstile jumping. There were some notable changes in case outcomes for turnstile jumping cases over three years (see Chart 4). At both the Midtown and Downtown courts, the percent of jail sentences increased by roughly 30 percent for turnstile jumping cases. Sentences of “time served” also increased from Year 1 to Year 3 at both courts (from 2% to 5% at Midtown; from 35% to 41% Downtown).¹⁴ There were also reductions in the frequency of community service sentences at both courts (Midtown, from 71% in Year 1 to 67% in Year 3; Downtown, from 27% in Year 1 to 17% in Year 3.)

In spite of these changes, the basic contrast between the two courts in sentence outcomes for convicted theft of service cases was relatively unchanged. Jail was roughly three times as frequent over three years Downtown (annual average: 30%) as at Midtown (annual average: 11%). “Time served” sentences were much more common at the Downtown court (annual average: 35%) than at Midtown (4%). The percent of convicted cases receiving community

¹⁴ The increase in “time served” sentences for turnstile jumping and unlicensed vending cases was linked to changes in DAT policy in Year 3. As an increasing number of defendants who would previously have received DATs were held before arraignment for these charges, judges responded by increasing the use of “time served” sentences.

Chart 3: Prostitution -- Sentences as a Percent of Arraignment Convictions by Court and Year

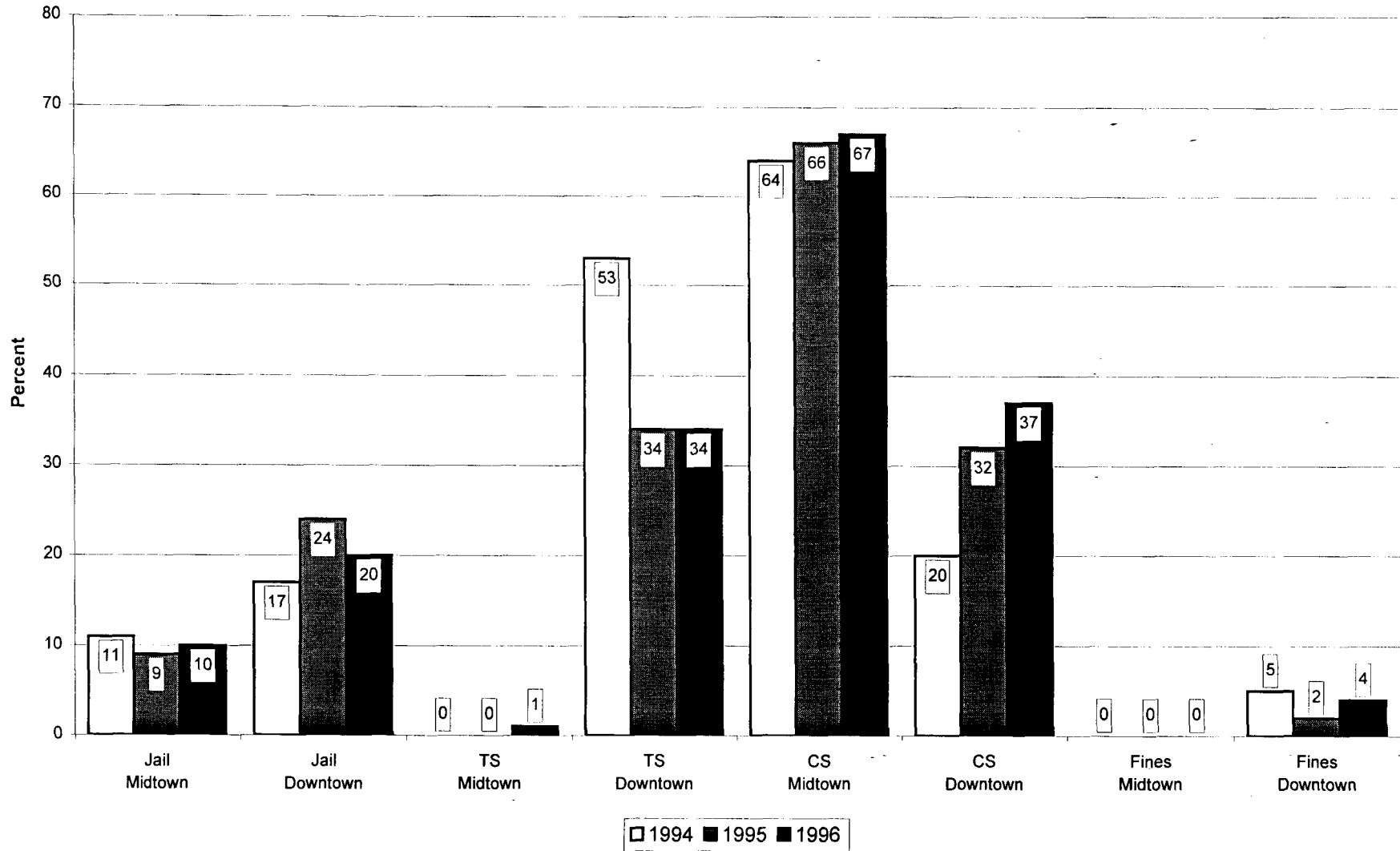
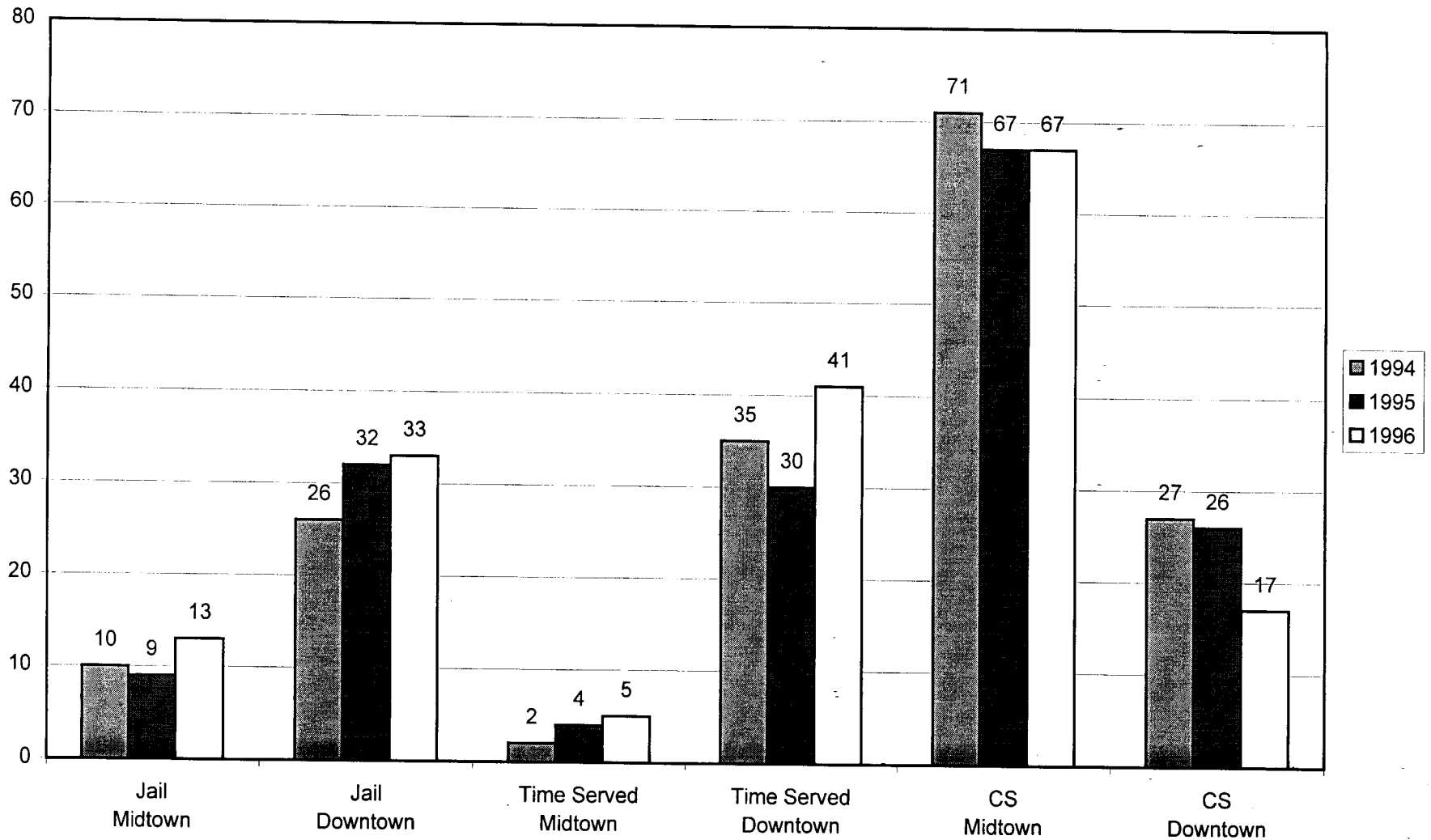


Chart 4: Turnstile Jumping, Sentences as a Percent of Arraignment Conviction by Court and Year



service remained markedly higher at Midtown (annual average: 68%) than Downtown (annual average: 23%).

Unlicensed Vending. There were also notable changes in sentence outcomes for unlicensed vending cases convicted at arraignment at the two courts. Over the three-year span, at the Downtown court there was a sharp reduction in fines (from 27% to 4%)¹⁵ and an increased use of community service¹⁶ (from 21% to 43%: see Chart 5). At Midtown, the percent of cases receiving “time served” increased from Year 1 (3%) to Year 3 (12%).

Because of these changes, the relative differences between the two courts shifted over three years. Although community service sentences remained far more common at Midtown (annual rate: 70%) than Downtown (annual rate: 33%), by Year 3 the difference had diminished (Midtown, 71%; Downtown, 43%). Sentences of “time served” remained far more common Downtown (annual rate: 36%) than at Midtown (annual rate: 6%), yet by Year 3 the difference had narrowed because of the increased use of such sentences at Midtown (Downtown, 37%; Midtown, 12%). The difference between the two courts in fine use was also reduced as fine use Downtown dropped steadily; in contrast, at Midtown, fines were rarely imposed. Jail sentences for unlicensed vending were rare at both courts, although slightly more common Downtown (Midtown annual rate, 2%; Downtown annual rate, 5%).

Drugs. Outcomes for drug cases convicted at arraignment remained relatively steady at both courts over three years (see Chart 6). For convicted drug cases, the percent of jail sentences at Midtown dropped in Year 2 then rose sharply in Year 3, while fluctuating little at the Downtown court. The frequency of community service sentences fell at both courts in Year 3 (from 18% to 13% at Midtown; from 35% to 27% Downtown).

For drug cases, the basic contrast between the two courts in sentence outcomes differed from the pattern for other charges. For other charges, there was substantially more community

¹⁵ In the year before the Midtown Court opened, fines were the most common sentence imposed for unlicensed vending for cases sentenced at arraignment (53%). Over the Midtown court’s first three years, fine use Downtown was virtually eliminated as the Downtown court moved closer to the Midtown model.

¹⁶ Before the Midtown Court opened, unlicensed vendors were less likely than any other offender group to get community service sentences at the Downtown court. By 1996, they had become *more* likely than any other group, suggesting a shift in “going rates” at the Downtown court.

Chart 5: Unlicensed Vending -- Sentences as a Percent of Arraignment Convictions by Court and Year

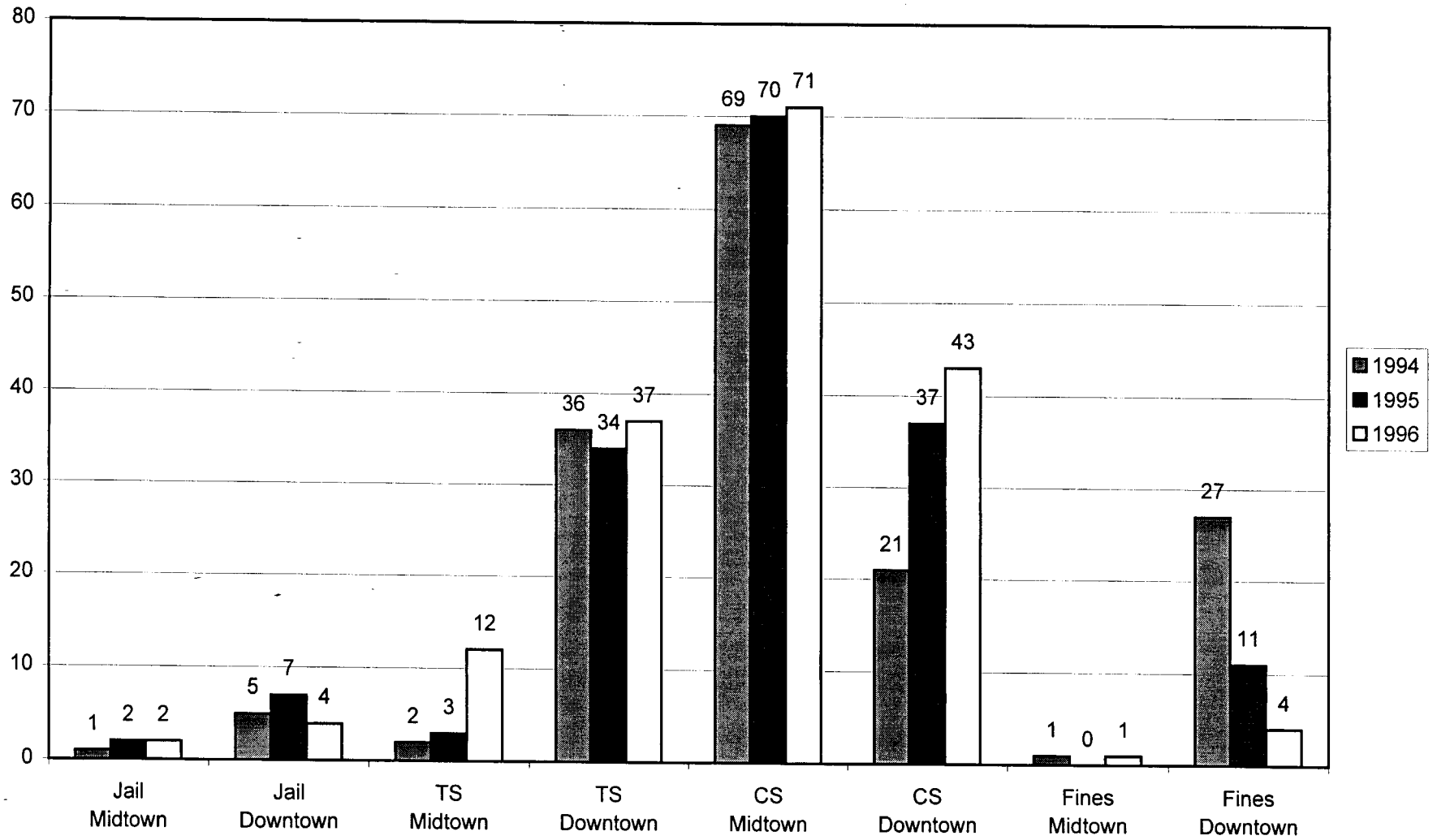
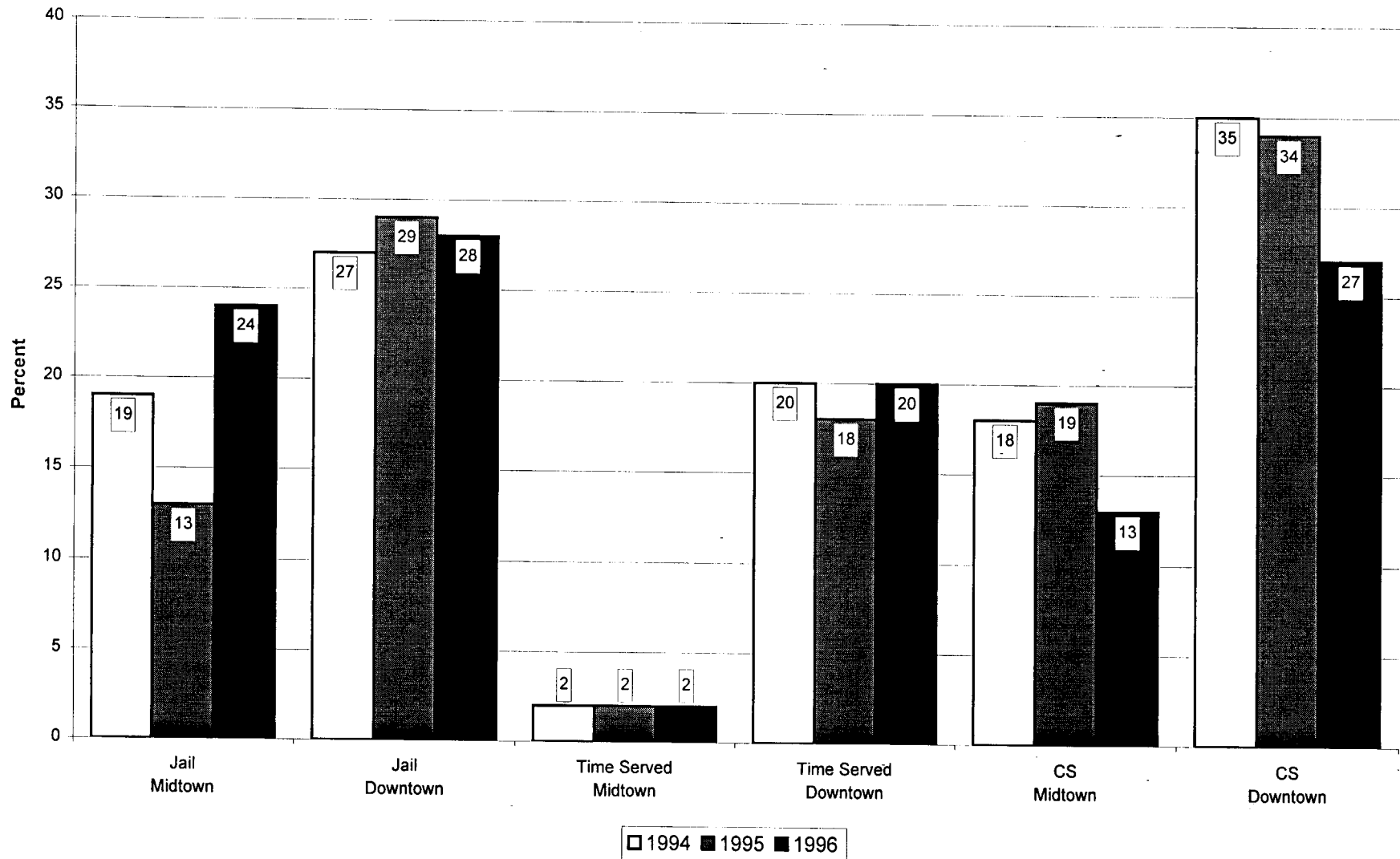


Chart 6: Drugs, Sentences as a Percent of Arraignment Convictions by Court and Year



service at Midtown than Downtown. For drug cases, this pattern is reversed: community service sentences were more frequent Downtown (annual rate: 32%) than at Midtown (annual rate: 17%). This is because the Midtown Court relied heavily on social service sentences (e.g., Treatment Readiness Program) for drug offenders. (Data from the Downtown court do not document the frequency of social service sentences Downtown).

In other respects, differences between the two courts were similar to differences noted for other charges. Jail sentences were less common for drug cases convicted at arraignment at Midtown than for other charges (Midtown annual rate, 19%; Downtown annual rate, 28%) although the difference diminished from Year 1 (Midtown, 19%; Downtown, 27%) to Year 3 (Midtown, 24%; Downtown, 28%).¹⁷ “Time served” sentences were substantially more common Downtown (annual rate: 19%) than at Midtown (annual rate: 2%).

Differences in sentence outcomes across charges Review of aggregate data suggests that the preliminary impacts on sentence outcomes identified in the first phase of the research -- an increase in intermediate sanctions, reductions in the frequency of “time served” sentences and reductions in the frequency of jail for some charges -- were largely sustained throughout the three-year demonstration period. There was relatively little change in case outcomes at Midtown over that period. The most notable changes Downtown -- a decrease in “time served” sentences for prostitution, a sharp reduction in fine use for unlicensed vending and a substantial increase in community service sentences for prostitution and unlicensed vending -- effectively brought the Downtown court closer to the Midtown model.

¹⁷ Findings about differences in the frequency of jail sentences for drug cases at the two courts based on aggregate data differ from findings from Phase 1 research. Phase 1 research found that, although jail for drug cases was somewhat more common Downtown than at Midtown, differences between the two courts were not significant, after controlling for differences in arrest type, criminal history and demographic variables. In contrast, aggregate data for Year 1 point to substantial differences in the frequency of jail sentences for drug cases convicted at arraignment at the two courts. The discrepancy between aggregate findings and Phase 1 research for drug cases (the only major discrepancy between the two types of analysis) may be related to the inability of the aggregate comparison to account for differences in arrest type (DAT versus summary arrests). Because of difficulties in routing summary drug arrests to Midtown in the Court’s first two years, a relatively high percent of drug cases convicted at arraignment in Midtown’s early years involved DATs (Year 1, 21%; Year 2, 14%; Year 3, 8%). By Year 3, when the percent of convictions involving DATs had shrunk to 8 percent, the differences in jail frequency at the two courts had narrowed.

IV. Compliance with Alternative Sanctions

The first phase of this evaluation examined compliance rates for community and social service sanctions for the Court's first year compared to compliance rates at 100 Centre Street. This comparison was based on aggregate data alone, because of insufficient information about the characteristics of defendants and cases receiving intermediate sanctions at the Downtown court. Although the research was unable to control for differences in the types of cases receiving such sanctions at the two courts, it found that aggregate community service compliance rates were higher at Midtown (75%) than Downtown (50%).

Although the research also found some differences in compliance rates for short-term social service sentences at the two courts, these differences were particularly difficult to interpret. The types of short-term social service sentences available at the Midtown and Downtown courts differed substantially. At the Downtown court, judges could sentence defendants charged with drug offenses or prostitution to a six-hour Treatment Readiness Program (one day for prostitutes; one or two days for drug offenders). At Midtown, a greater variety of social service sanctions were available-- health education groups for prostitutes and 'johns', single session treatment engagement groups, a four-hour Treatment Readiness Program, ranging in length from two to eight sessions). Social services sentences at Midtown could be handed out to all defendants, regardless of charge; no single charge type accounted for more than a third of the sentences. In contrast, 90 percent of Treatment Readiness sentences Downtown were for drug cases. Because the nature of programs offered at the two courts differ in terms of content, duration and clientele, comparing aggregate social service compliance rates was, in essence, a comparison of 'apples' and 'oranges'.

The review of trends in compliance rates demonstrated that these rates varied from year to year at both courts. Over the first three years, aggregate community service compliance rates increased somewhat at both courts (Midtown, 77%;¹⁸ Downtown, 55%). Table 8 below shows that community service compliance was highest in the second year of the Court's operation, and

¹⁸ By the time these data were collected, community service compliance rates at Midtown for years 1 and 2 had improved marginally -- largely the result of defendants, who returned to Court on a warrant, being given a second chance to complete.

lowest in its third year. In contrast, compliance rates Downtown increased in the second and third year. Much of the improvement in compliance rates Downtown stemmed from a reduction in the frequency with which defendants failed to report to the scheduling office (from 20% in Year 1 to 10% in Year 3).

Table 8:
Rates of Community Service Compliance at the Two Courts by Year

Year	Midtown	Downtown
1	78%	50%
2	79%	57%
3	73%	57%
Total	77%	55%

Table 9 shows that trends in compliance with social service sentences at the two courts from 1994 through 1996 differed markedly. Whereas aggregate social service compliance rates at Midtown dropped, social service compliance rates at the Downtown court increased over time. Although aggregate data suggest that differences between the two courts in aggregate social service compliance diminished over time, the types of social services available at the two courts differed so substantially that such comparisons are difficult to interpret.

Table 9:
Rates of Social Service Compliance at the Two Courts by Year

Year	Midtown	Downtown
1	74%	49%
2	64%	58%
3	65%	63%
Total	67%	57%

Appendix 2.4 (A) examines the results of bivariate and multivariate analyses of community service and social service compliance rates for the Midtown Court over the first three years. (Available data for the Downtown court did not permit an examination of the correlates of

compliance for either community service or social service sentences). Multivariate analysis showed that the dip in community service compliance rates in Year 3 was largely related to changes in caseload composition -- specifically the increased use of summary arrests for cases that would previously have been issued DATs. In the past, those DAT cases with a tendency not to comply with legal mandates failed to appear at arraignment (and a warrant was issued for their arrest).

A review of aggregate rates suggests that the key difference noted between the two courts in the first phase of research -- higher community service compliance rates at the Midtown Court -- was largely sustained over three years. Appendix 2.4 (B) considers the cost implications of the Midtown Court's effects on both the frequency of community service sentences, discussed in section IV, and on community service compliance rates over three years.

V. Community Conditions

Phase 1 research documented declines in levels of disorderly activity -- focusing on unlicensed vending and street prostitution -- in the Midtown Court's catchment area. For the second phase of this research, follow-up observations were conducted beginning in October 1996 and lasting until July 1997. Goals of this research were to reappraise the prevalence and patterns of prostitution and unlicensed vending, to examine whether their observed decline had been sustained, and to document the role which the Midtown Community Court had played in these changes. More detailed accounts of these changes are contained in Chapter Four (for street prostitution) and Appendix 2-4 (for unlicensed vending.)

Street-level observations were complemented by qualitative interviews with street prostitutes and unlicensed vendors. Interviews focused on the perceived changes in street-level conditions, markets for illegal goods and services, reactions to increased quality-of-life enforcement, and the reactions and responses of prostitutes and unlicensed vendors to such changes. Informants were also specifically asked about their experiences with the Midtown Community Court.

A. Street Prostitution As testimony to the rapid turnover of street prostitutes which had become characteristic of a "mid-level" stroll in 1996-97, none of the women who were observed and/or interviewed during the initial research period (1994-95) were encountered during the

current study. The strolls were not only much smaller and more discrete, but the women who worked there were also typically much younger and less experienced than those who were encountered in the previous study.

The few women who continued to work the mid-level stroll took care to be extremely discrete. They dressed conservatively, and rarely stood at street corners but tried instead to merge with the pedestrian traffic to remain less visible to the police and community residents. With the onset of summer bringing longer daylight hours and increased visibility, the stroll virtually “dried-up,” particularly for those women who were the most obvious.

Though it was not as frequently mentioned by prostitutes, a significant restructuring of local drug markets also had an impact on sex workers in Midtown. A “low-level” stroll had been composed of women who derived income from several sources, especially in roles which were connected with street-level drug markets. When those markets moved indoors and became reliant almost entirely on client-driven transactions, the women were left with far fewer opportunities to make money. Furthermore, as drug dealers moved indoors, the women found that their own access to drugs had become more restricted, and many began to seek out more accessible markets in other sections of the city. Unlike their low- and mid-level counterparts, women at an upper-echelon stroll in the vicinity of 11th Avenue and 28th Street were relatively unaffected by the crackdown during the demonstration period. Subsequently, intensive enforcement at this stroll in 1997 virtually eliminated street-level prostitution at this location as well.

B. Unlicensed Vendors Unlike street prostitutes, whose numbers consistently declined in response to greater police enforcement, pressures applied by the Midtown Community Court, and changing street-level conditions in Midtown, the number of unlicensed vendors rebounded in 1996-1997, shortly after the end of the demonstration period and after several years of decline.

Conversations with the vendors revealed that many of them had been arrested on numerous occasions, yet they felt little choice but to return to the streets. Many factors accounted for this decision. As illegal immigrants, many said that they were unable to join the legitimate economy. Even among those who reported that they had once worked in a legal job, street vending was much more lucrative, despite the risks. One vendor, for example, reported

that he made up to \$300 a day, far more than he had ever made at his legal day job. While many vendors claimed that they would like to have a vending license, they complained about the difficulty of getting a license in New York. The profitability of selling counterfeit brand name products was too attractive to pass up.

Because many unlicensed vendors felt that the risk of arrest was a necessary part of earning a living in New York City and saw few options in the legitimate economy, it seems likely that this group will likely continue to present a problem for the quality-of-life campaign that has been successfully waged in other areas of city life. By contrast, street prostitutes generally found Manhattan to be increasingly inhospitable. For this reason, many no longer worked on Manhattan's streets.

VI. Summary of Findings: Sustaining Preliminary Impacts

The following presents a summary of findings about trends and the project's ability to sustain preliminary impacts.

- *Caseload Issues.* A central issue during planning and early operations involved the Court's ability to sustain a sufficient caseload to justify the expense of assigning a full arraignment staff to a decentralized court. The first phase of the research showed that caseload volume was an issue throughout the first year. That research documented implementation issues (e.g., delays in transferring drug cases involving summary arrests from the target area to the Court) that affected caseload volume. These issues were not resolved until year three.

In the last two years of the demonstration period, the Court operated at roughly 80 percent capacity (roughly 12,000 arraignments per year). Caseload volume fluctuated in response to changes in police policy and practice. At the end of the third year, reductions in the frequency of DATs increased the number and percent of defendants held before arraignment and, thereby, increased the total number of arraignments per month. In the last few months of the demonstration period, the Court surpassed its monthly target of 1,333 arraignments per month.

- *Arrest-to-Arraignment Time.* The first phase of research demonstrated that the Midtown Court moved cases from arrest to arraignment faster than the Downtown court. This stemmed from several factors: an increase in the use of expedited affidavits; the capacity to conduct video conference interviews between police officers and assistant district attorneys in the complaint room; the ability of the Court's technology application to flag cases that were "arraignment ready" for speedy processing; and the consolidated effort of court clerks to focus on cases that had been in the system the longest. Over the Court's first three years, arrest-to-arraignment time was consistently lower than at the Downtown

court, averaging 18.9 hours compared to 29.2 for a comparable period. Yet these differences in arrest-to-arraignment time are likely to reflect the relative “easiness” of case preparation for the Midtown caseload, compared to the combined misdemeanor and felony docket Downtown. Shortly after the Midtown Court’s third year, major improvements in access to ‘rap’ sheets Downtown reduced the difference in arrest-to-arraignment time at the two courts.

- *Disposition Rates at Arraignment.* The first phase of research suggested that the Midtown Court had no net impact on the percentage of cases disposed at arraignment in the first year. In subsequent years, however, the Midtown Court had a higher disposition rate for all charges except unlicensed vending and, therefore, a higher rate of disposition at arraignment over the demonstration period as a whole.
- *Case Outcomes.* The first phase of research demonstrated that the Midtown Court produced fewer “walks,” more intermediate sanctions and fewer jail sentences than the Downtown court. Case outcomes at the Midtown Court did not change substantially over three years. Case outcomes Downtown changed somewhat (more community service sentences, fewer fines and less “time served”), particularly for prostitution and unlicensed vending cases. Although the difference between the two courts narrowed moderately over the demonstration period, substantial differences in arraignment sentence outcomes remained.
- *Compliance with Alternative Sanctions.* The first phase of the research demonstrated that compliance with community service sentences at the Midtown Court was markedly higher than at the Downtown court – roughly 75 percent compared to roughly 50 percent. The present research shows that, although the difference in aggregate community service compliance rates at the two courts remained large, it narrowed over the demonstration period (Year 3: Midtown, 73%; Downtown, 56%).

Aggregate compliance rates at the Midtown Court for both community service and social service sanctions were slightly lower in its third year of operation than they were in its first year. Multivariate analyses reveal that the decline in compliance was partially explained by changes in caseload composition at Midtown -- primarily the reduced number of DATs.¹⁹ Available data from the Downtown court did not permit an analysis of factors associated with changes in aggregate compliance rates in the rest of Manhattan.

- *Community Conditions.* Ethnographic observations and interviews with community members and criminal justice professionals conducted as part of the first phase of

¹⁹ Defendants with DATs, who have already appeared at arraignment in response to citation arrests, have substantially higher compliance rates than those who are held before arraignment. When defendants who would normally have been issued DATs are detained before arraignment, those at high risk of non-compliance -- i.e., defendants with DATs who would otherwise fail to appear at arraignment -- are added to the community service population.

research pointed to improvements in community conditions in the Midtown area. Continued reductions in the incidence of prostitution and graffiti contributed to the overall improvement in quality of life in Midtown over the three-year research period. Although reductions in unlicensed vending were sustained throughout the three-year demonstration period, community members report a resurgence in unlicensed vending shortly thereafter.

There was substantial synergy between the Court's efforts to address local quality-of-life problems and a wide range of other neighborhood initiatives. Yet it is impossible to tease out the relative strength of various contributions to a widely-recognized improvement in community conditions in the Midtown area.

The review of the project's ability to sustain preliminary impacts, identified during the first phase of the research, demonstrated that most preliminary impacts were sustained. The cost implications of several impacts -- reductions in arrest-to-arraignment time, increased disposition rates at arraignment, the increased frequency of community service sentences and increased community service compliance rates -- are considered in separate appendices to this report and reviewed in Chapter Eight.

Chapter Three

Calculating the Effect of the Midtown Community Court on Jail Days

I. Introduction.

The Midtown Community Court's expanded use of intermediate sanctions was designed to demonstrate that brief interventions can provide a meaningful court response -- short of jail -- for low-level crime. It was, therefore, important to examine the Court's effect on jail time, both to determine the extent of jail savings, if any, and to document the extent to which an emphasis upon intermediate sanctions results in 'secondary' jail sentences in response to non-compliance.

This chapter examines the effects of the Midtown Community Court on jail time and jail costs. In reviewing these effects, it is important to recognize the differences between the Midtown Court and alternative-to-incarceration programs -- programs that see reduced jail costs as a primary objective and routinely review their impacts on jail days. The Midtown Court was not primarily designed as an alternative-to-incarceration program. Instead of focusing first and foremost on reducing expensive jail costs by diverting jail-bound offenders into alternative sanctions programs, project planners sought to develop a graduated range of responses to low-level offenses, including community service and social service sentences, for both non-jail-bound and jail-bound offenders. Although it was anticipated that the Midtown Court might reduce the extent of incarceration, jail savings were not a primary project objective.

This inquiry into the Midtown Community Court's effects on jail time takes place in a changing policy climate. At the end of the 1980s, there was substantial concern about jail overcrowding and jail costs. A growing number of policy-makers saw jail sentences as inappropriate except for violent and/or chronic offenders. Many jurisdictions, under court orders to release offenders early, recognized a need for alternative-to-incarceration programs both as a cost-saving measure and a means to provide more appropriate sanctions for non-violent offenses.¹

The Midtown Court developed in a somewhat different context. In the face of a growing

¹ Although alternative-to-incarceration programs were seen as a means of reducing jail costs, it was not expected that jail savings would substantially reduce correctional expenses because many jail costs (personnel, facility maintenance) are constant. Instead, jail savings, traditionally calculated as the annual cost per inmate, were seen as a way to conserve limited jail space for defendants who pose the greatest risk to public safety and to avoid costly jail expansion.

crack epidemic in the early 1990s, there was a building national consensus about the need to respond aggressively to the quality-of-life crimes that confronted urban communities. There was widespread concern about under-enforcement of low-level offenses (e.g., street drug use, low-level dealing) and the insufficient court response to those offenses. In this context, policy-makers became increasingly interested in developing swift and certain responses to low-level offending to show that even small crimes had consequences. Although it was not anticipated that such responses would depend heavily upon the ability to incarcerate, the threat of jail was seen as providing needed 'teeth', particularly for non-compliant, repeat offenders. Concerns about reducing jail costs became less important than the effort to produce consistent, proportional responses, backed up by the threat of jail. Yet the development of accountability mechanisms carried with it the threat of incarceration for those who failed to comply.

Examining Jail Costs at the Midtown Court. The first phase of the research demonstrated that the intermediate sanctions available at the Court served a variety of functions. Depending on the defendant's charge and criminal history, an intermediate sanction might represent:

- 1) an alternative to lengthy jail sentences for jail-bound offenders offered drug treatment as a formal jail alternative;
- 2) an alternative to short-term jail sentences (1-5 days) for defendants with lengthy records of low-level offenses (e.g., prostitutes);
- 3) an alternative to 'walks' (e.g., adjournments in contemplation of dismissal with no conditions imposed, sentences of time served or conditional discharges with no post-conviction conditions imposed) for defendants with few priors or offenses that receive a minimal response Downtown; and
- 4) a different form of intermediate sanction (e.g., both community service and social service) than would have been imposed Downtown (e.g., community service only).

Although the first phase of the research demonstrated that the Court reduced the frequency of jail for shoplifting, prostitution and turnstile jumping cases, it was important to calculate its *net* effect on jail costs for two reasons. First, earlier research also showed that average jail sentence length for shoplifting, prostitution and turnstile jumping was longer at Midtown than at the Downtown court. To determine the project's effects on jail costs, it was important to determine the combined effect of differences in both jail frequency and jail sentence

length on the number of jail days served. Calculating the possible cost savings associated with these differences required estimating the difference in the number of jail days imposed at the two courts over a three-year period and translating those differences into dollars.²

Second, it was important to examine whether an expanded use of intermediate sanctions and an emphasis on accountability might increase the use of *secondary* jail, imposed in response to non-compliance with community service and social service sentences. Although planners saw the increased monitoring and accountability provided by the Midtown Court as a system benefit, if increased accountability raised the likelihood that secondary jail sentences were imposed upon those who failed, overall jail costs might increase.

To determine the effect of the Midtown Court on jail costs, analysis was carried out in two steps. The first step involved estimating differences in the costs associated with 'primary' jail sentences -- that is, jail sentences imposed at arraignment at the two courts. This analysis demonstrated that the Midtown Court reduced the number of jail days imposed at arraignment for the four charges identified as producing the overwhelming majority (89%) of primary jail sentences at Midtown arraignment. The second step involved estimating differences between the two courts in the extent of 'secondary' jail sentences, typically imposed when defendants failed to comply with the conditions originally ordered by the Court. Although defendants whose cases were first sentenced at Midtown received more 'secondary' jail time than they would have if the first sentence had been handed out Downtown, analysis showed that 'primary' jail savings more than offset the added costs of 'secondary' jail.

Appendix 3.1 presents a detailed review of the process used to estimate the impact of the Midtown Community Court on primary and secondary jail costs and the methodological difficulties inherent in that process. The sections below provide summary information about the process used to estimate jail costs and savings, spell out the underlying assumptions used and review the resulting estimates of annual jail savings.

² The number of jail days imposed equals the number of jail sentences handed out multiplied by the average length of jail sentences. To determine the cost of jail days served, calculations have to take into account time off for good behavior, or 'good time', which reduces jail time by a third in New York City.

II. Reductions in the Cost of Primary Jail: Estimating the Savings.

The analysis of differences between the Midtown and Downtown courts in the extent of 'primary' jail focused exclusively on the four charges most likely to lead to jail sentences at Midtown -- petit larceny, turnstile jumping, prostitution and low-level drug offenses. It drew upon several data sources, including:

- the multivariate analysis of differences in the frequency and length of individual jail sentences at the two courts, conducted during the first phase of the evaluation;
- updated aggregate information on sentence outcomes by charge for convicted cases at the Downtown court over the three-year demonstration period (see Chapter Two); and
- data from the Midtown Court's data base, documenting the number and length of jail sentences imposed for all cases docketed at the Midtown Court by charge.

As demonstrated in the first phase of the research, there were significant differences between the two courts in both the likelihood and duration of jail sentences for these offenses. There were also variations in the frequency and length of jail sentences from year to year. For example, at the Midtown Court, the average length of jail sentences for shoplifting dropped substantially (first year average, 79 days; three year average, 55 days) while holding relatively steady Downtown. In addition, as discussed in Chapter Two, the frequency of jail sentences for turnstile jumping Downtown increased from 26% in Year 1 to 33% in Year 3 while increasing from 10% to 13% in Midtown.

Primary Jail Sentences at the Midtown and Downtown Courts. Review of the Midtown Court's MIS showed that, over the first three years, the Midtown Court imposed a total of 1,858 jail sentences for the four most jail-bound charges -- an incarceration rate of nearly ten percent. Averaging 28 days per sentence, these cases resulted in a total of 51,937 sentenced jail-days, as show in Appendix 3.1.

To compare the number of primary jail sentence-days at the two courts, research staff estimated the number of jail days that would have been imposed had these cases been handled at the Downtown court. Based on calculations described in Appendix 3.1, we estimated that the Downtown court would have imposed a total of 3,418 jail sentences (78,920 jail days) on cases that were handled at Midtown. This pointed to a substantial reduction in both jail time and jail

frequency at Midtown: 18 percent of the four most jail-bound charges were estimated as receiving jail sentences Downtown, roughly double the Midtown rate for these charges (9%).

To translate these annual jail savings into costs, we then calculated the number of jail-years saved for each charge (1.9 for prostitution, 12.99 for shoplifting, .56 for drugs and .98 for turnstile jumping) and summed them (16.44 jail years saved.) At a cost of \$60,000 per year at Rikers Island, the local jail, the total *annual* primary jail saving produced by the Midtown Court over the demonstration period was \$986,175.

III. 'Secondary' Jail Sentences: Estimating the Costs.

A. Expectations about 'Secondary' Jail. There were several reasons for expecting that the Midtown Court would increase the extent of 'secondary' jail. As shown in the first phase of the evaluation, the Midtown Court imposed substantially more alternative sanctions at arraignment than the Downtown court. During the Court's first year, nearly 80% of cases disposed at Midtown arraignment received an alternative sanction compared to 29% Downtown. As demonstrated in Chapter Two, these differences remained relatively stable over the three year study period. It was reasonable to assume that the increased use of alternative sanctions at Midtown might produce an increase in the *number* of 'secondary' jail sentences for non-compliance, even though community service compliance rates were substantially higher than at the Downtown court (74%, compared to 56% over three years).

An increase in 'secondary' jail sentences at Midtown was also thought likely because, according to court personnel, secondary jail sentences were rarely imposed for non-compliance with alternative sanctions imposed by the Downtown court. Court personnel reported that the Midtown Court, which monitored compliance strictly and issued warrants for non-compliance rapidly, was far more likely than the Downtown court to issue 'secondary' jail sentences in response to non-compliance (see Sviridoff et al, 2000). Court personnel also reported that warrants issued at the Midtown Court were taken seriously by Downtown judges when new arrests brought Midtown defendants to the Downtown court.³

³ Analysis showed that two-thirds (67%) of the 'secondary' jail sentences imposed on Midtown defendants who failed to complete community service sentences were imposed at the Downtown court. These secondary jail sentences are typically imposed in association with a subsequent arrest that brings defendants into the Downtown court for arraignment and subsequent case processing. This suggests that differences between the two courts in the

If the Midtown Court produced more secondary jail sentences than the Downtown court, the costs of secondary jail sentences would offset at least some of the jail savings produced at the primary sentencing stage. It was, therefore, important that the research calculate the costs of secondary jail in determining the overall impact of the Court on jail costs.

The analysis of secondary jail costs used information from the Midtown data base to compare the actual extent of secondary jail for cases first sentenced at the Midtown Court to estimates of secondary jail that would have been imposed for cases that were sentenced Downtown (see Appendix 3.1 for a review of methodological issues). Analysis showed that secondary jail sentences were more common for cases originally sentenced at Midtown than for cases sentenced Downtown for the four most jail-bound charges at the Midtown Court -- particularly prostitution and drug charges.

We examined this issue in two ways. First, by examining the extent of secondary jail for defendants sentenced to community service at the two courts, we targeted a population for whom the court's response to non-compliance might be likely to trigger a secondary jail sentence. Second, by examining the extent of secondary jail for all defendants who did not receive a primary jail sentence, we focused on a broader range of secondary sentences springing from a variety of underlying causes in addition to failure to complete an intermediate sanction (e.g., a new arrest).

B. Secondary Jail Costs for Defendants Receiving Community Service Sentences. To estimate the cost of secondary jail sentences for cases receiving community service sentences, we documented the extent of secondary jail for cases first sentenced at the Midtown Court over the first three years. Analysis showed that 10.5% of community service sentences ended in secondary jail -- a total of 1,324 secondary jail sentences and 25,983 jail days.

The next task involved estimating the number of secondary jail sentences that would have been imposed if the same cases had been sentenced at the Downtown court. As discussed in Appendix 3.1, analysis showed that the likelihood of secondary jail sentences for defendants receiving community service sentences at Midtown was considerably higher (10.5%) than for

extent of secondary jail may spring more from differences in accountability mechanisms and warrant practices than from differences in judicial willingness to impose secondary jail.

defendants originally sentenced Downtown (6.8%). These differences were strongest for defendants with low-level drug charges (Midtown, 23.2%; Downtown, 6.3%) and prostitution charges (Midtown, 16.8%; Downtown, 3%) -- charges that have comparatively low rates of community service completion at Midtown (54% and 63% respectively) and, accordingly, relatively high rates of secondary jail. The difference was less pronounced for shoplifting (Midtown, 10.3%; Downtown, 8.3%) and turnstile jumping (Midtown, 8.5%; Downtown, 7.6%) -- charges associated with high rates of community service compliance at Midtown (73% and 75%, respectively).⁴

Based on procedures described in Appendix 3.1, we estimated that the Midtown Court increased the frequency of secondary jail for defendants sentenced to community service by 7.69 jail-years annually (prostitution, 1.39 years; shoplifting, 3.86 years; turnstile jumping, 1.93 years; low-level drugs, .51 years). To translate the annual increase in secondary jail into costs, the total number of increased secondary jail years for defendants with community service sentences was multiplied by \$60,000 for a total cost of \$461,257 -- well below the primary jail savings. To estimate the total costs savings produced by the Midtown Court, secondary jail costs for each charge were subtracted from primary jail savings, leaving a net jail saving of \$529,413.

After factoring in the costs of secondary jail for defendants receiving community service sentences, the jail savings produced by the Midtown Court are accounted for largely by shoplifting cases which have a substantially higher likelihood of jail Downtown. For prostitution and low-level drugs, jail savings are reduced by 73% and 80% respectively after including secondary jail costs. For turnstile jumping, the costs of secondary jail in community service

⁴ We calculated the percent receiving secondary jail for *all* defendants sentenced to community service -- not just program failures. It is important to recognize that community service failure is more frequent Downtown than at Midtown. Yet there is not enough information about community service compliance rates for specific charges Downtown to estimate comparable rates of secondary jail for non-completers.

At Midtown, the percent of non-completers receiving secondary jail sentences (38%) varied considerably by charge, ranging from a high of 52 percent for prostitution (a charge associated with low compliance rates and high rates of rearrest) to a low of 33 percent for turnstile jumping cases (higher compliance, less frequent rearrest). In the absence of comparable Downtown data, we used the aggregate rate of community service failure Downtown (roughly 44% over three years) to develop an estimate of the percent of community service failures resulting in secondary jail. Assuming that 44 percent of the 5,191 estimated community service sentences Downtown were not completed (2284), we estimate that 15% of Downtown non-completers (355) received secondary jail -- a substantially lower rate than Midtown's (38% overall)

cases exceed primary jail savings.

C. Secondary Jail Costs: All Defendants Arraigned on Most Common Charges.

Secondary jail sentences can be imposed for reasons other than failure to complete a community service sentence -- for example, failure to attend a court-ordered treatment readiness program, failure to pay a fine, failure to pay the surcharge imposed on convicted offenders in New York State or failure to remain arrest-free.⁵ To take a broader look at the issue, we also examined secondary jail sentences imposed on *all* defendants who did not receive a primary jail sentence at arraignment -- those who received community service, social service, fines and various forms of “walks”.

Over 11 percent (1,940) of the almost 17,000 defendants with *non-jail sentences* at Midtown over three years also received secondary jail sentences.⁶ This represents an increase of 616 secondary jail sentences over the number of secondary jail sentences imposed for defendants receiving primary community service sentences. The increased likelihood of secondary jail using this broader estimation method was greatest for drug cases (from 82 to 348 -- a 324% increase), an offense for which community service sentences were relatively rare and social service sentences very common at the Midtown Court. In contrast, the extent of secondary jail at Midtown for turnstile jumping cases increased only 16 percent (from 645 to 749), reflecting the high frequency of community service sentences for this offense.

For Downtown cases, the rate of secondary jail sentences for all non-jail cases was substantially lower than at Midtown (2.9% compared to 11.5%) and substantially lower than the secondary jail rate for cases sentenced to community service Downtown (2.9% compared to

⁵ In fact, the community service analysis above demonstrated that not all secondary jail was imposed on known program failures. For example, in several instances, jail sentences were imposed for cases in which a new arrest preceded the issuance of a warrant for community service non-compliance. Although existing data bases do not permit us to examine how often secondary jail sentences are handed out in conjunction with a new arrest, judges and clerks report that the majority of such sentences do involve a new arrest rather than warrant enforcement. Therefore, in calculating the costs of secondary jail, we attributed half of secondary jail time to the initial case and half to the new arrest (see Appendix 3.1).

⁶ In fact, the frequency of secondary jail sentences at Midtown is somewhat higher (14%) for the 4,312 cases the received *neither* a primary jail sentence nor a primary community service sentence than for those who received a primary community service sentence (10.5%). This group includes defendants who received social service mandates, fines and various outcomes that did not involve formal sanctions (e.g., conditional discharge with no conditions imposed, adjournments in contemplation of dismissal).

6.8%: see Appendix 3.1).⁷ The broader sub-population (all non-jail cases) added another 90 secondary jail sentences for cases first sentenced Downtown, a 25 percent increase over the number generated by community service sentences alone. The increase was largely concentrated among shoplifting cases which accounted for 70 percent of non-community service secondary jail sentences Downtown.

This alternative method of calculating secondary jail costs reduces the primary jail savings produced by the Midtown Court further. To calculate the value of the jail savings at Midtown for defendants not receiving a primary jail sentence on the four most jail-bound charges, the total number of increased secondary jail years was again multiplied by \$60,000 for a total cost of \$522,570. This leaves a net annual jail saving of \$463,605. After taking the costs of secondary jail for cases that did not receive primary jail sentences into account, a substantial annual jail saving remains. The dollars saved using this method spring entirely from the Midtown Court's reduction in primary jail for shoplifting cases, the charge most likely to receive jail sentences at the Downtown court. For other charges, the monitoring and accountability provided by the Midtown Court increased the likelihood of secondary jail, eradicating primary jail savings.

IV. Summary of Findings.

Overall, the Midtown Community Court produced an estimated annual jail cost saving -- roughly \$1.4 million over three years -- largely by reducing the extent of 'primary' jail sentences for shoplifting. Traditionally, shoplifting charges in Manhattan have been recognized as producing the highest percent of jail sentences among the charges common at Midtown, followed by drug charges, prostitution and turnstile jumping. This ranking was visible at both the Midtown and Downtown Courts in the first phase of the evaluation. Because shoplifting charges were associated both with a high baseline likelihood of jail and with lengthy jail sentences, there was substantial potential for cost savings for this offense. For shoplifting cases, the Midtown Court displaced a substantial amount of primary jail time that far exceeded the additional costs of secondary jail.

⁷ This reflects the fact that cases that receive neither jail nor community service sentences Downtown are more likely to receive 'walks' and less likely to receive intermediate sanctions than non-jail cases at Midtown.

For other charges, the story differed considerably. For prostitution, turnstile jumping and low-level drug cases, the baseline likelihood and duration of jail -- and the opportunity for jail savings -- was considerably less than for shoplifting. For these offenses, the intermediate sanctions imposed at the Midtown Court were more likely to displace 'walks' (sentences with no conditions imposed) than jail. Primary jail savings for these offenses were comparatively small and the costs associated with an increased likelihood of secondary jail eradicated primary jail savings.

Changing Priorities: A Shift in 'Going Rates'. The increased likelihood of secondary jail sentences at the Midtown Court produced a major shift in the traditional rank order of 'jail-bound' offenses. For cases first sentenced at Midtown, low-level drug offenses have a higher likelihood of primary and secondary jail *combined* (37%) than any other charge. Whereas, before Midtown opened, shoplifting offenses were more than twice as likely as other charges to lead to jail sentences, shoplifting at Midtown ranks second and the gap between shoplifting and prostitution cases has virtually disappeared (shoplifting, 29%; prostitution, 27%). For cases first sentenced at the Downtown court, secondary jail has far less impact on the extent of *total* jail sentences than at the Midtown Court.

This apparent shift in the frequency of total jail raises questions of value. At Midtown, the risk of jail is now as great or greater for some quality-of-life crimes (low-level drug offenses, prostitution) as it is for low-level property crime. Does this mean that the Midtown Court has effectively transformed the system's perception of charge seriousness? Have community norms about disorder increased the likelihood of jail for defendants who have not traditionally been jail-bound? Have efforts to change responses to quality-of-life crimes 'over-criminalized' low-level offenses?

Such questions merit consideration. Yet there was little shift in the perceived seriousness of offenses, as measured by the likelihood of jail, at the primary sentencing stage. Instead, the fact that drug offenders at Midtown are now more likely than shoplifters to receive jail sentences springs entirely from an increase in secondary jail, imposed in response to non-compliance and repeat offending. The increased use of jail for quality-of-life offenses at the Midtown Court represents an increase in the response to non-compliance and chronic offending, rather than a

shift in the perceived seriousness of specific offenses. Secondary jail in this context can be seen as a system cost that is associated with increased monitoring and heightened accountability.

Although court officials see tightened accountability mechanisms as a system benefit, they have the capacity to increase the frequency of secondary jail and, thereby, reduce the potential for overall jail savings. As courts around the country increasingly rely on alternative sanctions to provide appropriate, constructive responses to low-level offenses, they need to recognize that an increase in 'secondary' jail sentences may be an intrinsic program cost.

Chapter Four

Prostitution

I. Introduction

This chapter explores the impact of the Midtown Community Court on street prostitution over three years. As in the first phase of this evaluation, several indicators suggest that the Midtown Court played a continuing substantive role in reducing street prostitution markets in Manhattan.

II. Preliminary Findings: Phase I Research

Earlier research – gauging the effects of first 18 months of the Midtown Court’s operation (October, 1993, through March, 1995) – indicated that the Court’s policies and practices, in conjunction with intensive police enforcement, had an impact on disrupting street prostitution markets. This finding was based on three sources of information: 1) ethnographic research, including an ethnographic team’s observations of street-level conditions and interviews; (2) arrest data that compare the Court’s catchment area to the rest of Manhattan; and (3) individual and group interviews with community members and local police (Sviridoff et al., 2000).

Ethnographic Research. Beginning in February 1994 and lasting until August 1995, ethnographic research was conducted to assess the impact of the newly established Midtown Community Court on street-level conditions in Midtown Manhattan. The initial ethnographic study examined the nature and concentration of misdemeanor offenses within designated areas in Midtown and probed the specific impact of the Midtown Community Court on these activities. During this period, a significant decline in street-level sex work was documented. Changes in street conditions were attributed to the flourishing economic development of Midtown’s business and residential neighborhoods, increased levels of policing (especially for quality-of-life crimes) and the presence of the Midtown Community Court.

Typology of Prostitutes. In the initial research, the ethnographic team had distinguished between three important groups of sex workers who worked in different sites or “strolls.” “Upscale” sex workers who charged \$50 and up, tended to be managed by pimps who moved them between several locations in Manhattan (notably, Gramercy Park and 27th Street near 11th Avenue) and New Jersey. A second, middle-echelon of sex workers was found working between Ninth and Tenth Avenues in the mid-40s, and consisted of independent, drug-using women

whose business was almost entirely based on performing oral sex for \$20. The lowest level, found largely in the areas around DeWitt Clinton Park, consisted of women who were addicted to multiple substances and whose daily lives were spent cobbling together income from a variety of street hustles, including selling drugs and sex work for which they charged as little as \$5.

Findings. Over the course of the initial 18 months of ethnographic research, the number of street-level sex workers had substantially diminished at all three sites. The lowest-level stroll disappeared almost entirely and virtually no women were observed working this part-time stroll. Though increased police attention to this activity was undoubtedly partially responsible for the disappearance of low-level sex workers, a more significant factor was the dramatic reduction in street-level drug markets in the area, thereby eliminating a primary source of income for most of these women.

At the mid-level stroll on Ninth Avenue, where gentrification was most visibly taking place, substantial reductions in the numbers of women working the area were also noted. The women who worked the mid-level stroll attributed the downsizing of the stroll to a variety of factors, including urban redevelopment, that were taking place in Midtown, stepped up enforcement by uniformed and undercover officers, and the steady pressures applied by the Midtown Community Court. The upper-level stroll was the least affected since the earlier ethnographic research, but even there, fewer women were observed and those who remained noted that street-level sex work had become significantly more difficult in the last two years.¹

¹ This was due in part to customer skittishness, also caused by increased enforcement. As indicated in the first report, "According to several workers, many potential dates were also much more cautious about how they sought sexual services. Rather than walking directly up and having women proposition them or propositioning women themselves, potential dates were driving (or walking) around the area for some time before they became convinced that a woman who they had their eye on was not a police officer. This "jumpiness" on the part of customers dramatically slowed transactions and affected [prostitutes'] income."

Customers had good reason to be skittish. Beginning in 1994, the NYPD conducted periodic sweeps against customers. In crackdowns called "Operation John," female police officers dressed as prostitutes were used as decoys in order to catch propositioning men. If the customers were in automobiles, often the police – using civil forfeiture laws – would seize and impound their cars as part of "Operation Losing Proposition." When this happened, customers were forced to pay a stiff fine in order to get their cars back (NYPD, 1994).

This enforcement against male customers of prostitutes at times could be heavy. Information from the Court's operations database shows that, in the fourth quarter of 1994, more "johns" cases (333) were docketed at the Midtown Court than prostitution cases (290).

Arrest Data. Arrest data supported the findings from ethnographic observations and interviews that prostitution was declining. For the first six months of Court operations (October 1993-March 1994), prostitution arrests declined 25 percent in Midtown’s catchment area and 19 percent overall compared to the same period in the previous year.² To reiterate, this decline came at a time of *heightened* police enforcement.

Case Outcomes. Previous research also showed that for the first year of Midtown Court operations, prostitution case outcomes at Midtown were dramatically different from those meted out Downtown. Table 1 illustrates the preliminary differences in case outcomes between the two courts.

Table 1: Year-One Outcomes for Prostitution Cases

Outcome	Proportion of Midtown Cases	Proportion of Downtown Cases
Community and/or Social Service	86%	17%
Jail	11%	16%
Conditional Discharge	1%	13%
Fine	<1%	3%
Adjourned in Contemplation of Dismissal	1%	7%
Time Served	<1%	43%

Whereas judges Downtown often gave conditional discharges and sentences of “time served,” at the Midtown Court, these forms of “walk” were virtually never used. Instead, intermediate sanctions – community service sentences (15.1%, mean length 4.6 days), social service sentences (23.6%, mean length 1.9 days) or a combination of both (47.5%, mean length 3.1 days for community service, 1.5 days for social service) – were the most frequent outcomes for cases disposed at Midtown. As for jail sentences, the Midtown Court handed out a smaller proportion of jail sentences than Downtown, but jail sentences at Midtown were three times as long (15 days

² Non-catchment area precincts experienced a slight increase in arrests, but the number of arrests still dropped by 21 percent (about 1000) for Manhattan as a whole.

compared to five days).³

Summary. Taken together, ethnographic research and analysis of arrest trends suggested that (at least some types of) prostitution markets were acutely affected by the activities of the police and the sentences of the Midtown Court. Prostitutes were becoming more discreet, and less visible to potential new clients. As a result, markets – and the potential to make money – were shrinking. Effects of enforcement were least evident at the high-level stroll, which was worked by committed “professionals.” By contrast, many prostitutes of the low- and mid-level strolls apparently were not sufficiently committed to continuing to work on the street in the wake of tougher enforcement (increased certainty of punishment) and harsher penalties (increased severity of punishment). Recidivism analysis for a group of individuals charged with prostitution helps to determine whether this reduction in arrests represents a change in rearrest frequency for the individuals sampled or, alternatively, whether the number of active offenders is dropping.⁴

III. Recidivism Analysis

There was strong interest in learning what was behind the declining aggregate numbers of prostitution-related arrests in the Midtown Court’s catchment area. Were these declines a product of fewer individuals working Manhattan, or were the same individuals getting arrested less often, as a result of a change in their offending behavior?⁵ This section explores whether the Midtown Court played a role in affecting a sample of individual prostitutes’ future offending.

Prostitutes arrested in the Midtown Community Court target area. Arrestees charged with prostitution are more likely than any other major charge category to have extensive records

³ At the end of the three-year observation, the mean number of jail days for prostitution sentences at Midtown was 13.3.

⁴ There is strong evidence that – among repeat offenders – prostitution is the most specialized of the frequently-docketed low-level offenses at the Midtown Court. The Court’s defendant-based data set shows that, for individuals with 2-5 docketed prostitution cases at Midtown, 89.5% of their arrests were for prostitution -- easily the highest proportion. (Homogeneity of the other four primary charge categories, in descending order: unlicensed vending [79.6%], theft of service [67.7%], petit larceny [66.7%] and drugs [51.4%.]) Similar offense homogeneity is also manifested in both of the samples used to analyze recidivism among prostitutes (see below).

⁵ These changes could include any of the following: adaptation (e.g., working out of cars instead of on the street itself), temporal displacement (working non-traditional hours to avoid enforcement and sanctioning), spatial displacement (e.g., working in Queens instead of Manhattan) and desistance – quitting prostitution altogether.

of prior misdemeanor arrests.⁶ Although this group is at high risk of rearrest, Phase 1 research pointed to a substantial reduction in prostitution-related arrests in the Court's catchment area.⁷

Methodology. Recidivism analyses for prostitutes are based on a comparison between Midtown defendants and a sample of defendants, arrested in the target area, whose cases were disposed at the Downtown court. These samples are drawn from the caseload samples assembled for Phase I research. The analyses, described below, control for differences in "time at risk" of adult arrest. (See Appendix 4.1 for assumptions used to calculate "time at risk.")

Samples.

Baseline. One hundred New York State Criminal Identification (NYSID) numbers with instant arrests for prostitution that occurred in the Midtown Court catchment area beginning in October, 1992, were drawn randomly from a sample of cases assembled by New York City's Criminal Justice Agency (CJA) arraigned at 100 Center Street ("Downtown"). The New York State Division of Criminal Justice Services (DCJS) then compiled criminal history and recidivism information on all the NYSID numbers that could be matched with its system records (approximately 80 cases). DCJS collects information on all arrests that occurred in New York State (and a portion of those that occur in other states as well). After duplicate NYSID numbers were purged from the sample, the final n=75.⁸

⁶ For the first three years of Court operation, of the five most frequent charge categories, the prostitution charge had the highest proportion of cases with more than fifteen prior misdemeanor convictions (29.9%), and the lowest proportion (39.6%) with *no* prior misdemeanor convictions (see FigureP-7 below).

⁷ Beginning in the second year of Court operation, Midtown's catchment area for prostitution was expanded. Starting in November, 1995, all those arrested for prostitution in the borough of Manhattan on weekdays (Sunday through Thursday -- typically 65% to 70% of the Borough's prostitution arrestees) were arraigned at Midtown. Several factors accounted for this change. First, from an operations standpoint, it was evident that the Court could handle a larger caseload than it had in its first year. Because of early perceptions of police and community leaders that sentencing practices of the Court were effective in stemming prostitution in Midtown, expansion of its jurisdiction for prostitution cases was seen as a sensible way to increase caseload. Moreover, expanding the Court's target area for prostitution cases precluded concerns that its "tougher" sentencing for prostitutes could drive them to relocate to other parts of Manhattan. Put another way, the expansion of the Court's catchment area eliminated concerns that the Court could be causing displacement of prostitutes within Manhattan.

⁸ Partially because prostitution is a high-recidivism offense, several docket numbers for both samples resulted in more than one "hit" on the same individual (duplicate selection of the same NYSID number) -- during the time frame from which instant arrests were collected, the same person may have had two to several (up to four) instant arrest cases. In other words, case selection was random but not exclusive. Where this occurred, for both samples, the arrest history and recidivism analysis was based on the first instant arrest -- subsequent arrests then fell into the category of "post-instant" arrests, and were considered as part of the recidivism analysis.

Because cases rather than individuals were sampled, the samples are skewed towards higher-rate offenders. A sample of cases (from the combined -- both Baseline and Midtown -- DCJS samples) revealed a mean of 42.9 prior

Midtown. One hundred individuals with instant arrests for prostitution were drawn from cases arraigned at the Midtown Court beginning in October, 1993. As with the baseline sample, the DCJS attempted to match NYSID numbers to its system records (approximately 70 cases). Upon deleting extra instant arrests (purging duplicate cases involving the same individual) from the sample, the final n=65.

Variables. The arrest data included the following information:

Demographic: Age, sex, race and ethnicity.

Arrest: Date, charge, severity of charge.

Disposition (Sentence): Date, type (e.g., jail, prison, probation, "time served," etc.), length of sentence. These variables were used to estimate time at risk.

As Table 2 illustrates, random sampling resulted in samples that were, in the aggregate, similar in terms of demographic characteristics.

Table 2: Demographic Variables

Factor	Baseline	Midtown
Instant Arrest Age (mean, median & mode)	24.9, 24.0, 22.0	27.2, 25.0, 23.0
Percent Female	88.0 (66)	84.6 (55)
Percent White	45.3 (34)	58.5 (38)
Percent Hispanic	44.0 (33)	38.5 (25)

For these variables, there are no statistically significant differences between the two samples.⁹ Questions remained, however, about the similarity of the two recidivism samples in terms of aggregate patterns of offending (proportion of arrests that were for prostitution) as well as pre-instant arrest lambdas (annual arrest rates controlling for time at risk).

Table 3 shows that among the individuals in these samples, the proportion of arrests that

misdemeanor convictions and a median of 31. This is compared to the Court's first-year prostitution caseload, where the mean was 28.8 and the median was 8. (Over the first three years of Court operation, the mean and median numbers of prior misdemeanor convictions dropped to 23.2 and 3, respectively.)

⁹ The demographic characteristics of these two samples are roughly the same as the population of prostitution cases arraigned at Midtown over the first three years. For Midtown cases, the mean age was 26.9, and 79.3 percent of cases involved females (race was coded differently and thus cannot be compared).

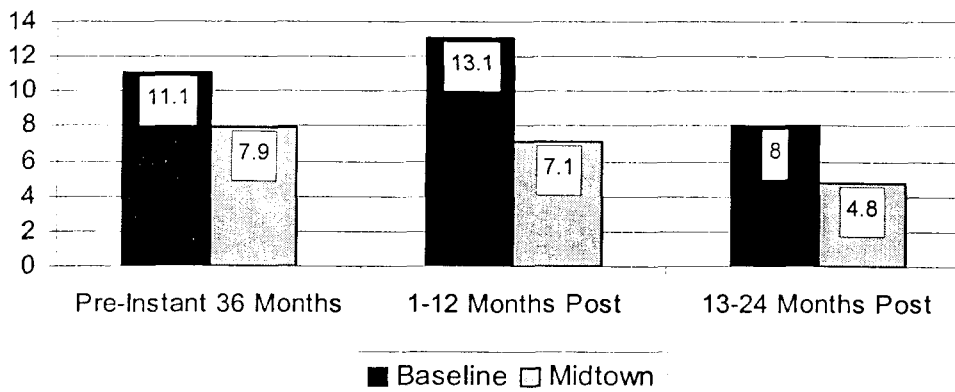
were for prostitution were remarkably similar -- both over 95 percent. As for pre-instant arrest rates of offending, although the Baseline sample's lambda was more than three arrests greater than the Midtown sample, t-tests showed that the difference was not significant.¹⁰

Table 3: Offending Rates / Patterns

Factor	Baseline	Midtown
Proportion of all Arrests Involving Prostitution	95.8 (4,784 / 4,995)	95.1 (3,817 / 4,015)
Lambda for 3 Years Pre- Instant Arrest	11.1	7.9

Results: Pre- and Post-Instant Arrest Lambdas. For both samples, post-year one and year two lambdas were calculated for purposes of comparison with the three-year pre-instant arrest rate.¹¹ As Figure P-1 illustrates, for the baseline sample, the rearrest rate rose from 11.1 to 13.1 arrests per year (an 18% increase), while for the Midtown sample, the base rate was more than three arrests lower (7.9 arrests per year) and declined (to 7.1 arrests per year, a 10% reduction).

Figure P-1: Pre- & Post-Instant Arrest Lambdas, Baseline Versus Midtown Samples



¹⁰ All tests of significance referred to herein are two-tailed.

¹¹ At the outset of reporting the results of these analyses, it is important to reiterate that in the aggregate, as these samples manifest, street prostitution is a very high rearrest rate offense. Whereas in many recidivism studies, failure is discussed in terms of months or even years, here it is framed in terms of weeks. Whereas, sometimes more than 50 percent of cases are "censored" (do not "fail" in a given observation period) (Barton and Turnbull, 1981), only 12.1 percent of individuals in the combined samples "survived" over an observation period of two years (730 days). Thus, discussion of "statistically significant" differences between the two samples must be tempered by awareness that large proportions of prostitutes from both these samples continue to offend.

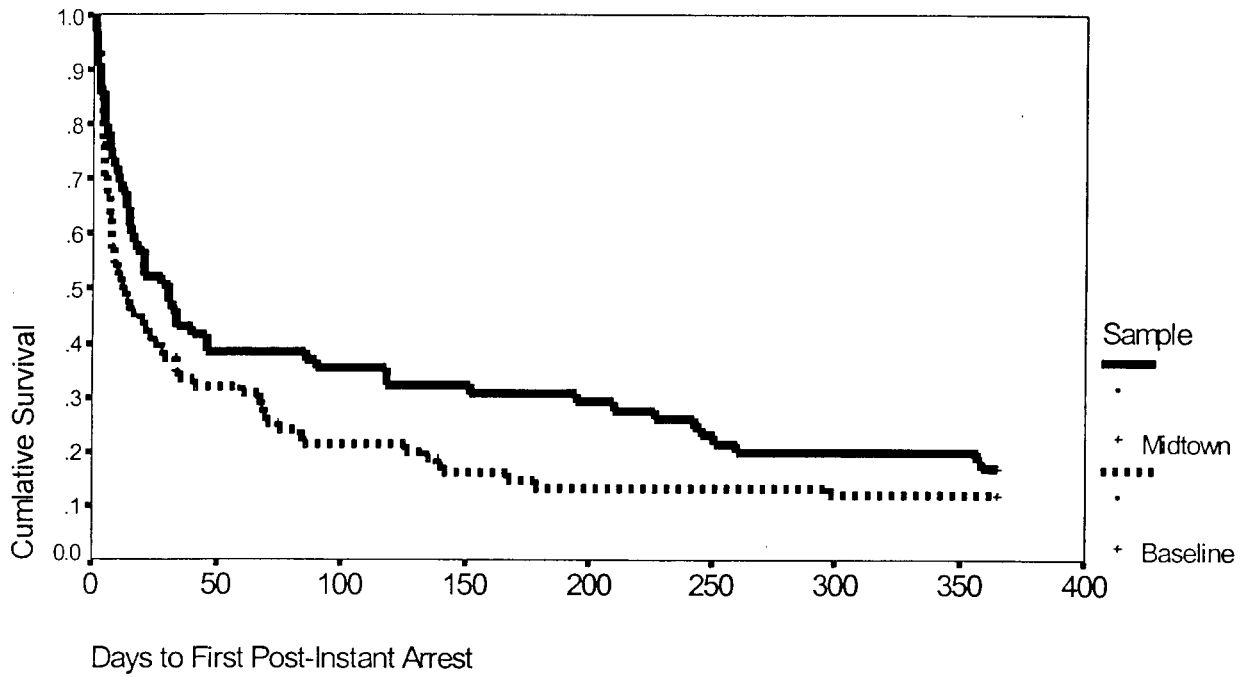
T-tests show that the difference in means of these one year post-arrest lambdas is significant at $p < .01$. For post-arrest year two, both groups' arrest rates dropped substantially (Baseline to 8.0 and Midtown to 4.8 arrests per year); the difference between the year two post-arrest lambdas is significant at $p < .05$. Other more rigorous statistical analyses that gauge the differences between the samples for time to failure (first arrest) also indicate that the Midtown sample fared better (post arrest).

Kaplan-Meier Analysis. This section examines recidivism in an alternative way, in terms of time to rearrest – specifically, whether the Midtown Court played a role in lengthening the “arrest-free” periods of sampled individuals. Kaplan-Meier analysis was used to derive estimates of the probability of being free (not rearrested) at each week (seven-day interval) of a two-year (730-day) follow-up. To calculate Kaplan-Meier estimates of the survival curve – the curve at each of the points in time at which an event occurs – each of the uncensored time points is calculated (Norusis, 1993). In terms of time to failure, Kaplan-Meier survival analysis shows that ten of the Midtown sample (15.4%) were not rearrested in the two-year follow-up period, while only seven (9.3%) of the Baseline sample did not “fail.” Of those who were rearrested, the Kaplan-Meier-calculated mean and median time to rearrest were 173 and 31 days, respectively, for the Midtown sample, compared to 116 and 13 days for the Baseline sample.¹²

These differences are illustrated in Figure P-2, which shows the survival function (curve) plot produced using the Kaplan-Meier procedure. Starting from the point of instant arrest (Day 0), one can see that the Baseline line dips farther and faster than the Midtown line, indicating that individuals in the Baseline sample are rearrested more quickly. This difference between the samples is quite evident at Day 200; although by Day 730, the lines are again very close together indicating that, ultimately, about equal proportions of the samples are rearrested. Several statistical tests for use with the Kaplan-Meier procedure are available for testing the null hypothesis that two or more survival functions are equal. Two of these – both chi-square tests – show that differences in the groups' survival functions verge on statistical significance at the

¹² Note that, “[t]he mean survival time is *not* the average of the observed survival times, since it does not make sense to compute the usual arithmetic average if all of the cases are not dead. Special techniques are used to estimate the mean survival time when there are censored observations” (Norusis, 1993:262).

**Figure P-2: Kaplan-Meier Survival Functions:
Baseline Versus Midtown Samples**



conventional level ($p < .05$).¹³

An Alternative Analysis. Overlooked in the above comparisons of the Midtown and Baseline samples is the issue of historical change. As the Baseline sample was drawn a year before the Midtown sample, it is informative to compare sample lambdas in light of the calendar year for which they were calculated.

**Table 4: Lambdas – Midtown v. Baseline
Controlling for Calendar Year**

Time Period	Baseline	Midtown
1990-92	11.1	-----
1991-93	-----	7.9
1993	13.1	-----
1994	8.0	7.1
1995	-----	4.8

Table 4 shows that in 1994 – the one year in which lambdas for the two samples can be directly compared¹⁴ – offending rates are strikingly similar, especially in light of the relatively large differences in pre-instant arrest offending rates. This analysis suggests that the samples manifested similar patterns of decline in offending frequency after 1993, and that the Midtown sample’s lower lambdas may be best explained by the one-year lag in observation between the samples.¹⁵

Figure P-3 illustrates this phenomenon in a more straightforward way. It shows arrest

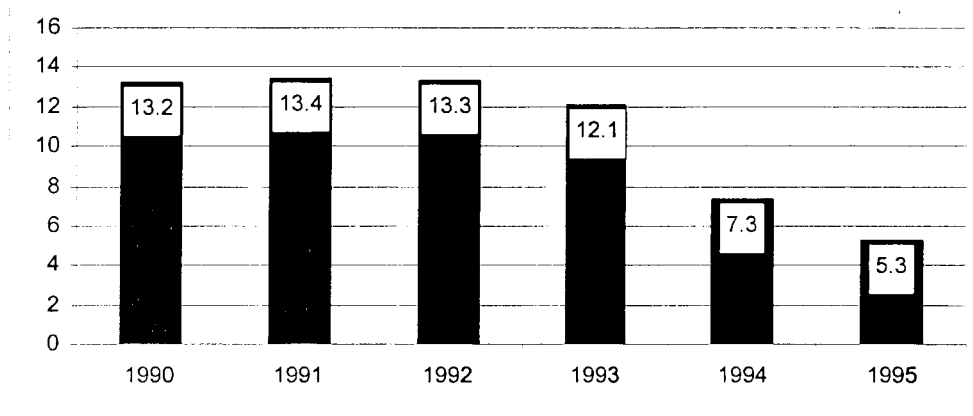
¹³ These results were as follows: 1) The Breslow test (also known as the generalized Wilcoxon test) – which weights time points by the number of cases at risk – produced a chi-square statistic of 3.36 ($p = .067$). And (2) the Tarone-Ware test – based time points by the square root of the number of cases at risk – yielded a coefficient of 3.46 ($p = .063$).

¹⁴ Lambdas for this calendar year represent a year-one follow-up for the Midtown sample and year-two follow-up for the Baseline sample.

¹⁵ The two DCJS recidivism samples are not mutually exclusive – the baseline sample is far from an ideal comparison group for the Midtown “treatment” sample. Instead, there is considerable overlap, or “contagion” between the two groups. As the Midtown Court opened in October, 1993, its effects are present for the second follow-up year of the baseline sample. By the end of 1994 (the second year of follow-up for the baseline sample), 26 members (35%) of this group had come through the Midtown Court at least once, receiving at least one “dose” of its alternative sanctioning policies. Thus, the baseline group is not really a pure “before Midtown Court” sample. Moreover, even the majority of individuals from the baseline sample who did not come through the Midtown Court in the 24-month follow-up period still were affected by more stringent police enforcement strategies and by changes in the structure of local prostitution markets.

rates of individuals in the combined samples (N=140) by calendar year from 1989 through 1995.¹⁶

**Figure P-3: Arrest Rates, Baseline & Midtown
Samples Combined (N=140), 1990-1995**



It illustrates that, beginning in 1994 (the first full calendar year after the Midtown Court opened), there is a dramatic decline in active prostitutes' arrest rates from an average of roughly 13 in the four previous years to roughly 7 in 1994 and roughly 5 in 1995. Between 1993 and 1994, arrests for active offenders dropped by 4.8, or 40 percent. The subsequent decline (to 5.3 arrests per year) in 1995 represents a dramatic 56 percent decline compared to 1993. Though There is no way of precisely discerning the influence of the Midtown Court relative to other factors (e.g., the NYPD's department-wide focus on low-level offending, the ongoing revitalization in the Times Square area), all indications are that the Midtown Court played an important role in facilitating this sharp decline.

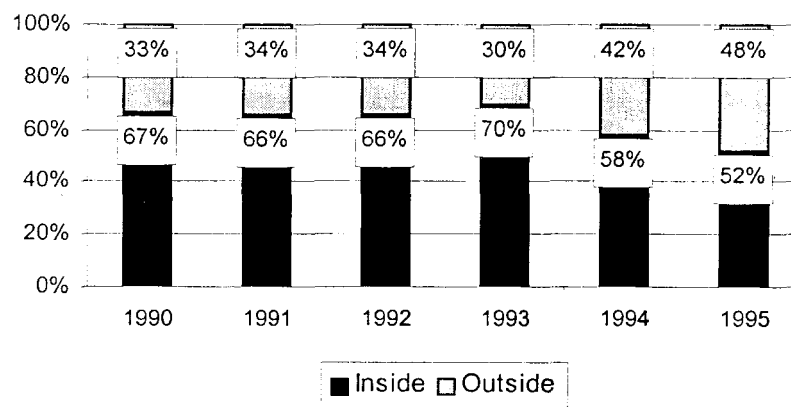
Recidivism Data and Spatial/Temporal Displacement. From these data, the best indication that prostitutes may have been specifically avoiding the Midtown Court's catchment area was provided by examining the day of week they were arrested as well as the precinct in which their arrests occurred. In its first year of operation, the Midtown Court accepted weekday prostitution cases only from its three catchment precincts. Beginning in its second year, after October 1994, it accepted weekday prostitution arrests from all Manhattan precincts. Thus, after

¹⁶ An arrest rate, as opposed to the lambda, does not control for time at risk. However as explained above, because prostitutes normally do not get much jail time, this is not a major concern.

this time, the only way a street prostitute working in Manhattan could avoid having to go through the Midtown Court was to come out only on weekends (Friday and Saturday), when it was not in session; on these days, prostitutes could rest assured that, if arrested, they would go through the Downtown court.

Figure P-4 suggests that prostitutes did indeed avoid working in Midtown Court's catchment area at times when they were guaranteed to be arraigned there.

Figure P-4: Proportion of Arrests Inside Versus Outside the Midtown Court's Catchment Area, 1990-1995



In each year from 1990 through 1993, 66 to 70 percent of these individuals' were arrested in places and at times that would have resulted in arraignment at the Midtown Court, had it existed. By contrast, in 1994 (the first full calendar year of the court's operation), the proportion of arrests in Midtown's catchment area dropped to 58 percent, and continued to decline to 52 percent by 1995. It seems evident that spatial and temporal displacement – specifically to circumvent the Midtown Court – was occurring. The next section of this chapter examines aggregate prostitution arrest trends for the Midtown Court's catchment area, all of Manhattan, and citywide.

IV. Aggregate Arrest Data for Prostitution-related Offenses

According to arrest data from the NYPD, arrests for street prostitution declined dramatically in Manhattan, especially since 1994 – the first full year of operation for the Midtown Court and the year sweeping changes in police practices were implemented. Moreover, examination of citywide arrest numbers points to the notion that spatial displacement to other

boroughs (e.g., Queens) may have been occurring.

The table below shows the number of prostitution-related¹⁷ arrests in the Midtown Court's original catchment area, Manhattan, and citywide, broken down by year.

Table 5: Arrests for Prostitution-Related Offenses

Year	Original Midtown Court Catchment Area				Manhattan-Wide	Citywide
	Tenth Precinct	Fourteenth Precinct	Eighteenth Precinct	Total		
1990	1,760	390	2,079	4,229	5,582	9,746
1991	2,885	502	1,609	4,996	6,054	10,210
1992	2,877	555	932	4,364	5,275	8,796
1993	2,765	300	861	3,926	4,938	8,768
1994	1,833	326	373	2,532	3,913	9,531
1995*	1,055	234	244	1,533	2,601	6,371
1996	1,054	461	378	1,893	3,115	7,717

Source: NYPD

*Arrests for this year were down in part because of concerns, which arose in the Spring, about the propriety of certain arrest procedures (personal communication with Deputy Commissioner Michael Farrell, 1997).

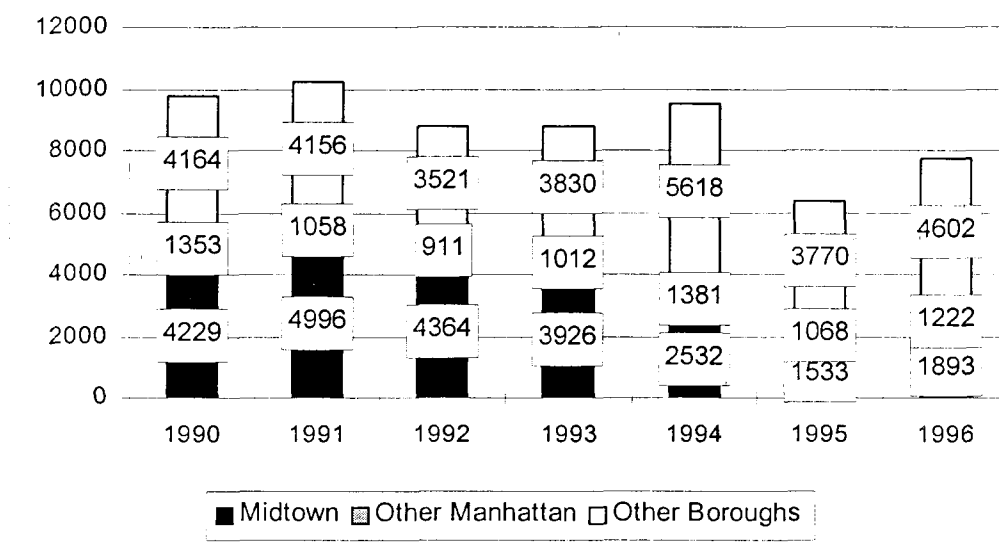
Manhattan Arrest Trends. Table 5 illustrates several trends in prostitution-related arrests (including arrests for prostitution, solicitation and other prostitution-related offenses). First, from 1990 through 1996, there was a dramatic decline in the number of prostitution-related arrests in the borough of Manhattan. Comparing 1990 to 1996, there was a 44 percent drop in arrests (5582 compared to 3115). Though a decline in arrests for Manhattan began in 1992, the steepest declines began in 1994. From 1993 (the year before the policies of the Midtown Court were implemented year-round and before changes in police policy in regard to quality-of-life enforcement) to 1994, there was a 21 percent drop in arrests (from 4,938 to 3,913) (see Figure P-5).¹⁸ Though the caveats associated with using official data to gauge trends in criminal behavior

¹⁷ Unlike all the other data that will be used in this study, these data do not distinguish between arrests for prostitution and soliciting a prostitute.

¹⁸ However, closer examination of prostitution-related arrest data for 1993 reveals that the drop actually began that year. Quarterly data show that there was a 15 percent decline in Manhattan in the fourth quarter of 1993 – the Midtown Court's first quarter of operation – compared to the mean of the first three quarters (1308 arrests compared to 1547). This drop occurred before the NYPD's emphasis on quality-of-life crime enforcement began (in

are well documented (Barton and Turnbull, 1981), in all likelihood, the drop in arrests was probably a *conservative* gauge of actual decline of street prostitution. This is because the decline in prostitution-related arrests occurred at the same time that enforcement efforts against low-level crimes were *heightened*; it was probably more likely for a prostitute to be arrested in 1996 compared to 1993.

**Figure P-5: Prostitution-Related Arrests
By Area of City, 1990-1996**



Midtown Compared to the Rest of Manhattan. The decline in Manhattan prostitution arrests was driven by the dramatic decrease occurring in Midtown – operationalized as the three original catchment precincts for prostitution, the Tenth, 14th and 18th.¹⁹ For example, as Figure P-5 shows, comparing 1993 to 1996, the number of Manhattan prostitution arrests in Midtown dropped by 52 percent (from 3,926 to 1,893); by contrast, the number of prostitution arrests outside of the catchment area was comparatively stable (1,021 compared to 1,222, a 20% increase). As a result, the proportion of Manhattan prostitution arrests made in Midtown declined

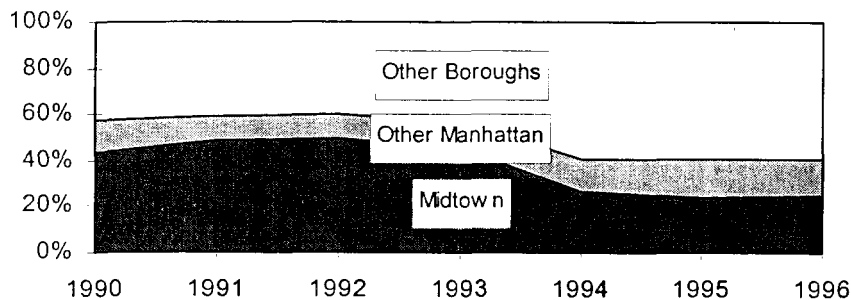
1994).

¹⁹ Recall that beginning in the second year of the Midtown Court's operation, it began accepting all weekday prostitution cases from the Borough of Manhattan; cases with other misdemeanor charges continued to be drawn only from the original three catchment precincts.

sharply, from 80 percent in 1990-1993 to 62 percent in 1994-1996 (Figure P-5).²⁰

Manhattan Compared to the Other Boroughs. Just as the proportion of Manhattan's prostitution arrests originating in original Midtown catchment precincts declined, so too did the proportion of arrests originating in Manhattan as compared to citywide (Figure P-6). This chart illustrates that, until 1994, the Borough of Manhattan had consistently accounted for roughly six of every ten prostitution-related arrests; from 1994 on, Manhattan's contribution to the City's total dropped to about four out of every ten arrests in the City. This decline was clearly driven by the drop in Midtown arrests. Comparing 1990-1993 to 1994-1996, the catchment area's contribution to the citywide total declined from 47 percent to 25 percent (a 47% drop).²¹ It is

Figure P-6: Proportion of Prostitution-Related Arrests by Area of City, 1990-1996



worth reiterating that this change coincided with the opening of the Midtown Court, and the new NYPD focus

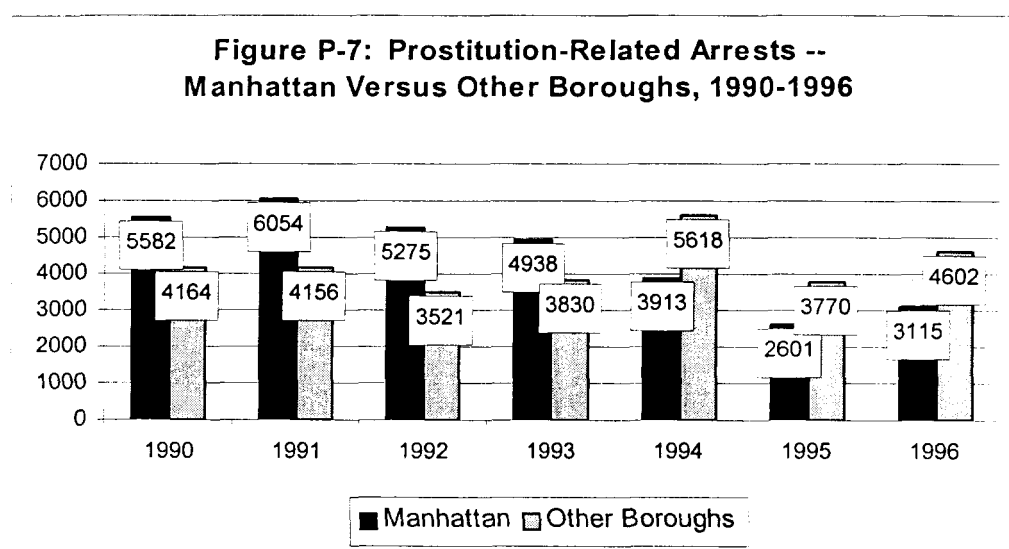
²⁰ This analysis raises the issue of whether there was displacement from the Midtown Court's catchment area to other parts of Manhattan (as suggested by the recidivism analysis data, which took into account both day-of-week and place of arrest). A rise in weekend arrests could be indicative of spatial/temporal displacement in order to avoid the Midtown Court, which was not open on weekends. Unfortunately, because day-of-week was not available for these data, it was impossible to determine whether there was an increase in weekend versus weekday arrests over time.

Nonetheless, available data suggest that, if there was spatial displacement, it was only moderate. Comparing the period 1990-1993 to 1994-1996, there was a relatively slight increase in arrests in non-Midtown Court catchment precincts (from a yearly average of 1,084 to 1,224, a 13% rise). But this increase pales in comparison to the 55 percent decline in the average number of catchment area arrests for the same period (down from 4,379 to 1,986 per year). In terms of raw numbers, it is obvious that the catchment area's decrease of almost 2,400 arrests per year dwarfs the non-catchment area's 140-arrest-per-year increase. The issue of displacement is discussed in more detail in the Ethnographic Observations and Interviews section below.

²¹ Incidentally, the Midtown area as defined here comprises only 14 percent of Manhattan police precincts (3 of 21) and only four percent of the (75) precincts in New York City.

on combating low-level crimes.

The Issue of Inter-Borough Displacement. Figure P-7 shows that, in terms of numbers instead of proportions, 1994 saw a 21 percent drop (4,938 to 3,913) in Manhattan arrests; at the same time, other boroughs witnessed a stark 47 percent increase in arrests (from 3,830 to 5,618). Though prostitution was down in Manhattan, it had risen sharply in the outer boroughs, resulting in a net citywide increase of nine percent (from 8,768 to 9,531). Thus, for this year, it seems that some spatial displacement may have been a repercussion of Manhattan's decline.²²



Yet, in the two subsequent calendar years, 1995 and 1996, this initial outer-borough hike was tempered; though the ratio of Manhattan to other boroughs' arrests remained static at 4:6 (see Figure P-6), the raw total for the other boroughs declined from this 1994 peak. Comparing again the four "pre-intervention" years (1990-1993) to the three "post-intervention years" (1994-1996), Manhattan experienced a decline of over 2,200 arrests per year (from 5,462 to 3,210, or 41%) while the outer boroughs experienced an increase of 745 arrests per year (from 3,918 to 4,663, or 19%). On balance, over the same period, it is evident that Manhattan's substantial decline in prostitution arrests resulted in a net reduction for the City as a whole – a decline of

²² The (previously-analyzed) recidivism data lends support to this notion. It appears that there was a degree of spatial displacement occurring among individuals sampled for the recidivism analysis. For these individuals, the proportion of arrests that occurred in outer boroughs as compared to Manhattan rose from nine percent in 1992 and 1993, to 15 percent in 1994 and 20 percent in 1995. Available data do not permit analysis of displacements to other states (e.g., New Jersey).

over 1500 arrests per year (from 9,380 to 7,873, or 16%).

Assuming that enforcement against street prostitution was carried out with relatively equal vehemence by police across boroughs – that a prostitution arrest in Manhattan is representative of a roughly equal actual incidence of offending (streetwalking) in, say, Queens – these data suggest that there was moderate spatial displacement from Manhattan to other boroughs (presumably because of the Midtown Court). This finding is not incongruent with findings from prostitute interviews.²³ The next two forms of quantitative data analysis address the question of whether – irrespective of the number prostitution cases – the composition of Manhattan’s prostitution caseload changed in terms of age and criminal history.

V. Midtown Court Prostitution Caseload Trends

This section presents evidence from the Midtown database on the changing characteristics of prostitution arrestees over the first three years of court operation. An examination of the Midtown Court’s prostitution caseload by year reveals two clear patterns: 1) as time went on, the proportion of prostitution cases coming through the court with no prior misdemeanor convictions increased; and (2) younger individuals (those 21 and under) comprised an increasing proportion of all prostitution arrests.

For each year, the mean (28.8, 24.9, 17.3) and median (8, 2, 1) number of prior misdemeanor convictions for defendants with prostitution cases dropped substantially. As the below chart indicates, trend data from Year 1 to Year 3 suggest less and less prior criminal involvement. Figure P-8 illustrates that there was a 63 percent increase in the proportion of prostitution cases with no prior misdemeanor convictions from Year 1 to Year 3 and a concomitant 45 percent decline in the number of defendant/cases with 16 or more priors.

Given that prostitution cases were averaging fewer prior convictions by Year 3, it is not surprising that the proportion of cases involving those 21 and under was increasing. Figure P-9 illustrates that, in each of the first three years of Court operation, the proportion of the caseload involving individuals 21 or younger increased (49% from Year 1 to Year 3).

²³ Though this analysis provides insight as to the occurrence of displacement to neighboring boroughs, it does not serve as a reliable gauge of the degree of displacement to areas neighboring New York City, including interstate locales such as Jersey City. As New York City arrest data cannot be used to address this possibility, findings from interviews are used to inform about this topic.

Figure P-8: Prior Misdemeanor Convictions, Year 1-Year 3

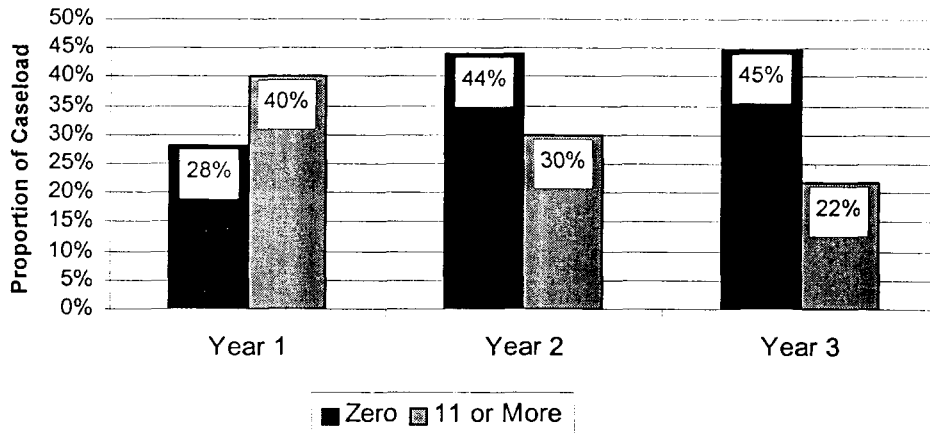
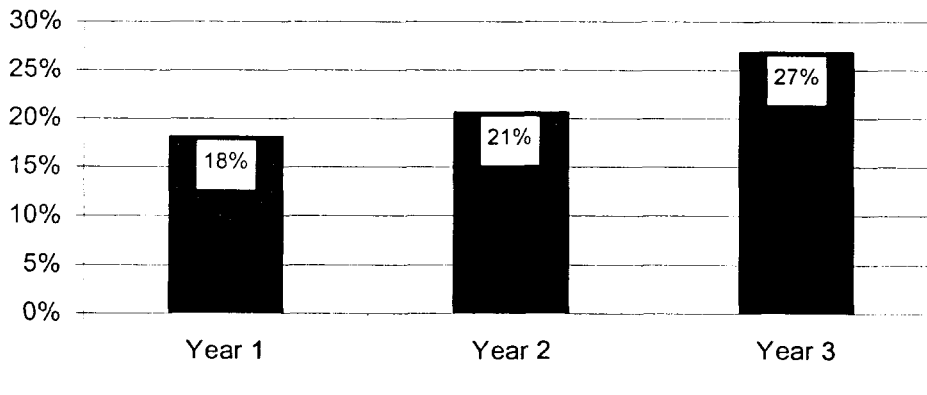


Figure P-9: Midtown Court Prostitution Caseload: Proportion 21 or Younger, Year 1-Year 3



These indicators combine to point to a population shift among Manhattan street prostitutes. Chronic offenders (who also tended to be older) were less likely to be caught working in Manhattan; by contrast, by Year 3, it had become clear that “neophyte” prostitutes (younger individuals with fewer misdemeanor convictions) were more prevalent in the market.

VI. Aggregate Data on Prostitution Case Filings in New York City

Table 6 provides information from the UCS CRIMS data base, organized by year, on the number of prostitution cases filed in Manhattan criminal courts and the number of different

individuals being arrested (identified via the distinct NYSID number).²⁴ All of the individuals represented in this table came through the Manhattan criminal court system (either Downtown at 100 Centre Street or the Midtown Community Court) on prostitution charges at least one time. The court filings, however, could be reflective of arrests occurring in any of New York City's five boroughs.

Table 6: Manhattan – Prostitution Charges at Arraignment & Frequency of NYSID Numbers By Judicial Year

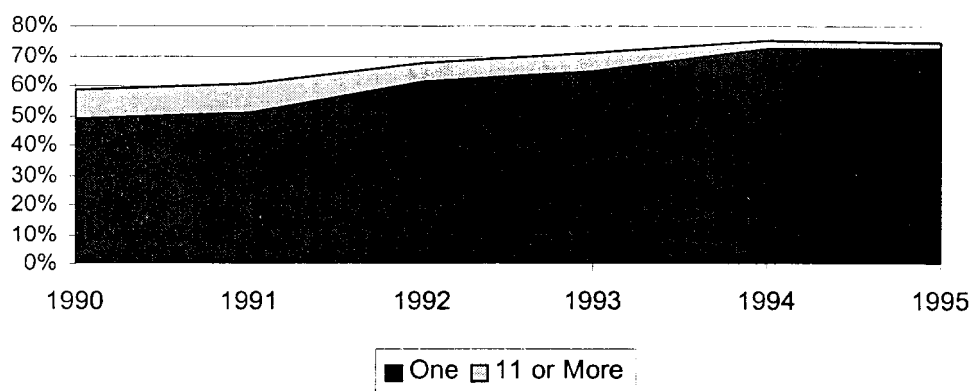
Year	Cases	Individuals	Categories of Arrest Frequency (Based on NYSID Numbers)				
			One	Two	Three to Five	Six to Ten	Eleven or More
1990	5,484	1,403	685 (49%)	194 (14%)	267 (19%)	120 (9%)	137 (10%)
1991	5,955	1,472	746 (51%)	195 (13%)	244 (17%)	140 (10%)	147 (10%)
1992	5,216	1,667	1,020 (61%)	185 (11%)	236 (14%)	121 (7%)	105 (6%)
1993	4,863	1,644	1,068 (65%)	201 (12%)	193 (12%)	79 (5%)	103 (6%)
1994	3,039	1,435	1,035 (72%)	173 (12%)	130 (9%)	56 (4%)	41 (3%)
1995	2,039	1,090	787 (72%)	147 (14%)	99 (9%)	35 (3%)	22 (2%)
1996*	2,973						

Source: UCS *Categories of arrest frequency are not available for 1996

These data show that the proportion of individuals arrested for prostitution only once in a year increased for every year from 1990 to 1995; at the same time, there was also a steady decline in the number and proportion of individuals who had 11 or more arrests. For example, whereas in 1990, 49 percent of individuals had only one arrest, by 1995, that proportion had risen to 72 percent. Similarly, ten percent of individuals had 11 or more court filings for prostitution in 1990; by 1995, only two percent were getting arrested this frequently (see Figure P-10). Consistent with Midtown Court caseload data, these trends point to an underlying change in the composition of the population arrested for prostitution: especially since 1994, there has been a marked increase in the proportion of individuals arrested only once in a given year; at the same time, by 1995, those who got arrested a lot were largely disappearing from court dockets.

²⁴ It also serves as a means for checking the reliability of the Manhattan arrest totals (above), as total cases filed should approximate total numbers of prostitution-related arrests in Manhattan.

Figure P-10: Proportion of Individuals with One Versus 11 or More Court Filings, 1990-1995



Taken together, the recidivism data, the Midtown Court caseload data and the UCS data suggest that by the third year of the Midtown Court's operation (1996), the population of prostitution arrestees was markedly younger and less involved in the criminal justice system than they had been before the Midtown Court began operations. Moreover, they portray a street prostitution market with fewer individuals (according to UCS data) offending with less frequency (according to recidivism and UCS data); these factors were behind a decline in Manhattan's aggregate prostitution-related arrests. While it is difficult to discern precisely the Court's role in this population's transformation, one effect is evident: chronic recidivist prostitutes are either retiring, changing patterns of work, or moving elsewhere (e.g., indoors, to another city) to offend. The following overview of qualitative findings helps to inform which of these explanations is the most powerful.

VII. Ethnographic Observations & Interviews

During the initial 18 months of ethnographic fieldwork, significant declines in street-level sex work were documented. Alterations in street-level conditions were attributed to the increasing economic development of Midtown's business and residential neighborhoods, increased levels of policing (especially for quality-of-life crimes), and the presence of the Midtown Community Court. Beginning in October of 1996 and lasting until July 1997,²⁵

²⁵ Many of the ethnographic interviews occurred a few months later, in the first quarter of 1998.

ethnographic research was resumed in Midtown to reappraise street-level conditions and to assay whether the observed decline of misdemeanor crimes – particularly street prostitution – had been sustained, whether street-level conditions had continued to improve, and to document the role which the Midtown Community Court had played in these changes.

Research Methods and Techniques. The ethnographic research team consulted with personnel from the Midtown Community Court, the local police precinct and knowledgeable community residents to select sites where observations should be conducted. As in the first wave of research, sites where street-level sex workers and illegal vendors had been prevalent were a research priority. In the second phase of ethnographic research, observations of sex workers continued to be conducted at the sites of the various strolls, but a lack of significant activity at two of the sites (the mid-level and low-level strolls) led the ethnographic team to add additional locales to determine whether street-level sex work had indeed declined in Midtown or whether it had simply been displaced to other sections of the City. Based on information provided by the Midtown Community Court, the local police precinct and community residents, additional observations were made on Sixth Avenue between 56th and 57th Street, 14th Street and Tenth Avenue, and along Ninth Avenue between 42nd and 57th Street. Moreover, in order to obtain an adequate sample, most of the interviewed subjects were recruited upon coming through the Midtown Court.

A. Observational Findings. As testimony to the rapid turnover of street-level sex workers which had become characteristic of the mid-level stroll in 1996-97, none of the women who were observed and/or interviewed during the initial research period (1994-95) were encountered during the current study. The strolls were not only much smaller and more discrete, but the women who worked there were also typically much younger and less experienced than those who were encountered in the previous study. For example, Jasmine and Cindy, two white sex workers in their early 20s, were encountered on 45th Street between Ninth and Tenth Avenues early one Sunday afternoon in January 1997.

Jasmine, a crack smoker who looked quite well-kept and fed, said that she had been working Midtown for approximately one year while Cindy, who claimed that she did not use drugs, had been in Manhattan for about three months. Both of them said that they had never done this kind of work before coming to the City, did not know many of the other women who

also worked the stroll, and asserted that they worked primarily on the weekends for fear that they would be arrested if they became too noticeable in the neighborhood. Cindy said that she had never been arrested, but Jasmine confessed that she had been arrested once in the last year for shoplifting and sent to court on Centre Street. When asked, both women said that they had never been arrested for prostitution and had not heard of the Midtown Community Court.

The few women who continued to work the mid-level stroll took care to be extremely discreet. They dressed very casually, often with no make-up or suggestive clothing, and rarely stood at street corners but tried instead to merge with the pedestrian traffic to remain less visible to the police and community residents. With the onset of summer bringing longer daylight hours and increased visibility, the stroll virtually “dried-up,” particularly for those women who were the most obvious. Lisa, a young woman working the area commented:

A lot, lot less [women work here]. On Eighth Avenue, you could see a whole lot of girls working, pretty girls, busty girls, you could see black girls, white girls. Now you see four or five girls working here. All the other girls were junkies, you know what I'm saying. I do drugs, I get high on crack. I get high on dope. But I've also got a place to stay at. I change my clothes everyday. I don't abuse the drugs. These girls all they do is smoke, smoke, smoke. That's all they think about. I don't. They get sloppy. They stop changing their clothes. They start hanging out all high on the corner. That attracts attention. Not only that, the dates won't pick them up, but the cops – you understand.

Though it was not as frequently mentioned by sex workers, a significant restructuring of local drug markets also had an impact on sex workers in Midtown. As mentioned above, the low-level stroll had been composed of women who derived income from several sources, especially in roles which were connected with street-level drug markets. When those markets moved indoors and became reliant almost entirely on client-driven transactions, the women were left with far fewer opportunities to make money. Furthermore, as drug dealers moved indoors, the women found that their own access to drugs had become more restricted, and many began to seek out more accessible markets in other sections of the City.

Unlike their low- and mid-level counterparts, the women on the 11th Avenue, upper-echelon stroll were considered by many to be “professional” sex workers in that they belonged to a tightly controlled and highly organized group managed by a common pimp. Working seven to eight women on highly lucrative strolls, pimps were able to provide the women with extremely comfortable living conditions, cars and apartments. The women in return were expected to work daily, make a certain amount of money and dress seductively to attract

customers.

B. Interview Findings. Interviews with prostitutes provide insight into the ways in which increased enforcement by the police and meaningful sanctioning by the Midtown Court influenced how, when, where, and even *if* they worked. This section provides an overview of prostitutes' perceptions about enforcement and sanctioning, and how they adapted to Manhattan's changing street prostitution scene. These adaptations included dressing more conservatively, working "untraditional" hours, working out of automobiles instead of on the street, and attempting to maintain regular customers (facilitated by the use of beepers).

Some individuals resorted to more extreme adaptations, which took the form of two types of displacement: 1) method displacement – working indoors in a brothel or escort service to avoid the street altogether; and (2), spatial displacement – moving to areas adjacent to Manhattan (either other boroughs or nearby New Jersey cities), or even to distant cities where the money was better and enforcement and sanctioning less stringent. Finally, some small proportion of individuals desisted altogether.

The initial ethnographic research had indicated that the "upper echelon strolls. . . did not appear to have significantly changed over the duration of the research period." In the 1996-97 research period, the research team found that although the stroll remained comparatively resilient, it too had experienced a decline that closely resembled that found at the mid-level stroll. Vital to this decline were the pressures applied by the police and the Midtown Community Court on not only the women themselves, but potential customers too, further depressing business. Sugar, a sex worker who worked the upper-echelon stroll at 28th Street, reported on current working conditions:

When I first come up here, money was like, coming a lot. You could turn around and there'd be money right there – a client waitin' for you. Right after . . . there'd be another client waitin' for you. You know, it was like that. You could make money like it wasn't nothin'. Now, it's like, it's very hard. The po-lice are a lot around now so the clients are kinda scared. . . .

Cleopatra explained how, in an environment characterized by heightened enforcement, price negotiations with johns became more difficult:

You can't get \$40 for a blow job as opposed, you used to. Now it's down to \$20; you have to fight them for \$20. The police, you have to, like, literally run off the sidewalk every two minutes 'cause the police are makin' it very hard. You can't stay in one spot like you used to. . . . I don't have any problem with getting like 30 [for a blow job], I can

usually convince 'em for 30. But, it's a hustle, you know what I mean. It's [always been] a hustle bein' out there, but it's more of a hustle than it used to be. Now you got to literally sweat to convince them, you know. And you know that's what they're out there for. That's the worst part about it. And they just don't want to spend the money, 'cause they figure with all the police, and we're desperate, so they try to really get over.

Techniques of Avoidance. Unlike their independent counterparts at the mid-level stroll, having more resources at their disposal the women and their pimps have developed new and more subtle ways of attracting customers. As Monica explained, many women now drive around in cars looking for potential customers, pulling up to parked cars to solicit clients. If they do manage to find a date, the women follow the customer to a parking garage where they leave their cars behind and continue on with the client. Their mobility allows the women to solicit customers at different locations including those on the East Side on Lexington Avenue between 28th-29th Streets and at 56th Street on Sixth Avenue. Monica claimed that this practice was pervasive:

Everybody drives cars. And if you stand now, it's funny. Now, if you stand on the streets, guys think you are police. Before, if you were driving, they used to think you were the police, because there wasn't that many girls driving.

Prostitutes also reported dressing more conservatively to avoid unwanted police attention.

Blondie said that general appearance affects the likelihood of arrest:

You can't even wear a short skirt these days, can't even wear high-heeled shoes. You can't even have a colorful color in your hair because they will pick you up. [Because of this, I'm] tryin' to low, low down on my clothes and my shoes and try to wear sneakers and jeans so they won't notice me. [And] take off my wig, you know (laughs), wear my regular hair, so they won't notice me.

Gina believed that a more "casual" appearance may not only help in avoiding arrest, but also could help after arrest, by increasing the likelihood of receiving a lenient sentence:

[It's] still loitering for prostitution. No matter how you look at it, how you dress. Still come out to the same thing. But sometimes when you go into court, they'll look at you bein' dressed flimsy a lot more worse than they will with you havin' your body covered up. I think they're a lot more lenient, you know what I'm sayin', if they see that you try to tone it down than they are when you try to flash it up. They figure if you're flamboyant, you know what I'm sayin', they figure you don't give a care, don't give a fuck.

Many women also attempt to maintain "regulars" and conduct business through the distribution of beeper numbers. At the 11th Avenue stroll, the women believed they were afforded a degree of protection by the desolate streets lined by warehouses where police

surveillance was lower. But even when they used more discreet methods of working there, vigorous enforcement had increased the likelihood of arrest. As Cindy put it:

We're like sitting ducks, basically. We're the easiest collar, you know. 'Cause we have to stand there and wait for the guys to come, and we have to be in the same area. And then all you need to do is see me in this area and say hi to a guy, and boom, I'm busted. So, you don't even need a lot. . . . You don't need to see me give a blow job or have sex or take money to bust me. You just need to see me standing there waving, or in the street, or standing there too long and it's not a bus stop or whatever, you know. . . . This is the worst crime as far as the easiest to get caught. . . .

In spite of the increased discretion, superior resources and greater organization that allowed the 11th Avenue stroll to remain an active street-level sex market, increased enforcement caused it too to witness a decline in profit, scale and visibility similar to that which was observed at other Midtown strolls. To avoid arrest, some women started working “untraditional” hours, but found that it was more difficult to make the amount of money to which they and their pimp had become accustomed. As Lana noted:

New York City is not like it used to be. It's horrible. 'Cause you used to be out there for three to four hours and have a \$1,000 to go with. Now you got to stay out there all night and some and have \$500.

Perceptions of the Midtown Community Court. In addition to the diminished profits and increased hassles associated with street work, many women complained of being arrested more frequently and they commented – both positively and negatively – on the greater attention they received at the Midtown Community Court. As compared with the process Downtown, they appreciated the efficiency of the court process, the more sanitary conditions inside the holding cells, better food, and the more sympathetic staff at the Midtown Community Court. Gina put it this way:

I can't stand [Downtown]. It's the lousiest, nastiest, fuckin' disgusting. It really is. And then they leave you sittin' in that bullpen two and three days with a little of everything, you know what I'm sayin'. So it's really, really, fuckin' disgusting. . . . You can't lay down. You've been there three days. . . there's two benches. . . there's the cement floor, you know what I mean. . . . Midtown's nicer. At least. . . they do keep it clean. . . .

Opinions of Treatment by Court Staff. Prostitutes' low opinions of the conditions at the Downtown court relative to the Midtown Court were paralleled by their attitudes in regard to the courts' staffs. A transgendered prostitute, Eileen, summarized the differences in two sentences:

[Downtown] the food is nasty, the cells, everything. Over here [at the Midtown Court], it's real friendly, nice and clean, you know.

Similarly, it is clear from the following statement by Cindy that staffs' attitudes towards and treatment of prostitutes – instead of physical conditions – were the primary reasons she had a favorable opinion of the Midtown Court, and the cause of her dislike for the Downtown court:

Midtown Court is the next day. It's much quicker, first of all. Second of all, the court is like a little more convenient because everything is here, it's closer, you know. And then plus, . . . I don't have a problem with anybody there. I've never had a problem with anybody there. But I think that they're really fair and honest. They're not rude or, you know what I'm sayin', it's not like you come in and they're like, "Oh, you're a prostitute. Get the hell out, you dirty tramp," or whatever. They're not like that. They've all been very nice to me. I've never felt uncomfortable around anybody, you know. And people are like on a first name basis. . . . And everybody has respect for you no matter who you are and everyone's helpful, so I think that's good. 'Cause like I've been places and they're like, "Oh, what are you actin' like that for, you're a fucking hooker." . . . Hello, I'm human too, you know what I mean. Respect me, I'll respect you. . . . Downtown, . . . you can get rude people.

Some criminal justice scholars (e.g., Tyler, 1990) argue that the sort of humane treatment described by Cindy – which instills in individuals the sense that they have been treated fairly – is the only means by which those in “the Life” may be ultimately engaged, and perhaps desist from crime. As Paternoster et al. (1997) put it, “As much as what legal authorities do. . . how they do it communicates to citizens their status within the group. . . . Being treated fairly and with respect by legal authorities may also be crucial in strengthening one's bond to conventionality (Hirschi, 1969), even when these bonds may initially be quite tenuous” (169).²⁶

Manifestations of the Police-Court Partnership. Because the police serve as the “gateway” to the Midtown Court (if prostitutes are not arrested, then they will not come through the court), prostitutes were asked whether the police had mentioned that the Midtown Court was a place they could get help. Several prostitutes said that they had. Blondie had this to say about the police:

The police tell us everything that's goin' on out here, especially the undercovers. They tell us what's goin' on. Everything, trust me, every little detail. They tell us when somebody get hurt, and who was by, give us details, give us papers and forms of the person, everything. They help us a lot. Q: Do they mention the Midtown Court as a place to get help? Oh yeah, of course, of course. All the time.

²⁶ In fact one interviewed individual had “retired.” Monica, who at the time of her interview had been “retired” for a few months, expressed deep gratitude to Midtown Court social service staff for helping her make a break from “the Life.” She explained how they encouraged and cajoled her into making a break from her pimp, and then offered a lot of support once she did, going so far as to help her get enrolled in college and get financial aid.

Alternative Sanctions and Accountability. Although women appreciated the humane treatment they received at the Midtown Court, they consistently complained that the closer scrutiny they received there – especially lengthy sentences of community service rather than jail time or “time served” – made it increasingly difficult for them to work the stroll. Protesting the severity of her sentence, Sugar said:

I would rather [be] locked up for time served because it's much easier. Less hassle. Right. You know, you go in there, time served, you get out, and you go and do what you gotta do. You know, instead of gettin' out and just bein' tired, you know, for two weeks.

Similarly, Cleopatra opined:

Midtown's tougher. Downtown don't really care. Downtown, they think that if they hold you for 72 hours then that's good enough punishment for you.

And Gina said:

[At Midtown] they want you to work it off, you know what I'm sayin'. They want to take back what you take from the community, they want it out your ass. . . .I'll go to Jersey, I won't do Manhattan, 'cause I know. . .you just go to court, pay your fines, see you later.

Many women noted that the strictly enforced and closely monitored sentencing and trial procedures at the Midtown Community Court did not allow the women to take advantage of the “loopholes” which they had commonly used in other courts. Those with long histories of sex work and contact with the criminal justice system began to contemplate looking for sex work opportunities elsewhere or in another line of business entirely. For example, Monica, the “retiree” who had worked at the upper-level stroll, explained that the combined presence of the Midtown Community Court and stringent policing led her to look for alternative sources of income.

I had to stay [doing community service] till 7 pm. You got to realize that if a girl goes home at seven, she maybe gets to sleep an hour and a half. You get all ready again and go out. That happened. I had to do that. We thought we would get back out. This would be different. Yeah right. Fucking cops again. I go [to court], get this, I go, “Who's the judge?” They told me. Fuck, it's the same judge. Great! I'm like, “this lady's going to be real happy to see me, I can tell.” I went in front of her. She was like, “weren't you just. . . you were here yesterday?” What can I say? I can't lie. I might try to wrangle, but I can't right out tell a lie 'cause she's going to know you're bullshitting her. What'd she do? She gave me four days. So then the weekend came up. We were like, “fuck this shit, we'll go Queens.” So we started going out there.

This finding that enforcement *in combination* with more onerous sanctions is more likely

to have an impact is consistent with other empirical evidence. Prior researchers have found that, among those who are arrested frequently, arrest itself is largely meaningless. The sanctions that stem from arrest are much more likely to be significant in the eyes of the offender (Miller, 1986; Winick and Kinsie, 1971). Winick and Kinsie (1971) stress that if penalties for prostitution are not sufficient, prostitutes will view the sanctions as meaningless – essentially a license to continue to offend as they have been. Similarly, Miller (1986) in her study of female street hustlers in Milwaukee found that, “Although some of the female hustlers interviewed had a difficult time keeping track of their arrests, they had a remarkable ability to describe the intricacies of the sanctions imposed as a result of those arrests. . . . In terms of their work, it was the penalties that were important, not the arrests” (126-127).

Forms of Displacement. Monica’s statement above raises the issue of spatial displacement (in this case to an adjacent borough in New York). This “local” displacement is just one of several forms that have occurred as the result of formidable enforcement practices in Manhattan.²⁷ For example, some individuals reported working indoors – in brothels or escort services – to avoid a street scene where money-making was becoming increasingly sporadic. After her most recent arrest, Cleopatra said:

I’m gonna go work [inside] for a while. . . . I have my own service on [a] web site. . . . My picture’s on there, me and four of my girlfriends. . . . [From that] I have a client that comes from Texas to see me, San Pedro, Texas, I have a client that comes from Arkansas, and a client that comes from California. [We meet] at hotels.

Finally, another consequence of the declining Manhattan street prostitution markets has been “long-distance” spatial displacement. As evidenced in this section, tougher enforcement has resulted in depressed prices for sex acts and lower incomes. In this context, some women – who are prone to travel long distances to work anyway (James, 1975; Miller, 1986) – move across North America, in search of places where the money-making potential is good. Several women’s personal accounts illustrate that this mobility is not uncommon among this group. For example, Mia had this to say about her travels:

I been working five years. But here, off and on, like right now I’ve been here three months. And before that I used to travel back and forth. Between here and. . . Boston, Atlantic City, everywhere, . . . Florida, Washington, Las Vegas, Hollywood.

²⁷ Recall that moderate spatial displacement to adjacent boroughs was suggested by aggregate police data as well as recidivism data (reported above).

When asked what determines why women switch cities, Mia mentioned economics as a reason for moving (consistent with James [1975]):

'Cause there's money in some places. Like when it's slow here, I'll go someplace else. . . where the money's at. . . .

And, in describing her extensive travels, Sam labeled herself “world-wide”:

I work in Kentucky, Texas, Mexico. I just came back from. . . Indianapolis. . . I went to South Dakota for like a week. South Dakota. They got, they got it going on down there. [Now] I'm trying to get up outta here and go to Washington or Philadelphia, . . . so I'm world-wide too.

VIII. Conclusion

Consistent with preliminary research conducted for the first phase of this evaluation, the Midtown Court played a key role in affecting street prostitution in Manhattan. On the individual level, Midtown's alternative sanctioning had several functions: 1) it served as a form of restitution to the community in which prostitutes had offended; (2) it put a strain on prostitutes' “work” schedules; and (3), it reduced their income.

This impact on individuals contributed to the decline of street prostitution markets in Manhattan, with some established “tracks” disappearing entirely. As a result, it became more difficult for prostitutes and would-be customers to make transactions.²⁸ This decline in the number of potential customers in turn resulted in depressed prices for sex acts, and diminished incomes for prostitutes. Individuals attempting to avoid arrest (and the Midtown Court) resorted to a number of tactics, including: dressing more conservatively; working “non-traditional” hours; and working out of cars, in escort services or brothels instead of the street. Others began to work at locales outside of Manhattan, where enforcement was not as onerous, and money-making potential was better. Some moved to locations adjacent to Manhattan (including outer boroughs such as Queens and nearby locales in New Jersey, such as Jersey City); others left the area entirely, going to distant cities where the money was better and enforcement less stringent – a form of displacement that had positive effects on Midtown Manhattan but potentially negative effects on communities where prostitutes relocated. A small proportion quit “the Life” entirely.

In sum, the quantitative and qualitative evidence presented here suggests that the decline

²⁸ This was partially a product of direct enforcement against customers – police focusing on the “demand” side of the prostitute-customer relationship.

in Manhattan's street prostitution markets documented in the first phase of this evaluation (covering the first 18 months of the Midtown Court's operation) was not only sustained but increased in the ensuing 18 months. While it is difficult to discern precisely what happened to those individuals who once worked Manhattan's streets, the marked decrease in New York City's prostitution-related arrests represents cost savings to the local criminal justice system (police, courts, corrections)²⁹ and a substantial improvement in community conditions.

²⁹ Given a conservative estimate of \$1,000 per case in arrest-to-arraignment expenditures, a net reduction of 1,500 arrests results in a system savings of \$1.5 million. The transformation in street-level prostitution markets also produced other benefits, including a reduction in primary and secondary jail sentences associated with those arrests (conservative estimate: \$200,000), and indirect "multiplier" effects, stemming from improved quality of life and the influence of that improvement on the City's business and tourism climates.

Although clearly the Midtown Court was not solely responsible for the change in prostitution markets, it was a major contributor to it. Given an estimated annual cost saving of at least \$1,700,000, it seems reasonable to attribute a third of this saving -- or roughly \$567,000 per year -- to the Midtown Court.

Chapter Five

Participants in Long-Term Treatment/Case Management

I. Introduction: Long-term Treatment/Case Management

A central premise of the Midtown Community Court was that most repeat low-level offenders are in need of a wide variety of intensive services to respond to their pervasive life problems – substance abuse, homelessness, serious mental and physical health problems, educational and vocational deficiencies – and that this population has relatively little systematic contact with service providers who might address these problems. In establishing on-site services, planners contended that, for many of these individuals, the criminal justice system constituted their primary connection with the world of structured services. Yet the crimes they commit are typically not serious enough to connect them with the service provision and referral capacity of correctional supervision (prison, jail, parole or probation). This chapter reports the findings from quantitative and qualitative research examining the impact of the Midtown Court on these individuals who were mandated to long-term drug treatment as an alternative to jail.

The Role of the Midtown Community Court. Before the Midtown Court opened, there was little capacity at the centralized court to sentence defendants arraigned on misdemeanor charges to programs that would address underlying health and substance abuse problems. Baseline observations showed that judges would occasionally mandate that defendants whose “rap sheets” pointed to a substance abuse problem enter substance abuse treatment. Sometimes, defense attorneys identified a particular program that the defendant would enter. In other instances, defendants were sent to a Drug Treatment Referral Office that had the capacity to screen, refer and place defendants in substance abuse treatment although it had no monitoring capacity. Treatment was ordered in only a small proportion of cases.¹

The Midtown Court was designed to substantially increase the proportion and number of defendants ordered to participate in court-based treatment interventions in Manhattan – both long-term treatment and short-term services. Nearly a quarter of the defendants whose cases are

¹ Reports from the Drug Treatment Referral Office, which maintained the only official record of court-ordered treatment activity in Manhattan, reveal that in 1992, 203 defendants (out of roughly 65,000 misdemeanants that year) were referred to this office (less than a third of a percent of the misdemeanant population). Of these, only 55 defendants (27% of referrals to the Office) were placed in community-based treatment; there is no information available about how many completed that treatment. During the Midtown Community Court’s first year, funding for staffing the Drug Treatment Referral Office at the Downtown court was withdrawn.

disposed at the Midtown Court are sentenced to participate in court-based services, ranging from a single-session health education group through mandatory long-term treatment. Over the first three years of the Court's operation, nearly 650 defendants (roughly two percent of arraigned cases) entered long-term case management, 451 as mandatory participants in the Court's alternative-to-incarceration program and an additional 199 who participated in short-term sanctions at the Court and entered long-term treatment case management voluntarily. Nearly half of the case management participants (48%) spent at least 30 days in the treatment-case management program and over a quarter (26%) completed over 90 days of treatment.

Accountability & Long-Term Case Management. When participants failed to comply to the terms of their mandates, the Court responded aggressively. In the first year of the Court's operations, 42 percent of mandatory treatment clients "disappeared" within two weeks of their sentence. Although the mandatory long-term treatment program was designed to be tolerant of the "zig zags" that are characteristic of treatment progress, there was little tolerance for rearrested participants who absconded immediately. Nearly 80 percent of these rapid program failures were ultimately rearrested and incarcerated (average sentence length was five months). In subsequent years, participants were far less likely to disappear immediately from the program (Years Two and Three: 14%) and increasingly likely to complete the program (Year One, 19%; Years Two and Three, 31%). These improved rates of retention after the first year were the product of both shorter mandate lengths and more selective intake screening.

II. Quantitative Analyses

The Midtown Court's research database shows that the typical participant in the Court's mandatory long-term case management program had a substantial history of petit larceny (shoplifting) arrests, was actively addicted to heroin and/or cocaine (62% reported using one or both), and had extensive prior criminal involvement (the mean number of prior misdemeanor convictions for this group is 14.0, and 46 percent have one or more felony convictions).²

² The Court's defendant-level database shows that individuals who were mandated to long-term case management over the first three years had heterogeneous offending patterns, according to the cases they were arraigned on: 53 percent shoplifting-related (petit larceny or possession of stolen property), 20 percent fare evasion, 16 percent drug possession and ten percent prostitution. This "cafeteria-style" (Kempf, 1986) offending pattern jibes with the image of addicts as doing whatever is necessary to get money for their next "hit."

Recidivism analysis for this group examines the effect of the treatment mandate on the extent of rearrest for a population with extended exposure to the Court's social services.

Recidivism Analyses. In light of the fact that those in long-term case management received the most support from social service staff of any sub-group of defendants that the Court deals with, there was a particular interest in learning whether the Court has an effect on these individuals' future criminal justice involvement. This section reports on the outcomes of recidivism analyses for participants in long-term case management as an alternative to jail. Two separate analyses were conducted. Initially, researchers examined reoffending rates for those in long-term case management in the Court's first year of operations. However, as explained below, the number of cases – and the proportion of completers – in the Year One sample were small. For this reason, the initial recidivism analysis was supplemented with a second one, which examined the reoffending of those who *completed* long-term case management in the first *three years* of Court operation; this second analysis provides information about the Court's impact on those who received a significant “dose” of treatment. These analyses are discussed in turn below.

Year-One Sampling. In the Midtown Court's first year of operation, 146 individuals were mandated to long-term drug treatment in lieu of receiving a jail sentence. The NYSID numbers of 100 of these individuals were submitted to New York State's Division of Criminal Justice Services (DCJS), the agency which compiles individuals' “rap sheets,” to gauge changes in rate of offending after being placed in long-term treatment (commonly, six months to one year). The number of DCJS “hits” on these cases was relatively low – only 66 individual cases were suitable for analysis.³

Table 5-1 contrasts the demographic and criminal history patterns of all long-term case management participants, completers and failures, from Year One.

³ “Unsuitable” cases lacked complete criminal history information for the observation period.

**Table 5-1: Treatment Completers Versus Failures,
First Year of Midtown Court Operation**

Variable		Completers	Failures
Criminal History	Mean Prior Misdemeanor Convictions	10	15
	Mean Prior Felony Convictions	1	1
Sex	Male	21% (21)	78% (78)
	Female	11% (4)	89% (33)
Race	White	25% (6)	75% (18)
	Black	13% (10)	86% (62)
	Hispanic	21% (8)	79% (30)
Age	Mean Age	35.3	34.3

Methodology. Recidivism analyses for defendants sentenced to the long-term case management program as an alternative to jail are based on a pre-post design with participants serving as their own control group. Though ideally, a Downtown comparison sample would have been used, this was not possible for this population of offenders.⁴ For each treatment participant in the recidivism sample, the mean number of arrests for a three-year period before the sampled arrest (subtracting any jail time during this interval) was calculated in order to establish a baseline annual arrest rate.⁵ This baseline rate was then compared to that for the one year following each individual's "instant" arrest.

Results. Two separate analyses were conducted. Initially, researchers examined reoffending rates for those in long-term case management in the Court's first year of operations. However, as explained below, the number of cases – and the proportion of completers – in the Year One sample were small. For this reason, the initial recidivism analysis was supplemented

⁴ Existing information about defendants in the Downtown court did not permit research staff to identify an appropriate comparison group. There is no available information on defendants' substance abuse or other problems at other courts and, therefore, no way to identify a comparable pool of "eligible" defendants.

⁵ Criminologists refer to this measure of individual offending as the "lambda." In this chapter, reported arrest rates are always reflective of controlling for time at risk, and thus alternatively can be called "lambdas." See appendix for assumptions used in calculating time at risk and lambdas.

with a second one, which examined the reoffending of those who *completed* long-term case management in the first *three* years of Court operation; this second analysis provides information about the Court's impact on those who received a significant "dose" of treatment.

As noted in the introduction, the success rate of long-term case management participants was low in the first year of the Court's operation – only a small portion of those sentenced to long-term treatment (28, or 19%) completed their mandates.⁶ Yet among those who remained in long-term case management at least 91 days, almost 70 percent (23 of 33) successfully finished. A comparison of arrest rates between those who completed their mandates and those who did not reveals that rearrest rates were lower among completers. This finding highlights the need to present the results of recidivism analysis while cognizant that most of those who were mandated to treatment could not have derived the benefits of the long-term treatment; they absconded before completing even half of their mandates. Thus, the small number of treatment successes (n=8) were compared to the failures (n=58) to see if their arrest rates did indeed differ.

Figure 1 shows pronounced differences between treatment completers and failures. One can see that the arrest rates of the completers – who were less serious offenders to begin with – dropped 70 percent in the post-arrest period. By contrast, those who did not complete actually had slightly higher arrest rates in the post-observation period. The question remained as to whether this difference in arrest rates was statistically significant. Given the small number of cases sampled, two non-parametric tests were used in attempt to answer this question.⁷

⁶ Though information on length of treatment mandate is lacking for many Year-1 cases in the long-term treatment database, Court staff report that the length of mandates was particularly long in the first year of Court operation (typically either six months or one year), compared to subsequent years (when the success rate was higher – 32% in Years Two and Three combined).

Longer mandates in Year One were partially a product of the relatively "tougher" cases that were assigned then: though the mean number of prior misdemeanor convictions was stable, the severity of the arraignment charge which resulted in treatment changed: in Year One, 71 percent were for petit larceny, as serious a charge as the Court deals with. By Year Three, only 47 percent of participants were arraigned on petit larceny. Less serious charges – drug cases (9% to 23%) and theft of service cases (10% to 19%) – accounted for higher proportions of long-term case management population. These charges were associated with shorter mandates than petit larceny.

⁷ Nonparametric tests are used here because of the small number of cases tested and because the samples compared are not independent. According to the Wilcoxon Matched-Pairs Signed-Ranks test, this difference is indeed significant at the conventional level ($p < .05$). According to a second test, the sign test, the difference in pre- and post- rates verged on statistical significance ($p < .08$).

Figure 1: Comparison of Annual Arrest Rates, Pre- & Post-Arrest (First-Year Cases)

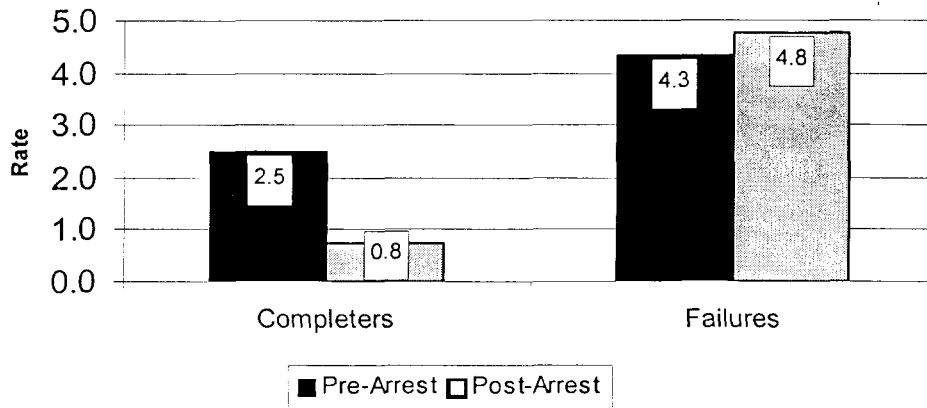
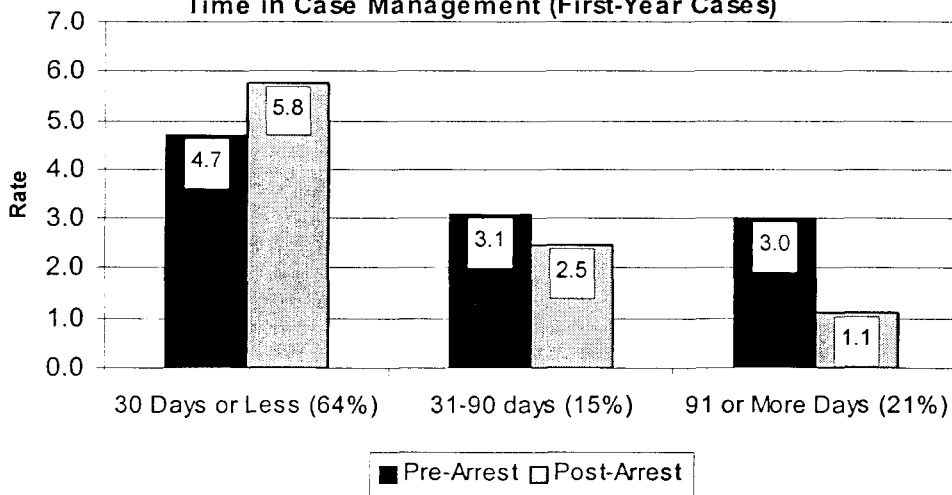


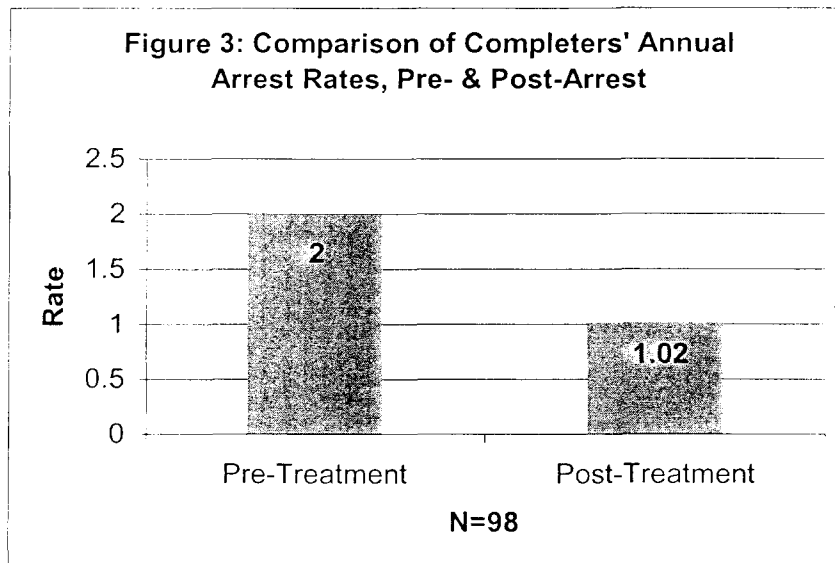
Figure 2: Comparison of Annual Arrest Rates by Time in Case Management (First-Year Cases)



Previous research reveals a positive correlation between time in treatment and more favorable outcomes. Simpson et al. (1997) found that clients who remain in treatment for three or more months are much more likely to remain drug free a year after treatment. Cognizant of this finding, we also examined whether time in case management – irrespective of completion status – had an impact on recidivism. Figure 2 looks at pre- and post-arrest arrest rates by the amount of time defendants remained in case management. Tests (both the Wilcoxin Matched Pairs and the Sign Test) of the difference between pre- and post-arrest arrest rates for the group who stayed in 91 or more days (whether they completed or not) showed this difference to be significant ($p < .05$). In fact, this difference between pre- and post-arrest rates (1.9) is roughly the same as the change in arrest rates for the completers-only group (1.8). This result suggests that, in terms of effects on reoffending, time spent in treatment may be just as important as completion status.

Analysis of Completers from the First Three Years of Court Operation. Because the above analyses involved a small number (66) of cases, and because most of these (88%) failed to complete treatment, researchers decided to conduct additional recidivism analyses on a sample comprised exclusively of treatment completers from the Court's first three years of operation.

"Three-Year" Sampling. The data for this analysis were gathered with the assistance of UCS. Researchers submitted the NYSID and docket numbers of 119 individuals who successfully completed long-term drug treatment in the Midtown Court's first three years of operation. This submission resulted in 98 cases that were suitable for recidivism analysis, providing arrest and sentencing information for all cases coming through the criminal courts of any of New York City's five boroughs (whereas DCJS data encompassed all of New York State). Table 5-2 illustrates the characteristics of the individuals sampled for this analysis.



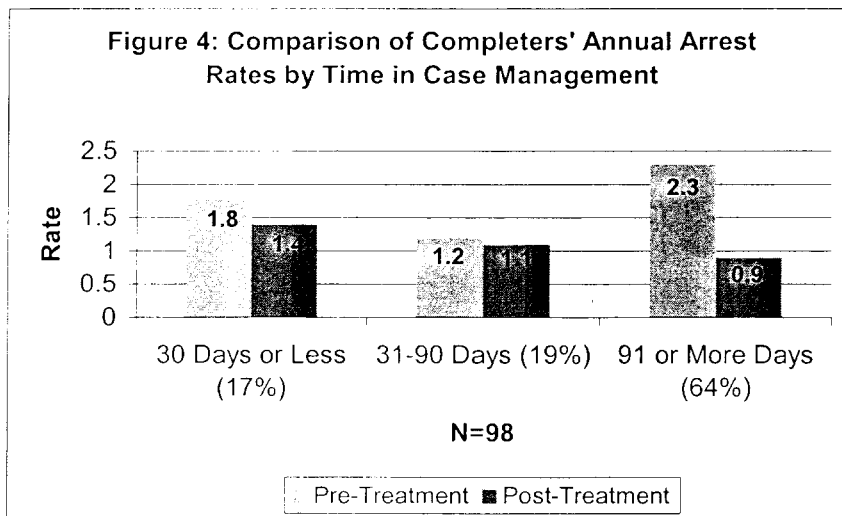


Table 5-2: Characteristics of Sampled Completers (N=98)

Variable		Completers
Criminal History	Mean Prior Misdemeanor Convictions	9
	Mean Prior Felony Convictions	1
Sex	Male	80% (78)
	Female	20% (19)
Race	White	13% (12)
	Black	59% (57)
	Hispanic	26% (25)
Age	Mean Age	33.9

Methodology. Consistent with the results of Year-One data analysis, this recidivism analysis uses a pre-post design with participants serving as their own control group. For each treatment participant in the recidivism sample, the mean number of arrests for a 36-month period before the sampled arrest (subtracting any jail time during this interval) was calculated in order to establish a baseline arrest rate. This baseline rate was then compared to that for the 12 months subsequent to each individual's instant arrest.

Results. In contrast to the results based on *all* Year One participants, the annual arrest rates of those who *completed* long-term treatment in the first three years dropped 50 percent (from 2.0 to 1.0), a statistically significant change ($p < .0001$) (see Figure 3).

Although every member of this sample completed his mandate, similar to the first analysis, post-arrest offending rates dropped as time in long-term case management increased. As Figure 4 illustrates, those who remained in treatment 91 or more days (64% of the sample) manifested the sharpest decline in arrest rates (from 2.3 to 0.9 arrests per year, a 61% drop). By contrast, those who spent less than 90 days in long-term case management had less marked changes in arrest rates (from 1.8 to 1.4 for those in for 30 days or less; from 1.2 to 1.1 for those in 31 to 90 days). Consistent with results of the first recidivism analysis, these findings indicate

that time in long-term case management is a key predictor of subsequent arrest rates.⁸

III. Qualitative Analysis

This section reports findings on the perspectives of the Court's social service staff and participant "success stories" on the Midtown Court's long-term case management program. These interviews serve to put the quantitative findings in context.

Obstacles to Successful Long-Term Treatment. In a misdemeanor population, some characteristics that are associated with being jail-bound – high rates of rearrest, high failure-to-appear rates – also make program candidates "high risk" for treatment failure. It is not surprising, therefore, that many participants fail and fail quickly. A central challenge to the long-term case management program was posed by the high-risk nature of the jail-bound population.

Less than one percent of misdemeanor offenders whose cases are disposed at arraignment in New York City receive jail sentences of three months or longer. As a consequence, the number of misdemeanor offenders who are eligible for court-ordered substance abuse treatment as an alternative to incarceration is small.

This challenge was compounded by the nature of the eligible population. The characteristics of jailbound substance-abusing misdemeanants make them a particularly "high-risk" population for court-based treatment interventions. Substance-abusing misdemeanor offenders facing substantial jail sentences in Manhattan have typically been through the system multiple times and are not daunted by the threat of incarceration. Misdemeanor courts have relatively little "stick" to support the effort to promote and sustain treatment participation.

Perceptions of Long-term Case Management Participants. As one graduate of the

⁸ The relatively small size of this sample (N=98) precludes conducting a multivariate analysis predicting arrest rates. However, bivariate analyses of arrest rates (both pre- and post-instant arrest) on age (33 or younger compared to 34 or older), gender, and instant arraignment charge revealed clear differences between "instant" arraignment charge categories and mean arrest rates. In particular, the arrest rate for those charged with petit larceny dropped dramatically, from 2.32 to 0.83 post-arrest.

In light of the evidence that drug-addicted low-level offenders are not "offense specialists" (see Footnote 2), what explains why those charged with petit larceny fare better? The answer probably lies in the fact that participants charged with petit larceny tended to have lengthier mandates, as their jail alternative tends to be higher than other charges. Of the 66 completing participants (or 54%) whose mandate length was available, those charged with petit larceny had a mean mandate length of 101 days, compared to drugs (73 days) and theft of service (57 days). Longer mandate length translates into more treatment and, apparently, an enhanced treatment effect.

Midtown Court's treatment program explained, the threat of jail does not constitute a strong incentive for treatment among defendants who have been cycled and recycled through the system. "I did years [in prison and jail]. What the fuck is three to four months? . . . You got counseling here, you got people here if you want [treatment] to work. But a lot of people don't want it to work. They play the game." Mandatory treatment in a misdemeanor court, he contended, can only be effective for defendants who are "ready" for change; those who are not ready will continue to "play the system."

This defendant contended that he would not have benefitted from the program until he was "ready" for change. Yet, absent the opportunity provided at Midtown, he acknowledged, it would have been difficult to translate "readiness" into either treatment or recovery:

I probably would have continued [this lifestyle] for a while, till I got tired of doing it. . . . You don't do the right things when you come out [of jail]. If you're an addict, you didn't go in there for your head. . . . You do your time and start all over again. . . . So it's just a matter of time before you get busted again and come back again.

He pointed out, for those who are "ready," Midtown affords a unique opportunity:

It helped a lot. . . . Why did [the case manager] come down to the bullpen. . . to ask me to get into a program? It was like fate or something, I don't know. Nobody else gave a shit about me before. The DA would offer you a deal and the Legal Aid [would] come and ask you to cop out and that's all it was. They wanted their conviction. You go to Rikers, the DA goes home, the Legal Aid goes to the next case and it's like a numbers game. They don't really care about you as an individual.

Another program graduate voiced the same theme:

I've seen those guys sitting [in the waiting area]. And I've been there. . . . And I would say the majority of those guys . . . are just waiting to get the fuck out of here. . . . But the difference between me and them was. . . that at that point in life, I was ready to change. . . I truly believe [the Midtown staff] care. I truly believe . . . they show a different side to an addict. The [staff's] support. . . the looks and smiles [gave me] hope. . . .

When the pain gets great enough, you change. . . . But it's important that when the pain does get great enough, and you do want to change, that. . . you have a Midtown Community Court on your side. . . .

Finally, in a follow-up interview, a program graduate who had been mandated to long-term case management identified aspects of the Midtown Court project that made a difference.

Counseling, having someone to talk to, having follow-ups, making you feel like you can make it, the court system doesn't have that. It's go before the judge, plea bargain, go to

jail. . . . The first thing the Community Court did was recognize who I was. . . . recognize that I had a problem. . . . That was the first step. Not treating me like I was a statistic or a number. . . . A guy like me, with a record like mine, don't usually get breaks like that. . . . [Other courts] don't know me. They don't know why I've been doin' what I've been doin', except for that I've been doin' it. All they do is look at my rap sheet and I'm guilty, whether I have a problem or not. I'm already labeled. They don't ask me anything, except for, "You want 90 days?". . . . They don't do that [at Midtown]. [They ask,] "Do you have a problem?. . . . You keep going to jail, you have to have a problem. . . . We'll see if we can . . . help you with your problem." . . . That made all the difference in the world. . . . People showing they care.

Providing Social Services in a "Justice" Context. In recognition of the limited "stick" available in a misdemeanor Court, project staff focused on developing "carrots" – multiple on-site services, dedicated case management staff, acupuncture, sandwiches and soup – designed to sustain treatment engagement. The Court's Clinical Director had this to say about the efficacy of having service providers on-site:

[Having social services on-site removes] a lot of the barriers offenders have to get the treatment that they need. Especially for those who have substance abuse problems, addiction will create its barriers for those who are on the fence. And to the extent that we remove that barrier of having to leave and go to a treatment program or leave and go to get a referral to a treatment program [we're able to] minimize barriers. . . . "All under one roof" I think is a great model. . . .

The Assistant Clinical Director echoed these sentiments:

The biggest thing that ever impressed me about the Court when I first came on was that there wasn't any delay of services, that when people were at their moment of crisis, boom, they were being serviced.

Yet, merely having services available clearly does not mean that defendants, most of whom are entrenched members of the street population, will succeed if placed in treatment. Social service staff were unanimous in saying that it was impossible to predict with any accuracy who among those who are accepted into long-term case management is likely to succeed.

There are times when people surprise me [when they finish their mandate]. . . . And there are other people who I will work and work with them, we get to a point and then they drop out of the picture. So, there is no science to it. . . . It has to come from the client, it really does. I mean. . . it's all about a selling game. . . . Focus on the positive of it all. . . . "Don't you just think you want to give your body a break [for a while]?" Something as simple as that.

And another member of the clinical staff said, "[Predicting success] is not a science. It's not

even an art.”

This comment by a social service employee informs as to why one would expect long-term case management successes to be relatively rare, and how change – if it occurs – will be incremental, while setbacks are almost inevitable:

I think most clients want to [get clean. But] it's just scary for them. I mean, how do you give up a drug you've been addicted to for years? . . . If you're feeling lousy every day and you're depressed in the morning, why would you want to sober up and feel depressed? You know, these are scary issues for people. . . . But I look at it as, at this time in their lives, they might not be ready [which is different from not being motivated]. They may have all the motivation to change, they just don't have the skill to be able to cope with making whatever steps they need to make. . . . Some people do and some people don't and you just gotta catch those people that are between who need that little push.

Although making a lasting positive impact on participants lives is by no means a daily occurrence at the Midtown Court, it is clear that for some addicted defendants, the long-term case management program was crucial in facilitating positive life change. When asked whether she thought some of those who had succeeded with the help of the Midtown Court could have got off drugs on their own, the Assistant Clinical Director said:

There are a very small percentage of people, I think. . . [who] are strong enough to do it independently. But. . . I always believe people need support systems. And when you don't have support systems, I believe you're likely to fall apart, or not be able to follow through. . . . I can't tell you how many clients I know once they complete their mandate will have a relapse afterwards. . . . I would think that shows some indication of not having a support system around any more. . . . Who they usually come back to is us. . . . In some way, a lot of these people have burned so many bridges and they don't have any more support systems, so we're the very best next thing for them to go to. So I think Midtown Court serves as a support system for these people and that's what's different.

Of course, staff are hopeful that, ultimately, this support will result in a lasting positive life change for an individual. When this happens, it is a source of great satisfaction for social service staff, as this story from the Clinical Director illustrates:

We had a guy today who completed a year of residential drug treatment. The guy has seen the judge on a monthly basis for one year. . . . Today was a very good day for me because here's a guy that you know we knew for six months leading up to the actual sentence. . . . He'd get arrested over and over again. . . . That's the beauty of residential treatment. Once you're in an environment where there really isn't a whole lot of leeway given to you – I mean, you can always walk out the door, but then you're looking at a year of jail time, which he knew he didn't want. . . . He used to like coming back here

because then the judge would see him and it was a very positive reinforcement. . . . He's in college now. . . [and] he's risen as high as you can in the residential program where he supervises other folks. . . .

This is a guy who. . . was shooting speed balls for years until he got to that – his bottom coincided with the Court's bottom. "This is all or nothing. The max time we can give you is a year and that's all you're getting on this case." And today was his graduation. He was ready. . . .

IV. Summary

The quantitative and qualitative information contained in this chapter illustrates the issues associated with, and the efficacy of, a long-term case management program in a misdemeanor setting. Results from recidivism analyses document that longer stays in long-term case management are associated with lower rates of rearrest. Similarly, those who successfully completed long-term case management in the first three years of Court operation experienced a 50 percent decline in arrest rate.

Interviews with long-term "success stories" reinforce the point that the Midtown Court is capable of facilitating improvements in drug addicted offenders' lives. That said, it should be emphasized that, for a number of reasons (delineated above), only a very small proportion of those arraigned at the Midtown Court who are drug addicted ever make it into a treatment program as an alternative to jail; even fewer make lasting life changes as a result. Moreover, from the standpoint of social service personnel, long-term case management is a labor-intensive process. The "one-to-one" counseling and monitoring that long-term case management participants receive can constitute significant portions of staff time, in an environment where staff time is at a premium

Even though successes are few, they result in potentially large cost savings. Although the program averaged only 40 "completers" per year, the fiscal benefits of the long-term case management program accrue quickly, given the jailbound nature of the population and the high cost of jail (\$60,000 per year). Analysis shows that those who failed to complete their long-term case management mandate spent an average of 68.3 days in jail in response to either non-compliance and/or a new arrest. Assuming that each completion represents an average of 68.3 jail days avoided, we multiplied average jail stay by the number of completers (40 per year) and

the daily cost of a stay on Rikers Island (\$164.27) – an annual cost savings of \$448,786.⁹ Given the methodological issues associated with the recidivism analyses for participants in long-term case management, including the absence of an appropriate comparison group, we have not attempted to estimate cost savings associated with reductions in annual arrest rates for program completers.

⁹ Some but not all of these savings – those associated with jail sentences that would have been imposed at arraignment – are included in the calculation of primary jail savings in Chapter 3. Because many defendants who are offered jail sentences at arraignment adjourn their case for subsequent hearings, however, it is impossible to estimate the extent to which these savings have been counted previously.

Chapter Six

Perceptions of the Midtown Community Court by Key Stakeholders

I. Background

Beginning in July of 1993, just before the Midtown Community Court opened its doors, staff from the National Center for State Courts interviewed 12 individuals involved in or affected by the court's creation. Whenever possible the same representatives from the residential, commercial, and criminal justice communities were included in four further rounds of interviews (conducted in February, August, and September of 1994 and in May of 1995). The interviews sought to record how key constituencies perceived the implementation of a community court and evaluated its impact, as well as how the court was integrated into wide-ranging efforts already in place to redevelop Times Square and refocus law enforcement policy citywide. All interviews were treated as confidential. The contents of those interviews were incorporated into the implementation phase process and outcome evaluation. (Sviridoff et. al., 1997).

This chapter reports on a sixth and final round of interviews in November of 1997. The final round extended the record of the perceived role and impact of the Midtown Community Court to just over four years. In preparing for the sixth panel the original set of questions was expanded to cover topics of specific relevance to a cost/benefit analysis of the Midtown Court¹.

The interviews suggested that by 1997 for some respondents, the operations of the Midtown Court had faded into the landscape, an unremarkable and often minor part of day to day routine. There was still much to discuss and debate. The comments made highlighted unresolved issues, hopes, and concerns that carried over from the initial round of interviews. Indeed, in some respects, the final round of interviews returned full circle to issues that dominated the first few rounds. This reopened dialogue centered upon defining the criteria for evaluating success, defining what is "special" about the mission of the Midtown Court, and defining the "community".

Themes carried over from previous panels included the changing community, law enforcement, and institutional environment; public awareness of the Midtown Court;

¹ Some of the individuals interviewed had participated in all five previous panels; for them, these final interviews took on a valedictory tone of greatest successes and disappointments and of lessons learned. Other interviews were conducted with individuals who were the successors to the officials included in previous panels but who had by 1997 moved on to other positions. These interviews added new viewpoints as well as measured of continuity in institutional perceptions.

community-defined criteria for success; and the Court's impact on quality of life conditions as well as the Manhattan criminal justice system. New themes included reflections on the costs and benefits associated with the Midtown Court, decentralization, and the mission of the Court as it reached maturity.

II. Continuing Themes

A. The Community Context. In previous panels, the Midtown Community Court was consistently viewed in relation to the strategies and actions that were reshaping Midtown Manhattan. All of those interviewed in 1997 commented on the dramatic and positive changes in the neighborhoods surrounding the Midtown Court. One person noted that New York City itself had become a different place since the Court first opened.

Steady and significant changes within the Midtown neighborhoods had been a prominent topic in Phase 1 interviews. While many changes noted in 1997 continued established trends, improved quality of life conditions were no longer at center stage among community concerns. One community leader believed that the various cumulative improvements had become self-sustaining. There was no perceived need to push for additional or more effective policies and programs to cope with street prostitution, for example. Street level drug dealing was seen as a persisting but less visible local problem.

To some observers inside and outside Court these improvements in quality-of-life effectively satisfied community objectives for the Court. One court insider wondered if this success might lead to higher community expectations as to what constitutes acceptable conduct in Midtown. Court leaders point to the recent increase in arrests for public drinking cases as evidence that the standard had indeed risen.

However, the public opinion survey evidence reviewed in Chapter 7 found that, by 1997, the concerns of local residents had shifted from quality of life crime to education, library facilities, and other public services. Indeed, quality of life problems ranked the lowest of seven neighborhood problems presented to survey participants and were also cited as the problem least in need of additional government funding.

Changes to the criminal justice policy context of the Court were also noted. This round of interviews repeated prior themes, including caseload pressures associated with the continued emphasis on enforcement of quality of life offenses. Criminal justice observers, however, were particularly concerned about a perceived negative effect from more stringent Desk Appearance

Ticket (DAT) policies discussed in Chapter 2. In 1995, the NYPD raised the standard for the amount of personal identification required before a person could be released after arrest through a DAT rather than be held in custody prior to their court appearance.² Another change in post-arrest release policy mentioned by respondents led to more defendants held in custody pending the results of fingerprint checks. Observers claim that, as a consequence of these policy-driven changes, the extent to which the Midtown Community Court would process cases of people arrested within the Midtown area had been diluted.

Observers believed that the combination of rigorous enforcement of quality of life offenses and the larger proportion of on-line arrests imposed considerable workload pressure on the arraignment parts in Manhattan and Brooklyn. One consequence of these policies was a shift from a caseload in which DATs predominated to one in which the majority of defendants were arraigned after a summary (“on-line”) arrest. Some observers believed that this represented a change in the work of the Midtown Court.

In still other respects, however, the criminal justice system was viewed as having become more efficient, largely through the introduction of fingerprint imaging technology³ and a decline in the “failure to appear” rate due to the more rigorous NYPD screening of defendants for DAT releases. Arrest-to-arraignment time in New York County in 1997 was less than 20 hours, a sharp reduction from the time observed in the mid-1990s.

On balance, the environment the Midtown Court operated in during 1997 was viewed as mixed. There was concern about the extent to which law enforcement policies drove the composition of the Midtown Court’s caseload. Yet, arrest-to-arraignment time and the failure-to-appear rate were seen as much improved.

B. Public Awareness. The final round of interviews also examined the level of awareness about the Midtown Court among residents and business people in Midtown Manhattan. The interviews also provided some reflections about whether a high level of community awareness was important to the Court’s mission.

² The official justification for these policy changes was that the rate at which defendants were failing to appear for their court appearance was increasing. However, some of those interviewed pointed to trends in which the failure to appear rate in the Downtown arraignment parts had declined from 50 percent to 36 percent, while the rate in the Midtown Community Court was stable, moving from 40 to 42 percent. The citywide improvements were attributed to better screening by NYPD of potential DAT releases.

In earlier interviews, community leaders expressed skepticism over whether residents of Chelsea and Clinton were aware of the Midtown Community Court's existence. That skepticism persisted in 1997. Most people, one community leader claimed, have "no idea" that there is a new court in their area; only residents and business owners within the few blocks immediately adjacent to the courthouse knew of the court's existence.⁴ A community leader and a business leader suggested that there was a distinction in the public mind between awareness of what the Court is doing (which may be widespread) and recognition that community service and other activities are located or coordinated by an entity called the Midtown Community Court.

There was general recognition that it is "difficult to get through to the community" in Midtown even though it is an "active" neighborhood. One person stressed the "eclectic nature" of the Clinton population mix of "recent Latino immigrants, gays, and 'old liberals'" as one reason why it was so difficult to get and hold people's attention. Some of those interviewed mentioned the decline in public concern over local quality-of-life issues as another reason why the Court had not penetrated very far into the local consciousness. Community leaders further believed that the Court's name recognition was hindered by a lack of firm partnership between the organized community and the Court. They reported that the Court had established more solid partnerships with business groups, law enforcement and social service providers than with the leaders of the organized residential community.

C. The Impact of the Midtown Community Court

1. *Quality of Life Conditions.* When looking back over the last four years, community and business leaders gave the Midtown Community Court very high marks for its contribution to the reduction of street prostitution and good marks for its contribution to the reduction of street level drug dealing in the Times Square area. Street prostitution was no longer regarded as a serious quality-of-life problem. Few prostitutes could be seen working the streets and those that remained tended to be novices, easy targets for the NYPD. More vigilant law enforcement and the use of community service and treatment sentences were credited with solving what once seemed an intractable problem. No permanent dent had been made in the problem of unlicensed

³ A fingerprint check that previously required an eight to twelve hour trip to Albany and back now required only four hours due to live scan of print images.

⁴ The survey discussed in the previous chapter provided empirical evidence on this issue for the first time. One in five of randomly selected Midtown residents had heard of the Midtown Community Court.

vending, however, in the eyes of business leaders. The persistence of that problem was attributed for the most part to a failure of the NYPD to make arrests for that offense.

2. *On Sentencing.* Business leaders were positive in how they described the Midtown Court's community service component: "works like clockwork" was one description. A staff member of an organization sponsoring community service had initially doubted the viability of community service sentences for quality of life offenders, believing that defendants would not appear to work as ordered or that those that did appear would provoke incidents that reflected poorly on the sponsoring organization were unfounded. In hindsight, his concerns were unjustified.

3. *On the Criminal Justice System.* The Midtown Court was credited with initiating significant improvements to the New York criminal justice system through demonstration effects. The strongest evidence of such an effect was seen in the use of sentences to community service borough-wide. It was claimed that the District Attorney's Office had seen that what the Midtown Community Court had accomplished with both community service sentences and alternative-to-incarceration sentences could be implemented centrally. The result was both an expansion and rationalization of the use of such sentences Downtown. One observer noted, however, these changes tended to make case dispositions more complex than before (and thus, arguably more expensive per case to implement). The demonstration effect of the Midtown Community Court was also manifest in the domestic violence "parts" then being established throughout the city and in plans for new community courts in Red Hook and other locations.

For some criminal justice agency leaders, the novelty of the Midtown Community Court had clearly faded. For them, dealing with the Midtown Court was part of the daily routine—one of the many arraignment parts to serve. There were no significant issues that differentiated conducting business at Midtown from the Downtown arraignment parts. The small size of the Midtown Court's caseload did not merit special attention, policies or practices. Other agencies noted that the Midtown Community Court had never received the number of drug cases that had been anticipated when the Court opened, reducing the interest in the Court's operations.

III. New Themes

A. A Change of the Guard. By 1997, a new cohort of administrative and judicial leaders took over from the original cohort that had planned and implemented the Midtown Community Court.⁵ It was notable that this change was rarely mentioned during the interviews.

There was, however, recognition among insiders that an important milestone in the Midtown Court's history had been reached. Some of the non-court outsiders involved with the Midtown Court since inception still used the name of the court's first administrator and the court almost interchangeably. But, by and large, individuals welcomed this transfer as marking a crucial achievement, proving that the Midtown Community Court was no longer dependent upon a particular set of individuals to thrive; the founders could leave and everything would be fine. Court administrators viewed this transfer as offering new dynamics and energy that would shape the Court's future: "a new spark of life".

B. Costs and Benefits. The list of costs and benefits by which the Midtown Court should be evaluated was still under debate. Observers continued to note the difficulty of obtaining dollar value estimates for many costs and benefits. For example, one person saw a substantial "demonstration effect" on the pattern of sentencing in the Downtown Court and asked whether the cost savings associated with less jail time there could be counted as a saving associated with the MCC. There was no consensus on such evaluation issues.

1. *Costs*

Subsidies. For the initial three-year implementation phase, the Midtown Community Court drew upon many non-traditional sources of court funding. After that point, however, non-traditional sources were limited to support for a few specific new programs, such as Street Outreach Services (SOS) and Times Square Ink, and a nurse practitioner. Nonetheless, the day-to-day operations of the Midtown Community Court were seen as benefiting from substantial subsidies from court and criminal justice agencies. For example, in the Downtown Court one clerk handles five arraignment parts, while Midtown has its own designated clerk. Other subsidies to operations at Midtown included overtime for court officers to secure the court building, a cost borne by the Criminal Court of New York City. There were additional costs

⁵ A new court administrator was appointed in late October of 1996 and by April of 1997 many of the original court administrative staff had re-located to another building.

associated with the supervisor and interview staff assigned to the Midtown Community Court by the Criminal Justice Agency (CJA), as well as other costs, including:

- The assignment of a full-time senior supervisor and more interviewers than would be assigned to an ordinary arraignment part;⁶
- over-time for the supervisor;
- conducting interviews with DAT defendants, who are not interviewed by CJA staff in the Downtown Court’;
- an expanded interview protocol; and
- the use of information technology that is in part incompatible with that used by the CJA.

The benefit of community service work was not viewed as an unmitigated good to the sponsoring organization. At least one community service provider regarded its participation in the community service program as having a cost that exceeded the value of the work performed by offenders. The costs of administration and supervision absorbed by the sponsors were greater than the value of the “free” labor offenders provided. There was also a belief that the introduction of offenders into the work programs of agencies providing options for community service created an intangible cost by lowering employee morale. One attraction of community service sentences to these agencies is the opportunity to let their employees experience supervisory responsibility, raising their confidence and self-esteem. However, agency employees were at times mistaken for offenders by members of the public, undermining the positive effect of supervisory responsibility on the employees, who were participants in voluntary treatment programs.

System Costs. In assessing costs, even some of the Midtown Community Court’s supporters noted its lack of integration and unresponsiveness to the concerns of other components of the criminal justice system; “apart and arrogant” was how one person put it. This isolation was viewed as imposing costs on other parts of the system in a variety of ways. The information system developed specifically for Midtown is one concern. Even four years on it was not possible to transfer case level data electronically from the Midtown Court to other agencies or for those agencies to do their routine data quality control. As a result, borough-wide

⁶ The city government covers part but not all of additional staff costs.

statistical reports on the work of the arraignment parts did not include the Midtown Community Court.⁷

The stand-alone information system at the Midtown Court also created operational difficulties and costs. The CJA, for example, incurred extra costs because interviews with defendants in the holding cells cannot be carried out "on-line".⁸ Instead, CJA interviewers record answers to interview questions on a paper form and later key enter the information into the Agencies computer system. At the Downtown Court, CJA is able to use data entry staff to place information collected through interviews into the computer system. At the Midtown Court, the interviewers have double-duty, both collecting and entering the interview data. Generally, there was a sense that outside agencies were unable to reap the benefits of the Court's information technology. Often a hard copy was still the best way to record and transmit information.

Some system costs were also associated with what some criminal justice professionals saw as the Court's isolation, which imposed costs that had to be absorbed by other parts of the criminal justice system. Some of these system costs were attributed to decentralization and the loss of economies of scale.

2. *Benefits:*

Interactive Effects. The contribution that the Midtown Community Court made to the revitalization of the Times Square area was not in doubt. Court leaders and outsiders recognized the difficulty of parceling out credit for the revitalization to the various contributing organizations. The contribution of each organization enhanced the contribution made by the others. Previously Times Square and surrounding neighborhoods had been subjected to "temporary shots of change". The combined efforts of many public and private agencies had eventually reached the critical mass in which the forces acting together for change made it durable; the police, court, and development organizations constantly reinforced one another's contribution. As a result, the value of the benefits derived from these combined efforts could not be separately attributed to the Midtown Court or to any other agency or group.

⁷ The high turnover rate among Midtown Community Court programmers was identified as a factor in this problem that persisted despite five attempts to solve it.

⁸ "Live" interviews can be completed with defendants arriving at the Court with a DAT.

Demonstration Effects. Agencies and organizations that subsidize the work of the Midtown Community Court justified their investment, in part, by reference to demonstration effects on the rest of the criminal justice system.⁹ The expected demonstration effects include replicating the basic concept of the Court in other parts of New York City, exploring the potential for decentralization in the City's criminal justice system, and the transfer of specific programs initiated at the Court to other court locations.

More generally, criminal justice observers attributed significant improvements in the processing of misdemeanor cases throughout the Borough to the diffusion of Midtown Community Court innovations. Those improvements improved the effectiveness of the system and achieved some cost savings. For example, the widespread use of community service sentences of two to three day duration was described as virtually "non-existent" before the Midtown Court. Such sentences were now commonplace, and it was maintained that the average jail sentence length had been on the decline since 1994.¹⁰ An important question, then, for evaluating the costs and benefits of Midtown is the value of any resulting cost savings for the criminal justice system as a whole.

Community leaders also valued the Midtown Community Court's demonstration of more effective sentencing for misdemeanor offenders. One leader described the Court's most important contributions as: first, changes to the lives of individuals who otherwise were bound toward more serious crimes; second, the decline of street prostitution; and, third, producing the kind of information that supported better decision-making in misdemeanor cases.

The final panel of interviews indicated that, in 1997, perhaps the key criterion for evaluating the Court's success was the establishment of durable partnerships. However, there was sharp disagreement about what interests and what organizations should be the Court's primary partners (a theme taken up in the next section).

IV. Whose Court is it?

There was broad agreement that, by 1997, the priorities of the Midtown Community Court had shifted away from working in partnership with community resident organizations and

⁹ Other reasons for that support included basic support for the Midtown Court model and interest in testing the viability of specific programmatic and technological features of the Court.

residents themselves and toward partnerships with local law enforcement and the Times Square business community. Community leaders tended to resent this perceived realignment in the same proportion as business leaders welcomed it. Extensive court outreach to the residential community generally and community representative organizations in particular characterized the planning process and early implementation phase; in 1997, the Midtown Community Court was seen by community leaders as having lost interest in outreach to community boards and other representative bodies. In one leader's words, the Court "did not meet the need to make people feel connected to the Court—emotionally and intellectually". The Court had not listened enough to the community, arguing that "a public that feels it is being respected will be more respectful toward that court."

Community leaders with hindsight suggested some missed opportunities. Greater use of community volunteers in the Court's outreach efforts, it was felt, might have made the outreach more effective and more lasting in its impact. In this perspective, there is an unfinished community agenda for the Midtown Court, including dealing directly with the "unruly and odd neighborhoods" in Midtown. The Court also was viewed as having been insufficiently attuned to the diversity of languages being spoken in nearby neighborhoods, where, it was claimed, two-thirds of children are from Spanish speaking homes.

At the same time, business leaders expressed considerable satisfaction with the working relationship between the Midtown Court and the business community. One observer described the partnership as "flourishing".

The perception that there had been a change in the relationship between the Court and the community leadership was largely accurate. Court administrators confirmed the change in direction but saw it as a natural part of the Midtown Court's maturation process. The first mobilizing issue was public safety, one administrator noted, and initially the Midtown Community Court was a story about community organizing around those issues; now (by 1997), with the original demands satisfied, the Court had become more of "a developers' story" with the Court defining its role increasingly as a participant in economic development and renovation efforts.

¹⁰ It was noted that an important question for the cost-benefit analysis of Midtown therefore was to establish the kinds of sentences that the offenders now receiving short community service sentences would have been likely to receive in 1993 and the relative costs of community service to those earlier sentencing patterns.

V. The Community Advisory Board

Debate over the appropriate role of the Community Advisory Board (CAB) was a minor theme in previous rounds of interviews. The sixth round was notable for the expression of two clear but competing models for the CAB.

From the perspective of community leaders, the role of the CAB was to provide a vehicle through which the community could express its views to the Court's leadership and the Court could report back to the community at large through community organizations. Community involvement was viewed as the fundamental rationale for the creation and perpetuation of the Midtown Court. Consequently, the CAB's current membership was seen as poorly suited to play the necessary role of promoting community involvement because it was unrepresentative of the community: "all lawyers, white, upper middle class and law-trained" and not necessarily residents of local neighborhoods. As a result, some saw meetings of the CAB as "too comfortable", given the close connections between the Court's management and some of its members. CAB meetings also tended to include substantial numbers of court employees, at times outnumbering the membership.

To CAB members representing the business community and perhaps to most members, public outreach and public involvement were no longer a key concern. One CAB member felt that the court management could accomplish the outreach that initially required face to face meetings with community groups through use of the local media. In this view, the CAB's role had logically evolved from its original mission of involving community organizations and residents into a kind of "Board of Directors" that set policy. One respondent suggested that the CAB "comes from the community but does not seek to represent the community". The same CAB member believed that the CAB was "working incredibly well" in its new role, with consistently interesting agendas for its meetings. When asked about community involvement, this person replied "For what?" The same person also noted that some CAB members that might be viewed as representative of specific local interests or "subcommunities" seemed to have lost interest in the Court and had stopped attending CAB meetings.

VI. Conclusions

Interviews conducted in late 1997 suggest a number of observations regarding the maturation or evolution of the Midtown Community Court as perceived by observers with close links to the Court. The first observation is that in late 1997 participants in the interview panel

had relatively little to say about the Midtown Court, as compared to previous rounds. Only a few issues were controversial or new, despite the two-year gap in interview rounds.

The second observation is that it is more meaningful to talk about stakeholders in the Court than to talk about “the community” or “the communities” served by the Court. Various local leaders and local organizations, as well as criminal justice agencies, view the Court as having been primarily established to assist in meeting their priorities and needs. To them, the interests they represent are the Court’s community. There is no consensus on what constitutes the community of the Midtown Court.

A third observation is that it is very difficult for even a locally based court to establish an advisory board that is representative of local interests. In part, this difficulty stems from the variety of local interests that are present in Midtown Manhattan and the problem of identifying a spokesperson that can speak authoritatively for each. The court, at least the Midtown Community Court, pursued objectives that made it particularly important to partner with one set of interests in different stages of its evolution of an experimental court.

A number of interview-based observations are relevant directly to assessing costs of and benefits from the Midtown Court. Various criminal justice agencies, such as the CJA, have provided the Court with in-kind subsidies by absorbing the additional costs they incur when working in a decentralized and idiosyncratic court setting. Similarly, organizations providing community service opportunities for Midtown offenders believe that their participation cost, rather than saved them money. These implicit subsidies were continued beyond the Court’s initial three-year demonstration period and appear to be more or less permanent. Some of the value of the subsidies can be quantified in terms of staffing levels and staff overtime. Other subsidies can not be readily quantified and therefore taken into account as costs.

While some criminal justice agencies resented the extra cost of doing business in the Midtown Court, others were willing to absorb those costs. The main rationale for subsidizing Midtown was a belief that the standard of practice in the overall criminal justice system will improve through the demonstration effects provided by the Midtown Court in areas such as sentencing, technology, and other features. There was general agreement that the implementation of the Midtown Court had contributed to positive change within the borough’s other arraignment parts and criminal justice system, as well as in the business and residential

areas near the Court. There was general agreement that it was not possible to single out the Midtown Court contribution to these benefits even if it were possible to calculate a dollar value for these improvements. The benefits are real but indeterminate in the view of observers and in the methodological imagination of the research team.

Chapter Seven

Perceptions and Evaluations of Midtown Residents

I. Introduction

A direct reading of local opinion and perceptions was viewed as an important component of any evaluation of a community court. The Phase 1 research examined the changing attitudes of various community stakeholders – community leaders, local police, residents who were active in neighborhood organizations – but did not tap the broad community of residents. Neighborhood stakeholders expressed a variety of assumptions and beliefs about the opinions of local residents concerning the Midtown Community Court during both phases of the evaluation. They also held divergent views about the proportion of local residents who were aware of the Court, the ranking of quality-of-life conditions in the hierarchy of local concerns, and the value local residents placed on the social service and treatment aspects of the Court.

In early 1998, a public opinion survey was conducted with a randomly selected group of Midtown residents to address these needs and concerns. This chapter provides an overview of the survey findings, particularly those findings that speak to the benefits residents attribute to the Midtown Community Court. The technique of “contingent valuation”, which was developed largely within the field of environmental economics, is used to relate the perceived benefits to the reported willingness of residents to pay for them.

The chapter highlights the main survey findings. Although tables, graphs and other statistical material are kept to a minimum, the text is supported by six appendices that provide background material (e.g., a copy of the survey instrument) and present the formal detailed “willingness to pay” analysis (based on a rather complicated statistical procedure). The appendices should permit the interested reader to draw his or her own conclusions regarding the strength of evidence for the statements and conclusions offered in the chapter.¹

For the purposes of the evaluation, the survey answers some longstanding questions about how local residents view both their neighborhoods and the Midtown Community

¹ The appendices provide: the sampling and data collection methodology (7.1), the survey questions with response frequencies entered (7.2), tables of information supporting the discussion of community opinions and experiences (7.3), a description of the treatment of independent variables in the multivariate analysis (7.4), statistical models and supporting text from the analysis of willingness to pay (7.5), and a discussion of issues relating to the treatment of “don’t know” and “No answer/refused” responses to survey questions (7.6).

Court, but with an important caveat. The survey is a reliable guide to opinions and perceptions held in March of 1998, four and a half years after the Court opened and 18 months after the demonstration period being evaluated in this report had ended. By 1998, residents were satisfied with conditions in their neighborhood, tended to see conditions improving, and were less concerned with responses to low-level crime (the main business of the Midtown Court) than they were about the quality of education, libraries, and street repair. Crime, whether quality-of-life or violent crime, was not driving the way residents viewed their environment or their assessment of the Midtown Court. However, local residents held strong views that the courts were being too lenient with offenders.

II. Survey Methodology: An Overview

The National Center for State Courts commissioned the Indiana University Public Opinion Laboratory to conduct a telephone survey of residents of the Clinton and Chelsea neighborhoods of Manhattan -- the primary residential sections of the Midtown Court's catchment area. After pilot tests, interviews were conducted with 562 residents of the two neighborhoods between the 18th and 25th of March, 1998 using listed and unlisted telephone numbers in the relevant geographical area. Staff from the National Center for State Courts and the Center for Court Innovation, in consultation with Indiana University Public Opinion Laboratory staff, developed the survey questions. The maximum margin of error for findings reported in this chapter and the appendices is + or - 4.2 percent.² As background to the discussion of findings, Table 7-1 provides a profile of the Midtown residents included in our survey sample³

III. Perceptions of Neighborhood Conditions

Overwhelmingly, respondents reported that they were either satisfied (38 percent) or very satisfied (53 percent) with the neighborhood in which they lived (see Table 7-2). The respondents also were asked to indicate the degree to which they considered seven quality-

² This means that if the same questions were asked of a similar sample, 19 out of 20 times answers within +/- 4.2 percentage points of those in this data set would be received. Of course, additional errors may occur for reasons including flawed question wording, respondents' inattention, pace of speech by the interviewer, and a host of other factors.

³ The complete data file and supporting documentation can be obtained through the National Archive of Criminal Justice Data, Inter-university Consortium for Political and Social Research, University of Michigan, Ann Arbor.

Table 7-1

Demographic Characteristics of Survey Respondents (N=562)

<u>Age</u>	<u>Percentage</u>
18-24	8
25-34	29
35-44	22
45-54	19
55-64	8
65+	13

<u>Sex</u>	<u>Percentage</u>
Male	55
Female	45

<u>Race</u>	<u>Percentage</u>
White	71
Black	6
Hispanic	5
Asian	5
Other	7
Refused	7

<u>Years Resident in Midtown</u>	<u>Percentage</u>
0-2	21
3-5	20
6-10	13
11-20	20
21 or more	27

<u>Member Local Organization</u>	<u>Percentage</u>
Yes	15
No	85

<u>Attend Local Meetings</u>	<u>Percentage</u>
Often	7
Sometimes	13
Seldom	22
Never	59

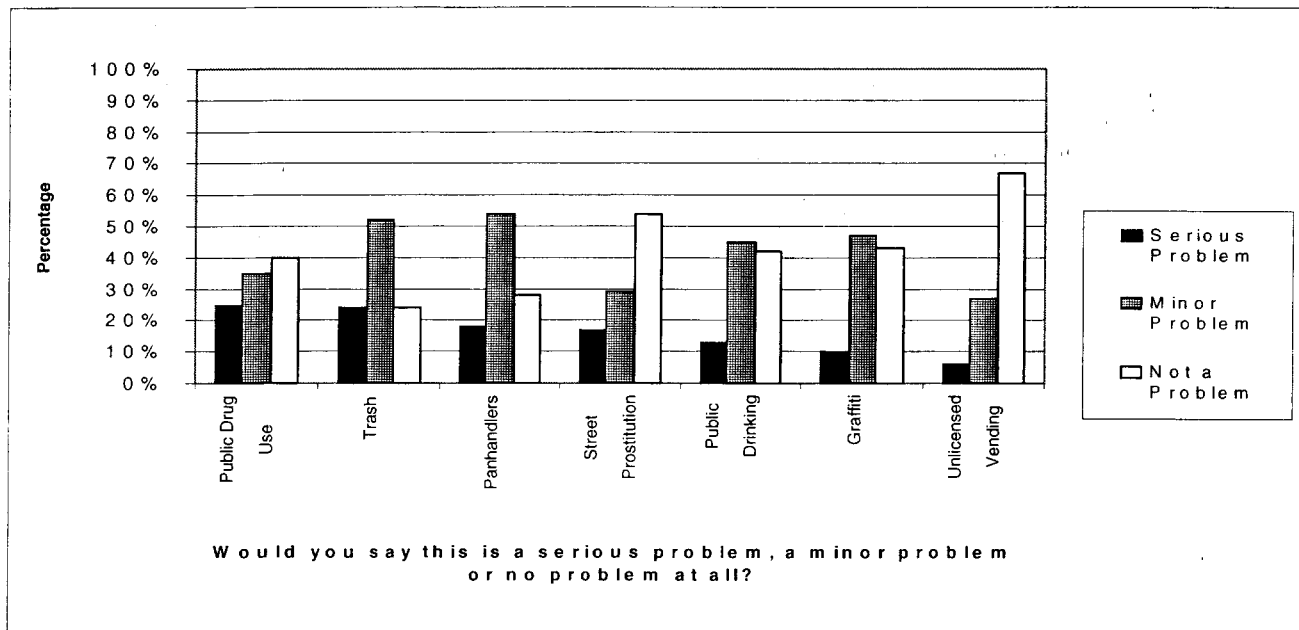
graffiti, and unlicensed vending) to be current problems in their neighborhood (see Figure 7-1). Accumulating trash on streets and sidewalks heads the list of resident concerns: it was considered to be a problem by 75 percent of all respondents (24 percent considered it a serious problem). As for other issues, panhandling (72 percent overall, 18 percent serious) and public drug use (60 percent overall, 25 percent serious) were perceived by many respondents as relatively significant problems. Unlicensed sidewalk vendors (only 32 percent believed it to be a minor or serious problem) stood at the bottom of the list of local concerns.

Table 7-2
Satisfaction with Neighborhood as a Place to Live

Very satisfied	53.2 %
Somewhat satisfied	38.4 %
Somewhat dissatisfied	6.1 %
Very dissatisfied	2.1 %
	<u>N=554</u>

Question: On the whole, how do you feel about your neighborhood as a place to live? Are you...

Figure 7-1:
Residents' Perception of Quality of Life Issues

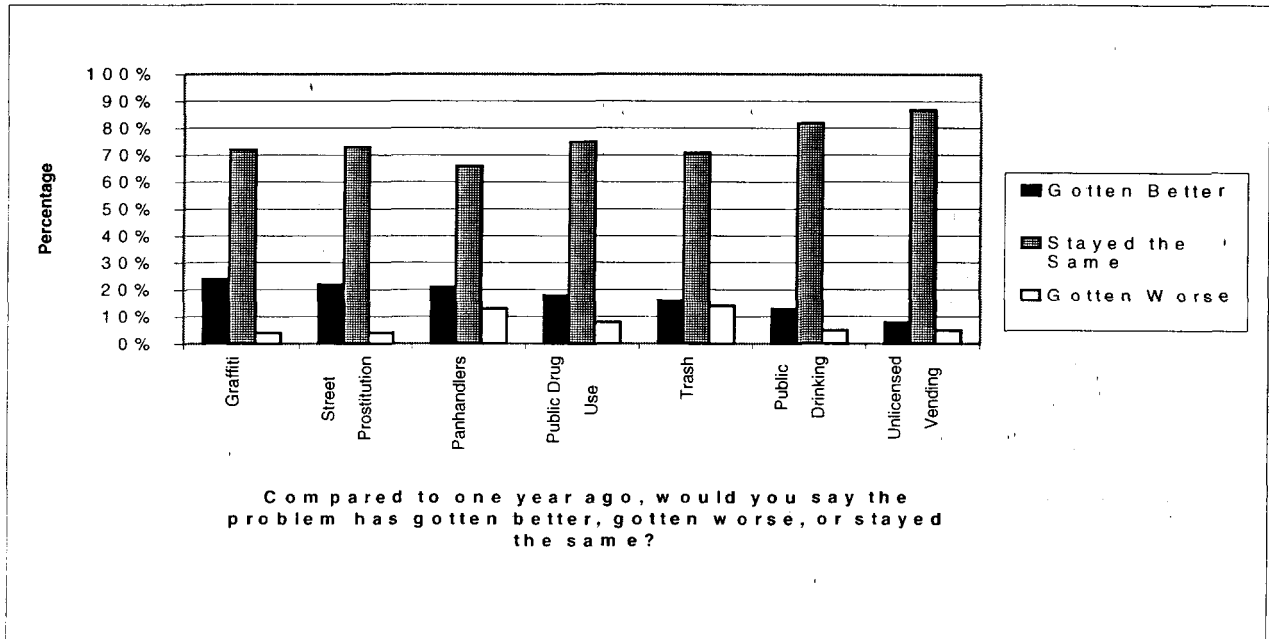


As a follow-up question, respondents were asked whether each “problem has gotten better, gotten worse, or stayed about the same” compared to one year ago (roughly March 1997 to March 1998). In response to the overall question of whether their neighborhood had changed for the better or worse in the past year, 57 percent of respondents stated that it was a better place to live and 37 percent said it had stayed the same; only six percent said that it had gotten worse. Turning to the seven individual quality of life issues discussed above, Figure 7-2 shows that a majority (ranging from 66 percent to 87 percent) of respondents felt that the condition had stayed about the same. As for improvements, nearly one in four respondents thought that graffiti was

not as bad as it had been the year before, and one in five viewed both street prostitution and panhandling as less of a problem in their neighborhood compared to the previous year.⁴

Figure 7-2:

Residents' Perceptions of Problems in their Neighborhoods, Compared to Last Year



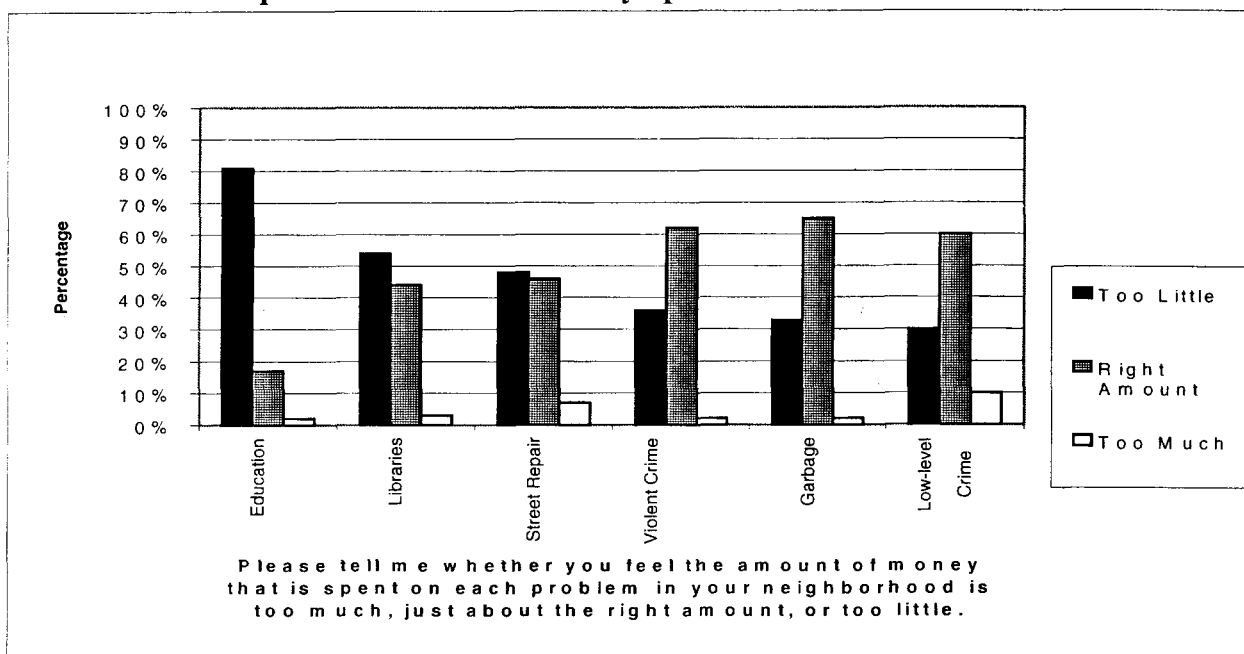
The findings suggest that by the late 1990s, factors other than quality of life issues (such as the strong economy) played a major role in shaping residents' generally optimistic perceptions of local conditions. That conclusion is based on coincidence of a majority of respondents who felt that their neighborhood had improved over the past year with the large proportion of respondents who believed quality-of-life problems had remained unchanged. Respondents similarly reported that their perception of neighborhood safety was largely unchanged (28

⁴ Perceptions of neighborhood conditions tended to differ between residents living in the neighborhood immediately surrounding the Court, measured as within 12 blocks of the Midtown Court and those living further from it. Specifically, residents living within 12 blocks from 54th and Eighth Avenue were more likely to perceive panhandling and prostitution as a serious problem and to be less satisfied with their neighborhood as a place to live. They also, however, felt safer in their neighborhood than did respondents living further from the immediate court neighborhood. All of these differences are statistically significant. They should not, however, be attributed to the Court but to the demographic composition and quality-of-life conditions in residential areas close to Times Square.

percent felt safer than in the previous year, 5 percent less safe, but 67 percent perceived no change).⁵

The survey also sought to obtain a reading on where quality-of-life issues ranked in the hierarchy of local concerns. Respondents were asked whether the amount of money being spent on various neighborhood problems was "too little", "too much", or "about right" (see Figure 7-3 for the list of "issues"). Public education was the issue perceived as most in need of additional funding: 81 percent of respondents said that "too little" was being spent there. Library services (which 54 percent saw as receiving "too little" funding) and street repair (48 percent) ranked next in terms of perceived need. There was markedly less sentiment that garbage collection (33 percent), prevention of violent crime (36 percent), and prevention of quality-of-life crime (30

**Figure 7-3:
Perceptions of Amount of Money Spent on Government Services**



percent) called for greater funding. Ten percent of respondents felt that "too much" was being spent on quality-of-life crime.⁶

⁵ The relevant question is the standard indicator for fear of crime. "How safe do you feel walking alone in your neighborhood after dark?": very safe (40 percent), somewhat safe (46 percent), somewhat unsafe (11 percent), and very unsafe (3 percent). See also questions 7 and 8 in Appendix 7.2 for an indication of crime victimization in Midtown Manhattan.

⁶ It should be noted that a relatively high proportion of respondents either did not know the answer or refused to answer this set of questions. Between 10 and 20 percent of respondents did not offer a reply to questions

The public mood in Midtown is also indicated by residents' perceptions of whether courts were dealing with criminals in general "too harshly", "not harshly enough", or "about right". Nearly two thirds (65 percent) saw the courts in the area as dealing "not harshly enough", 27 percent that the courts were "about right", and 8 percent "too harshly".

IV. Awareness of the Midtown Community Court

Twenty percent of respondents had "heard of a local justice organization, the Midtown Community Court". Of those respondents who had heard of the Midtown Court, seven percent were reported being "very familiar", 49 percent "somewhat familiar", and 44 percent "not at all familiar".⁷ Respondents living within 12 blocks of the Midtown Court were twice as likely to have heard of it than were those living farther away (27 percent compared to 13 percent).

Not unexpectedly, those who were more involved in community-related activities were more likely to have heard of the Court. Respondents who were members of community groups were nearly twice as likely (30 percent) to have heard of the Court than non-members (16 percent). Respondents who frequently attended community group meetings were more likely to have heard of the Midtown Court than those who did not (26 percent compared to 16 percent). It was also the case that those who read community newspapers often or sometimes were more likely to have heard of the Court than those who never read them (29 percent compared to 12 percent).⁸ Awareness was also higher among respondents who had children under the age of 18 in the household (32 percent versus 19 percent).⁹

Overall, one of five Midtown residents had heard of the Midtown court, with awareness increasing by the amount of community involvement and proximity to the Court. However, few of those aware of the Court were very familiar with its activities. It should be noted that the

about the adequacy of funding by issue. Also, the survey took place several years after commonly acknowledged improvements to quality-of-life conditions had taken place in Midtown, many of which were documented in Chapter 2 of this report.

⁷ Knowledge of the court was positively related to support for it. Those who had heard of Midtown were more likely to say its benefits outweigh its costs (25 percent versus 17 percent). Moreover, of those who had heard of the court, those who were very familiar with it were most likely (50 percent) to say its benefits clearly exceed its costs, compared to those who were somewhat (29 percent) or not at all (18 percent) familiar with it (see the discussion later in the chapter).

⁸ In the Midtown area there is no statistically significant relationship (that is, one unlikely to be the product of chance) between income and being a member of a community organization, or between income and the frequency with which the respondent attended community meetings or read local news media.

survey question about awareness was asked four and a half years after the Midtown Court first opened its doors.

V. Ratings of Specific Features of the Midtown Community Court

The survey included 11 questions in which respondents were asked to rate the importance of various innovative or enhanced features of the Court (see Question 19 in Appendix 7.2). The rating scale was described to respondents in this way: “On a scale of one to seven, with one being very important and seven being not at all important, please tell me how you would rate the importance of each characteristic.” The rated characteristics are listed in Table 7-3. This set of questions served two purposes. The first purpose was to measure the public’s reaction to distinctive features of the Midtown Court. The second purpose was to provide all respondents with a common bank of information from which they could evaluate the relationship between the costs and benefits of the Midtown Court through a series of questions that followed the ratings of importance.

Table 7-3
Average and Standard Deviation* of Rated Importance

Court Feature	Average	Standard Deviation
Court located in area it serves	2.09	1.8
Community service compliance rigorously monitored by court	2.13	1.6
Judge has information on offender’s underlying problems and previous compliance	2.13	1.6
Offender perform community service work such as cleaning streets and removing graffiti	2.25	1.7
Offender can receive treatment and services while sentenced	2.34	1.9
Court has an advisory board of community members	2.36	1.8
Court mandated treatment and social services begin the day offender sentenced	2.45	1.9
Court offers a way to informally mediate neighborhood disputes	2.66	1.8
Offender spend a short time in custody after arrest before coming before a judge	2.86	2.0
Offenders arrested in Midtown area likely to face the same judge	2.95	2.0
Treatment and social services in court building	3.25	2.0

Generally, individual features of the Midtown Court were rated highly. Average rankings ranged from 2.1 to 3.2, a narrow range on a seven-point scale (see Table 7-3).¹⁰ More than one-

⁹ The influence of all of the above factors on whether the respondent had heard of the Midtown Court is statistically significant at the .05 level.

* The standard deviation is a statistical measure that here tells us of how spread out the ratings of a particular court feature are in relation to the average.

half of the respondents rated the following features as “very important”: offenders can receive treatment and social services for their personal health problems while serving their sentence; the Midtown Court is located in the area it serves; compliance with community service is rigorously monitored by the court; when imposing sentences, judges have information on the underlying problems of offenders and their previous compliance with community service sentences; and “offenders perform community service.” Respondents ranked all of the features as important; even the lowest rated feature, the provision of treatment and social services for offenders in the court building itself, was viewed as at least somewhat important.¹¹ A more detailed look at the pattern of responses can be found in Table 7-4.

There is strong evidence that local residents value the features of the Midtown Community Court. If we sum the ratings given to the 11 distinct features by each respondent and calculate their average rating of importance, the mean score for this scale was 2.5 (between “important” and “somewhat important”), where 1 indicates a response of “very important” 4 indicates “neutral,” and 7 indicates “not at all important”.¹²

Yet, these ratings, however favorable, are uncertain guides to the perceived benefits of the Midtown Court. Respondents have, in effect, been asked to rate the importance of various features without having to take into consideration the cost of providing those features. We know from microeconomics that the willingness to pay for those features will be inversely related to their cost. The money to run the non-traditional aspects of the Midtown Court during the demonstration period has been drawn in substantial measure from federal grants, corporate, and foundation contributions. These funding sources have always been viewed as short term and the Midtown Court now is seeking long-term funding from the city treasury to preserve its innovative features after the demonstration period is over. Determining whether the public is willing to support the perceived benefits of the Midtown Community Court required clarifying the differences between how quality-of-life offenses are handled at Midtown Court relative to the Downtown arraignment parts and determining what the public is willing to pay to receive these benefits. If the public values the benefits of the Midtown Community Court more than they cost

¹⁰ Between seven and 11 percent of respondents did not reply to the questions about the importance of court characteristics and are excluded from the analysis.

¹¹ It should be noted that ratings of importance are clustered closely around the arithmetic average.

Table 7-4
Perceptions of the Importance of Midtown Court's Characteristics

A. Treatment

	Very Important	2	3	4	5	6	Not Important	Total	N=
Offenders receive treatment & social services	54%	14%	8%	8%	6%	4%	6%	100%	531
Services Provided in court building	30%	12%	17%	12%	11%	5%	12%	100%	501
Services begin same day as sentencing	48%	15%	13%	7%	7%	3%	7%	100%	512

B. Orientation

	Very Important	2	3	4	5	6	Not Important	Total	N=
Community Advisory Board	48%	17%	13%	8%	6%	3%	5%	100%	517
Offenders perform community service	51%	18%	12%	7%	6%	3%	5%	100%	523
Midtown Community Court located in service area	63%	12%	8%	4%	5%	2%	7%	100%	511
Neighborhood Mediation	38%	18%	18%	10%	8%	3%	6%	100%	522

C. Accountability

	Very Important	2	3	4	5	6	Not Important	Total	N=
Post-arrest, short time in custody before seeing judge	38%	15%	15%	11%	8%	5%	9%	100%	505
Compliance with community service monitored	55%	16%	10%	6%	7%	2%	4%	100%	517
Same judge if return to Midtown Community Court	36%	16%	13%	12%	8%	4%	11%	100%	489
Judge has information on previous compliance/problems	55%	16%	12%	6%	5%	3%	4%	100%	517

to provide, it supports the use of public monies to fund the Court.¹³ The remaining sections of this chapter consider several approaches to determining whether the public values the innovative features of the Midtown Court sufficiently to pay for them.

¹² The scale meets the standard criterion for reliability, with a Cronbach's Alpha score of .88.

¹³ It is plausible to assume that respondents who believe the costs equal the benefits are willing to fund a Court like the Midtown Court. It should be noted that the "benefits equal costs" response may approximate a "neutral" response rather than a clear willingness to pay for the Court's non-traditional features.

A. A Direct Question Approach. The first approach incorporating a cost component into the evaluation of the Midtown Court's innovative features relies upon a direct question (Question 20) that specifies the additional cost per arraignment needed to provide the features:

Now I would like to ask you about the cost of handling a case at the Midtown Court in comparison to the regular court Downtown. The cost per case at the Midtown Court is about \$87 more than the cost per case at the regular court Downtown. This extra money supports unique features such as neighborhood-based community service projects, court-based social services, and close monitoring of offenders. Do you think the additional costs of the Midtown Court clearly exceed benefits, are equal to benefits, or are clearly exceeded by its benefits?

1. Benefits clearly exceed cost
2. Benefits equal cost
3. Costs clearly exceed benefits

The estimate of an additional cost of \$87 per case was derived by summing the non-traditional budget items included at the Midtown Court (staff positions, computer system, etc. for a total of \$1.3 million additional operating courts) divided by the number of arraignments per year at Midtown (Anderson, 1996:9).

Overall 24 percent of respondents said that the benefits of the court outweighed its costs; 25 percent said costs outweighed the benefits; and 51 percent said that the benefits equal the costs. It should be noted that 19 percent of respondents stated that they did not know the answer and 1 percent provided no answer or refused to answer. Thus, one in five respondents did not feel confident in making a cost to benefit comparison based on the information provided. It is possible that a different question format or survey method might have reduced the number of individuals who replied "don't know" to our question, and potentially altered the conclusions one would draw about where Midtown residents stand on the "cost versus benefits" issue.

Some of the factors related to views held on whether costs exceed benefits include

- **Neighborhood Satisfaction:** Generally, the more satisfied respondents were with their neighborhoods, the more likely they were to answer that the benefits of the court outweigh its costs. Respondents who viewed quality-of-life conditions (specifically, trash on the streets, graffiti, and public drinking), as "no problem at all" in 1998 were particularly likely to conclude that the benefits exceeded the costs.
- **Income:** In terms of income, respondents who made less than \$20,000 per year were the least likely (11 percent) to say those benefits outweighed the costs. In

contrast, those making \$80,000 to \$100,000 were least likely (9 percent) to say that the court's costs outweighed its benefits.

- Home Ownership: A greater proportion of those who own than those who rent their residences said that the court's benefits outweighed its costs (28 and 17 percent, respectively).

Not unexpectedly, those who thought that the benefits of the court clearly outweigh the costs have a lower index score (2.2) than those who thought the benefits equal the cost (2.5) or that the costs outweigh the benefits (2.7).¹⁴

B. Willingness to Pay Additional Taxes. The second approach to relating the Court's innovative features to their cost is based on the "Contingent Valuation" methodology, developed by economists to measure the value of public goods, particularly non-tangible ones such as quality-of-life conditions. Clearly, the Midtown Community Court handles cases and defendants differently than Downtown. A primary assumption underlying the "willingness to pay" (WTP) approach is that estimates of the benefits of improved handling of quality-of-life offenses can be a valuable part of the decision-making process about criminal justice policy.¹⁵

Considerable care was taken in the design of the interview protocol to meet three basic criteria for a contingent valuation. First, because our interest is in *informed* choice, respondents received relevant information during the interview about measurable differences in practices and procedures between the Midtown Community Court and Downtown. Second, prior to asking the respondent's willingness to pay, each interviewee was informed that case processing at the Midtown Community Court averages about \$87 per case more than in the Downtown court. Third, a range of baseline questions were asked to clarify the respondent's subjective opinion on the safety and livability of their neighborhood, the relative importance of efforts to control low level crime, and socioeconomic characteristics. The specific variable measuring "willingness to pay" came from this survey question:

¹⁴ A score of 1.0 indicates that a respondent regarded the features of the Midtown Court as "very important."

¹⁵ WTP analysis has a long history. Benefit-cost analysis was initially developed by economists in an effort to determine the value of environmental benefits (e.g., the Grand Canyon in its natural state) and damages (e.g., pollution). Many people argue that a particular environmental policy is too strict because the costs outweigh the benefits or too lax because the benefits outweigh the costs. One reason the debate continues is the difficulty in measuring the magnitude of the beneficial effects of alternative environmental policies. Economists have put considerable effort into clarifying the concept of benefits and costs as well as developing theoretical and empirical approaches to measurement (e.g., Mitchell and Carson, 1989). The approach we use in measuring the value of alternative types of criminal case processing is referred to as Contingent Valuation.

Now I am going to ask you how much it is worth to you in dollars to fund a court like the Midtown Court. This information is important to officials planning the future of New York's court system. What additional amount of money would you (or your household) be willing to pay through taxes per year to provide services like those provided by the Midtown Court. Would you be willing to pay \$ more per year?

In the contingent valuation method respondents are given a range of additional tax dollars per year to consider when asked if they would be willing to pay. One of five amounts was selected at random for each respondent: \$10, \$25, \$50, \$75 and \$100. It is therefore possible to make an assessment of how sensitive "willingness to pay" is to the amount of money involved.

Overall, 64 percent of respondents were willing to pay the additional taxes and 36 percent were unwilling to pay the additional taxes to provide features like those provided at the Midtown Court.¹⁶

Not surprisingly, willingness to pay additional taxes was negatively related to how much extra money respondents were asked to pay (see Figure 7-4). Compared to the composite of 64 percent: 80 percent of those who were asked about paying \$10 more per year said they would be willing; 73 percent of those asked about \$25; 55 percent of those asked about \$50; 60 percent of those asked about \$75; and 52 percent of those asked about \$100 (see Figure 7-5). This is in line with what one would expect from the laws of microeconomics, but with one twist. Exploratory data analysis had found that the relationship between the amount respondents had been asked to pay and willingness to pay varied by gender (see Figure 7-5). In particular, the percentage of women willing to pay \$50 was lower than expected given the responses to the other four dollar amounts.¹⁷

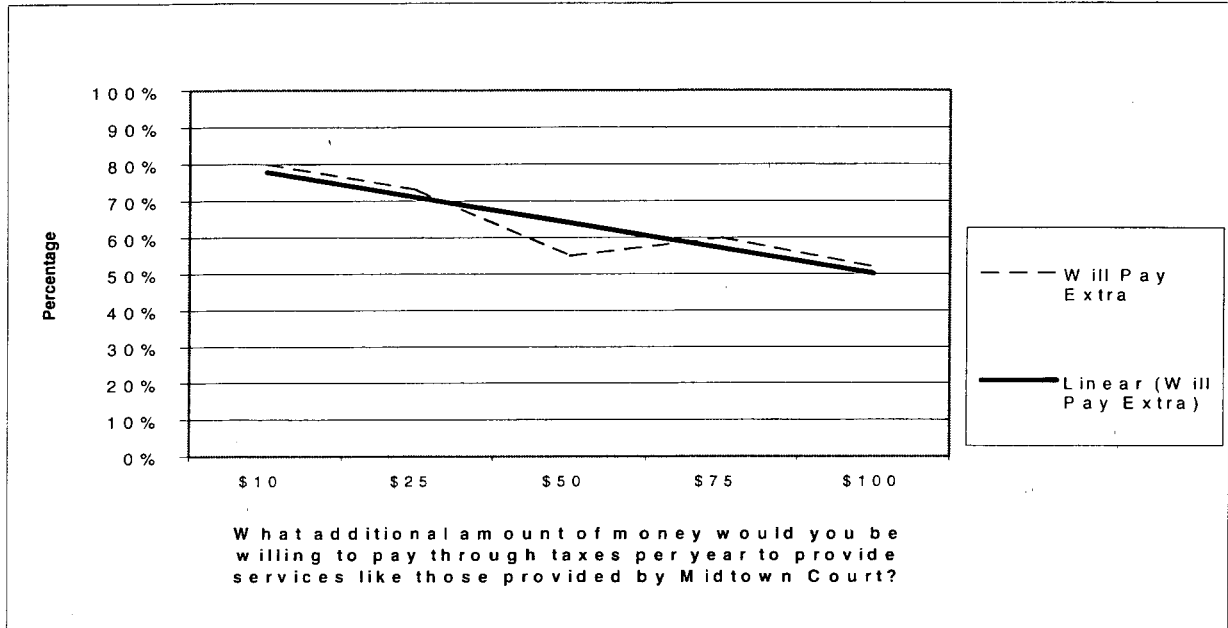
C. Willingness to Reallocate Existing Taxation. The third approach to the cost/benefit issue was through a question inquiring about the respondent's willingness to support the reallocation of tax dollars from existing government programs and towards a court like the Midtown Community Court. The rationale for including this question was the concern that the

¹⁶ Twelve percent of respondents did not answer this question.

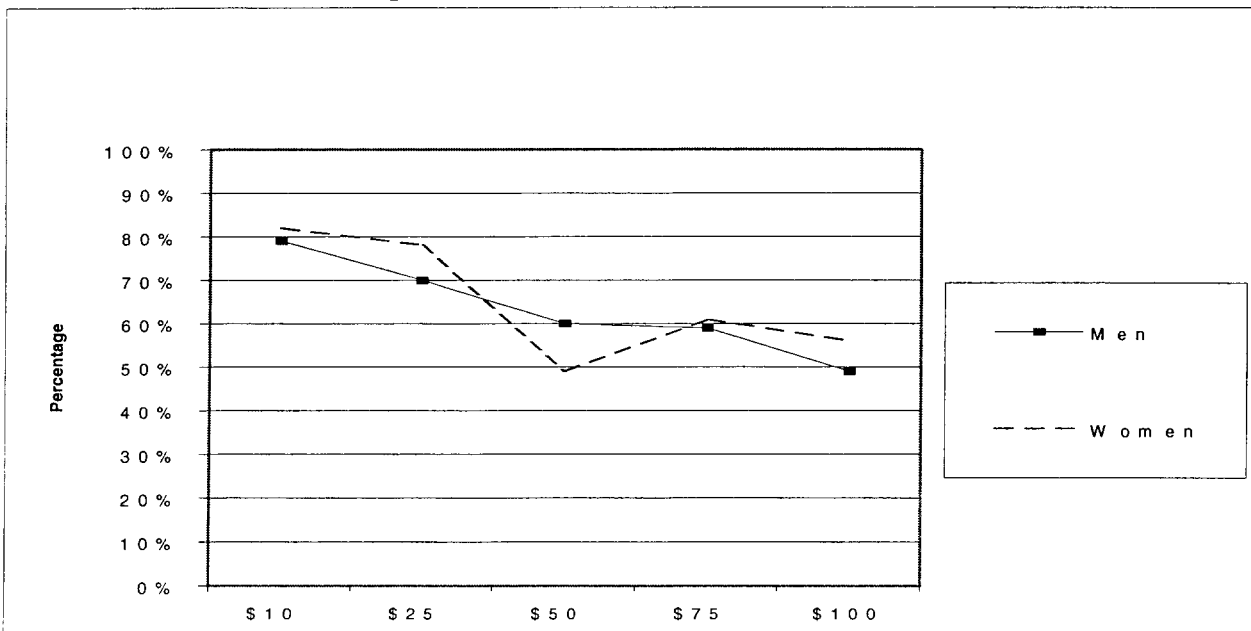
¹⁷ It is interesting to note but difficult to explain why both men and women did not clearly differentiate between \$50 and \$75 in deciding whether they would be willing to pay additional taxation.

perceived high taxation rate among New York City residents might prompt a blanket refusal to consider additional taxation for any purpose.

**Figure 7-4:
Proportion of Those Willing to Pay Extra Taxes**



**Figure 7-5:
Willingness to Pay Extra Taxes Men v. Women**



There was strong support for such a reallocation, which is cost-free except in the abstract sense that reallocation implies a diminution of some existing services.¹⁸ Willingness to reallocate existing tax monies to pay for the Midtown Court and similar courts was *not* related to the amount of money posed to respondents. More respondents were prepared to reallocate \$100 than were willing to reallocate \$10. This suggests that the use of reallocated taxation is not a valid approach to weighing benefits against costs for criminal justice innovations, at least based on the example of the Midtown Community Court.

The characteristics and opinions that influenced whether respondents were "willing to pay" is examined through multivariate analysis, the findings of which are reported in the next section of the chapter. A multivariate analysis is necessary to take into account the simultaneous effects of numerous plausible factors on the willingness to pay decision. For example, to truly assess the influence of income on "willingness to pay" requires a statistical technique that "controls for" other influences such as proximity to the court, age, or satisfaction with one's neighborhood.

VI. Explaining Willingness to Pay

Many of the findings summarized thus far indicate that the residents of the Midtown neighborhoods were favorably inclined toward the misdemeanor court model embodied by the Midtown Court. Two-thirds of respondents were willing to pay for community-based courts that incorporate innovations similar to Midtown and three-quarters believed that the benefits of such courts exceeded (24 percent) or equaled their costs (51 percent). Further, respondents felt favorably toward all of the features of the court. The combined responses of "Very Important", "Important", and "Somewhat Important" were given by more than 50 percent of respondents for all 11 features.

Given the differences of opinion and perception concerning the importance of specific features of the Court, and the safety and livability of their neighborhood, what features are most closely associated with an individual's willingness to pay? Moreover, willingness to pay varied based on the respondent's age, gender, income, and the amount of additional tax dollars they were hypothetically asked to pay. This section takes a systematic look at the influence of various

¹⁸ Eleven percent of respondents replied that they did not know or provided no answer when asked the question about tax reallocation – about the same percentage of don't know/no answer responses found for the willingness to pay additional taxes question.

factors on individuals' willingness to pay. It also draws some lessons and conclusions relevant to observers of the Midtown Court and cities contemplating the creation of a community-based or community-focused court.

The multivariate analysis examines five aspects of respondents' background, perceptions and opinions to clarify what prompts a "willingness to pay" for a court like the Midtown Community Court. Each set of possible influences is designed to capture a distinct set of issues. Table 7-5 shows the specific characteristics and questions included in each of the five "models" for explaining the willingness to pay decision:

Economic. The economics literature maintains that WTP for public goods (like environmental quality or effective criminal case processing) is influenced by an individual's income and the amount of money they are being asked to pay (see Table 7-5, Section 1).

Sociodemographic. An individual's background and life experiences (e.g., age, race, gender, education, and marital status) have also been shown to influence the WTP for public goods (see Table 7-5, Section 2).

Fear of crime. Perception of neighborhood safety has been empirically demonstrated to influence both individual behavior and the course of neighborhood deterioration (e.g., Skogan, 1990). The analysis considers whether there is a link between expressed fear of crime and related concerns and the WTP for an innovation such as the Midtown Community Court that may be perceived as having the potential to reduce crime (see Table 7-5, Section 3).

Community attachment. The length of residence in a neighborhood and views on various aspects of neighborhood livability influence both crime rates and fear-of-crime (Bursik, 1988; Skogan, 1990) and may be related to an individual's WTP for the practices and procedures employed in a court based on the Midtown model (see Table 7-5, Section 4).

Innovative Features of the Midtown Court. Other research studies have shown that the public is supportive of both offender treatment (DiMascio, 1995) and greater offender accountability (Martin and Glantz, cited in Greenwood, 1998). The current survey found that, when cost is not a consideration, the public values the innovative features of the Midtown Court, including the treatment options and enhanced accountability, as well as the location of the Court in their own neighborhood. It is plausible that these innovative

features would promote a greater willingness to pay for the additional cost associated with the Midtown misdemeanor court model (see Table 7-5, Section 5).

VII. Multivariate Analysis of WTP

The model. The descriptive overview of survey responses presented in the previous section shows that people are generally supportive of the Court's programs and procedures. The results do not, however, provide a means to assess the relative importance of factors like income, perceptions of neighborhood conditions, and views about the innovative features of the Court on an individual's WTP. People may value improved case processing, more treatment options, and enhanced accountability *in the abstract*, but this support is not unconditional. When a respondent considered the additional sacrifice (in dollars) required to obtain these benefits, their actual decision about WTP may be affected by their income and the amount of money they are asked to contribute. A multivariate statistical technique is needed to help disentangle how varying perceptions, motivations, and background characteristics influence a person's views about the benefits of the Midtown Court. Such an analysis is necessary to simultaneously control for the influence of the large number of factors (called *independent variables*) possibly affecting WTP (called the *outcome* or *dependent variable*). This statistical approach enables us to discern the unique contributions of the individual independent variables in explaining WTP. In this instance, the appropriate statistical technique is logistic regression because the dependent variable is dichotomous. Of the 363 respondents whose data were used in the multivariate analysis, 246 (67.8 percent) were willing to pay the amount that was asked of them, while 117 (32.3 percent) declined to pay. The variables used in the analysis are defined in Appendix 7.4 and a summary of the logistic regression results in Appendix 7.5. The remainder of this chapter describes and interprets the logistic regression analysis.¹⁹

The results. The first logistic regression model tested included all of the independent (predictor) variables. The quality of that model was judged by its statistical "fit" to the variation present in the dependent variable, WTP. The basic question is whether knowing a respondent's answers to the selected set of independent variables allows us to improve on chance in predicting

¹⁹ Exploratory data analysis showed that the relationship between the randomly selected amount of additional taxation and WTP differed between men and women. The multivariate analysis takes this into consideration by including each unique combination of gender and the amount of additional taxation through an "interaction term". This means that the amount of taxes and the respondent's gender are considered jointly and not separately in the analysis.

Table 7-5
Potential Influences on Willingness to Pay and Related Survey Questions

1. Economic variables
 - 1.1 Income
 - 1.2 Amount of money asked to pay

2. Sociodemographic variables
 - 2.1 Age
 - 2.2 Race
 - 2.3 Gender
 - 2.4 Marital status
 - 2.5 Educational level

3. Fear of Crime
 - 3.1 Does respondent feel neighborhood has become more or less safe with regards to crime in the last year?
 - 3.2 Does respondent feel safe walking in neighborhood after dark?
 - 3.3 Is respondent satisfied with the amount of money spent to fight low-level crime in their neighborhood?
 - 3.4 Has respondent been verbally harassed in public area in neighborhood during last year?
 - 3.5 Has respondent or member of respondent's household been robbed or physically attacked in a public area in neighborhood in past year?

4. Community Attachment variables
 - 4.1 Respondent's satisfaction with neighborhood as a place to live
 - 4.2 Length of residence in Midtown neighborhood
 - 4.3 Presence of children in household
 - 4.4 Whether respondent owns or rents home
 - 4.5 Respondent's score on neighborhood problems scale based on views of the relative seriousness of Trash; Graffiti; Panhandlers; Public drinking; Public drug use; Street prostitution; Unlicensed public vendors
 - 4.6 Respondent's score on scale measuring perception of change in neighborhood problems during last year

5. Innovative Features of the Midtown Community Court
 - 5.1 Treatment
 - 5.1.1 Offenders receive treatment & social services
 - 5.1.2 Services provided in court building
 - 5.1.3 Services begin on same day as sentencing
 - 5.2 Community orientation
 - 5.2.1 Community Advisory Board
 - 5.2.2 Offenders perform community service
 - 5.2.3 Midtown Community Court located in service area
 - 5.2.4 Neighborhood mediation
 - 5.3 Accountability
 - 5.3.1 Post-arrest; short time in custody before seeing a judge
 - 5.3.2 Compliance with community service monitored
 - 5.3.3 Same judge if return to Midtown Community Court
 - 5.3.4 Judge has information on previous compliance/problems

the respondent's answer to the WTP question. This "fully-specified model", as well as the reduced model to be discussed next, had a statistically significant "goodness of fit" to WTP.

With "goodness of fit" established, the issue becomes which of the various respondent characteristics and court features have a statistically significant impact on the willingness to pay decision. The fully-specified model examined the effect of all 38 explanatory factors (independent variable) shown in Table 7-5. The results of this analysis suggest that willingness to pay is primarily influenced by five factors²⁰: Income, amount asked to pay in combination with gender, the length of time the respondent has lived in the Midtown area, and two accountability features (i.e., "the defendant spends a short time in custody before seeing the judge" and "compliance with community service is rigorously monitored").

Because relatively few variables proved to be significant in the first logistic regression model, a revised regression model was constructed. This "reduced" regression model included just the five factors found to have a significant relationship with WTP. The rest of the independent variables were dropped from this revised model.²¹

The analysis of the full and reduced models tells us that respondents' overall favorable impression of the Midtown Community Court was not unconditional. Economic variables, specifically the respondent's income and the amount they were asked to (pay in conjunction with their gender) strongly influenced a respondent's WTP. Respondents with incomes of more than \$20,000 were significantly more likely to be willing to pay than respondents earning \$20,000 or less.²²

The combined effect of gender and amount asked to pay on the WTP decision was not expected and its interpretation is not clear. As would be expected on the basis of the Law of

²⁰ Only five of these factors were significant ($p < .10$). The effect of a variable is said to be "statistically significant" if it is larger (or smaller) than would be expected by chance alone.

²¹ A goodness of fit test conducted to compare the fit of the two alternative models showed that there was no difference in the ability to explain variation in willingness to pay provided by the reduced model (which used four explanatory factors) and the fully specified model (which used 38 explanatory factors).

²² Previous analysis found that respondents were less concerned about the amount of money being spent to fight low-level crime (which is the chief business of the Midtown Court) than they were about the amount being spent on other neighborhood issues. Respondents were much more likely to feel that too little was being spent on education, libraries and street repair than efforts to fight violent crime, and least likely to feel that too little was being spent on low-level crime. Thus, while the respondents were favorable to the practices and procedures of the Midtown Court, it appears that when resource trade-offs with other competing priorities are considered, WTP for Midtown Community Court is reduced.

Demand, there was generally a negative relationship between the amount of additional tax dollars they were asked to spend and their WTP (Figure 7-5). However, this inverse relationship was not perfect. For some reason, the percent WTP at the \$50 point was less than would be expected based on the percent WTP at the other dollar amounts. Momentarily disregarding the WTP at the \$50 mark (particularly for women) shows an essentially linear, downward slope of relationship between the dollar amount with WTP.

There was no evidence that WTP was influenced by a respondent's socio-demographic profile (apart from gender, as previously described) or by their level of fear of crime. There was some evidence that the respondent's social investment in the Midtown Community (Community Attachment) did influence their WTP since one of the Community Attachment variables, LOS (length of residence in Midtown), had a statistically significant relationship with WTP. Longer periods of residency in Midtown were associated with increased willingness to pay.

Among the innovative features of Midtown Community Court, none of the community-oriented or treatment/social service features was found to influence a person's WTP. However, two of the accountability features (the fact that the court closely monitored community service compliance) was significantly related to the WTP decision after controlling for other. Thus, while respondents were favorably inclined toward the features of the Midtown Community Court, only the accountability variable of monitoring made a statistically significant difference in the likelihood that respondents' would be willing to pay. It seems that the accountability features, more than all of the other features of the Court, made the greatest impression on the respondents.

Discussion. This study introduces the WTP decision as a criterion for understanding the value that the general public places on criminal justice innovations – in this instance, community-based courts like the Midtown Court. Individual characteristics such as gender and income influenced their WTP. In addition, and as one would expect from microeconomic theory, the amount that respondents were asked to pay was a critical influence.

The application of a "willingness to pay" perspective to the problem of estimating the benefits to the community from the Midtown Community Court leads to two conclusions that otherwise might have been overlooked. Overall, residents were willing to pay more in taxes to have the Court located in their community, although they were sensitive to the amount of additional taxes required. On the other hand, "accountability" was the only innovative feature of

the Midtown Court that was able to help predict which residents were willing to pay for a Court on the Midtown model.²³

VIII. Conclusion

The survey findings reported in this chapter can meet two needs. The first need is a systematic incorporation of the views of local residents into the evaluation of the Midtown Community Court. Measuring the non-tangible benefits generated by the Court largely depends on establishing the value local residents place on the Court as a public good. The second need is for information that informs current efforts to plan or implement a community court based, in part, on the Midtown model in other cities. The survey provides insight into assessing the community's support for operating community court.

The survey also answers the question of what proportion of local residents have heard of the Midtown Court. It appears that a community court, even one as heavily publicized as the Midtown Court, has considerable difficulty in becoming a community institution. One resident in five had heard of the Midtown Community Court; fewer than two percent of the residents reported being "very familiar" with the Court.

On the other hand, respondents rated the Court's innovative features as very important once a description was provided. It is interesting that despite their lack of familiarity with the Court, respondents rated neighborhood location as its most important feature. Both the "treatment" and "accountability" features of the Court were rated as important.

The main purpose of the survey was to support the cost-benefit component of the evaluation. For the most part, the results suggest that the benefits of the Court exceed or equal the cost in the public mind. Survey respondents tended to assess the cost of the Midtown Court as equal to the benefit derived. That might have been the "easy" response to a difficult question, but it seems clear that the balance of local opinion favors treating the Midtown Court (as described to respondents) as a benefit. Second, when asked "what additional amount of money would you be willing to pay through taxes to provide services like those provided by the

²³ It is also important to consider the extent to which the conclusions of this study might be influenced by sample bias resulting from the loss of respondents due to missing data. Generally, respondents dropped from the analysis were poorer; older; had lived longer in their neighborhood; less likely to be married; more likely to be afraid to go out after dark; less likely to be satisfied with the current state and prospects for the future of their neighborhood; less likely to view public drinking as a problem; and more likely to view public drug consumption as a problem than respondents included in the multivariate analysis. All together, deletion of these respondents from

Midtown Court” most respondents answered, “yes” although their willingness was not as keyed to the specific dollar amount as is often found in assessing public goods.

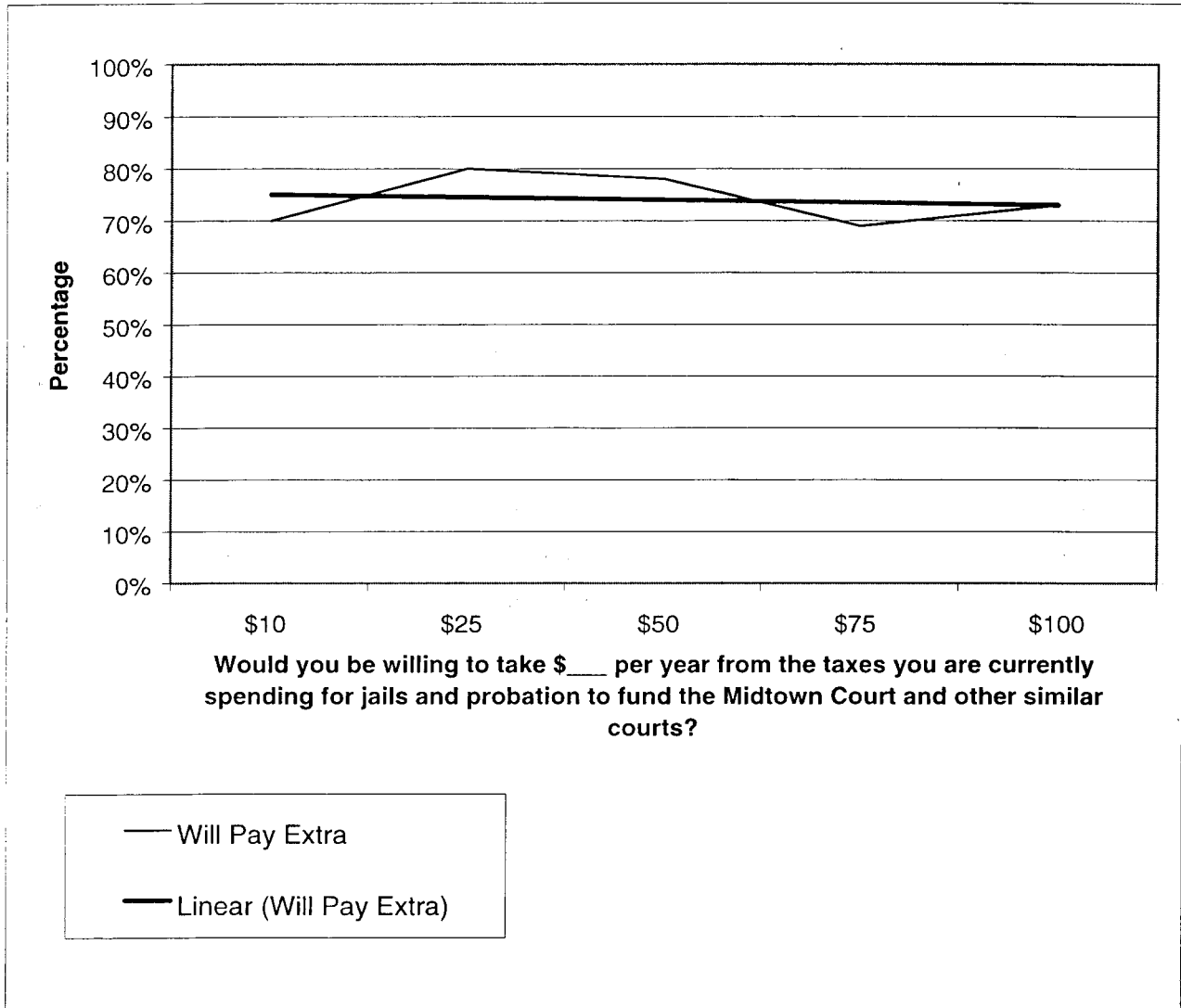
The survey analysis, however, provided relatively little insight into what motivates local residents to be willing or unwilling to pay additional taxes for a Court with the Midtown Court’s features. The analysis considered a very wide range of characteristics and perceptions that theory and prior research might influence willingness to pay. No clear answer emerged, however, to the question of which operational characteristics are likely to generate strong support for a community-based court.

The results of applying the contingent valuation method to the Midtown Court should encourage its use in other criminal justice contexts. In the absence of the “willingness to pay” question, the survey findings might have given policy-makers a distorted view of the value that the public places on the specific features of the Midtown Court. The perceived importance of those features had relatively little influence on a respondent’s willingness to pay to enjoy the benefit of those features in their community. More generally, a willingness to pay approach makes the answers to survey questions about the value of new program more realistic.

Respondents must balance the perceived benefits against the reality that those benefits entail costs above and beyond what they are currently paying for to support the traditional approach.

the analysis probably resulted in the under-representation of Midtown residents from lower socioeconomic strata. The potential impact of the missing data on the analysis is discussed in Appendix 7.5.

**Figure 7-6:
Proportion of Those Willing to Reallocate Taxes**



Chapter Eight

Costs, Cost Savings, Benefits, and Funding

I. Introduction and Perspective

This chapter estimates the costs incurred in establishing and operating the Midtown Community Court over the first three years of its existence: fiscal years 1994, 1995 and 1996 (in effect, from October 1, 1993 through September 30, 1996). The benefits attributable to the Midtown Court also are estimated for that time period, although dollar values can be assigned to only a fraction of the possible kinds of benefit.

The task of pulling together cost and benefit estimates can be approached through a number of viewpoints. In terms of costs, the emphasis here is on establishing the "add-on" costs needed to pay for distinctive innovative features at the Midtown Community Court and for lost economies of scale associated with the Court's decentralized location. Add-on costs are over and above what is required to operate a standard arraignment part of the Criminal Court of the City of New York. In many instances a precise dollar figure can be assigned to those costs. However, some of the costs, especially lost economies of scale, can be identified and described but not valued.

Benefits are more elusive than costs. The chapter offers a dollar estimate only for benefits associated with criminal justice cost savings achieved through the Midtown Community Court and the value of work performed by community service work crews. Earlier chapters described the benefits of the Midtown Community Court as assessed through the eyes of community and criminal justice leaders and the residents of Midtown Manhattan. The main benefits they identified, however, were intangible, like quality of life, which is subjective and can not be directly valued in dollar terms.¹

No attempt is made in the chapter to formally weigh add-on costs of the Court against the resulting benefits. The data and methodologies for such comparisons are not available. Instead, the chapter seeks to make transparent the kinds of costs that are necessary to establish and operate a community court on the Midtown model and place some parameters around criminal justice system cost savings and benefits to the community at large through improved quality of

¹ Chapter 7 adapted the methodology of contingent valuation to establish the value residents attribute to the Midtown Court. In effect, this treats neighborhood quality of life as a type of public good to be consumed by members of the public at a fixed rate.

life. All estimates of costs and benefits offered in the chapter are incomplete, including the "high" estimate when a range of dollar values is presented. This information is offered to answer questions raised by critical observers of the Midtown Community Court and the Court's planners, as well as to facilitate the work of jurisdictions in New York State and around the country contemplating or planning a community-based court.

It should be noted that the Midtown Community Court was an experiment in both how to operate a misdemeanor court and in how to finance such a court. The experimental nature of the funding leads to a number of complex issues. First, funding for the Court's innovative features during its demonstration phase came in roughly equal measure from the City of New York, the federal government, and the private sector. Second, direct funding was supplemented by the donation of the services of staff assigned to the Midtown Court by various public and private service providers and by other criminal justice agencies. Costs to providers of indigent defense and the Office of the District Attorney are not considered except in a descriptive manner, noting, for example, that the DA's Office needed to employ a messenger to carry documents back and forth between its Downtown office and staff assigned to the Midtown Court.

Finally, there is no correct way to compile cost and benefit estimates: "In order to carry out a cost-benefit analysis, one must first decide which perspective to take in calculating costs and benefits . . . In short, costs to and benefits *for whom*" (Rossi and Freeman, 1993:376-7, emphasis added). The analysis offered here seeks to acknowledge all costs and all benefits associated with the Midtown Court regardless of where they were incurred or realized. So we are talking here about societal costs and benefits.

This choice has important implications for the presentation of cost and benefit estimates. For example, the services and staffing made available by private and public agencies (including federal ones) to the Midtown Court to the Manhattan court system are considered costs. The rationale is that those resources could have been used elsewhere; in other words, there was an opportunity cost.² A full replication of the Midtown model would need to secure the same level of staffing, building space, and other resources. The Midtown Court demonstrates the ability of court planners to shift these costs to public and private agencies through in-kind donations.

² Clearly, however, the planners of the Midtown Court would view the staff and associated services as a benefit made possible by establishing that Court.

After a summary of previous cost estimates for the Midtown Court and a word on the sources that funded those costs, the chapter offers an extended overview of the operational and start-up costs involved in the Midtown Community Court during its demonstration phase. A separate overview then considers benefits accrued during the demonstration period. Criminal justice system cost savings attributable to the Midtown Court are estimated and the nature of various tangible and intangible benefits plausibly attributed to the Midtown Community Court discussed. The chapter's conclusion offers an assessment of how costs compared to benefits. Most of the detailed material and argument about estimating costs are placed in appendices. Appendix 8.1 provides a summary of the Court's estimated overall annual budget. Other appendices provide the raw budget and payroll data made available to the National Center for State Courts to estimate costs, and benefits as well.

II. Previous Cost Estimates

Contention over the magnitude of the costs and offsetting systemic cost savings associated with the Midtown Court was present at the beginning of the planning process. Critics of the Court pointed to the costs required to build and operate the court:

The court's critics, especially in the office of the Manhattan District Attorney, argue that, for all its cleanliness, competence, and computers the community court does not do enough work to justify its extra cost. (Anderson, 1996:9)

The extra costs were substantial. The innovative programmatic and technological costs were estimated as a \$1.3 million annual addition to the standard costs of operating an arraignment part, amounting to \$87 per arraignment (based on an annual caseload of 15,000 arraignments).

The Court's planners countered the assertion that benefits came at too high a price by reference to the cost savings the Court generated in the larger criminal justice system that were held to more than offset the extra cost. System savings of between \$60 to \$150 per day per prisoner on custody cases were cited as an example. Planners also credited the Court with contributing in its first year \$250,000 worth of community service work to Midtown neighborhoods and another \$57,000 worth of service to nonprofit agencies. It was anticipated that these benefits would grow as the Court's caseload increased.

These estimates of costs and benefits were offered in 1996 as part of a profile of the Midtown Community Court (Anderson, 1996). This chapter takes a more systematic look at the costs of operating the court. It also summarizes the estimates given in earlier chapters on the

amount of cost savings attributable to the Midtown Court during its demonstration period, thus offering the first expansive and detailed recitation of costs and benefits.

III. Funding the Midtown Court

The Midtown Community Court project was funded by four main sources during its demonstration phase, with each source contributing about one-fourth of the total budget. First, the New York Unified Court System covered all staffing and other costs associated with running an arraignment part of the New York City Criminal Court and also some of the “add-on” costs specific to staffing patterns and levels at the Midtown Court.

Second, a private foundation, the Fund for the City of New York, bore a significant proportion of the costs in the planning phase of the Midtown Community Court, providing office space and infrastructure for the planning team, and for capital expenditure purposes. The Fund then supported the operational costs associated with the administration and support of the Court’s innovative features during the demonstration years. The Fund served as the conduit through which corporate and other private sector contributions were put to use in the Midtown Community Court. The Fund is a private foundation launched by the Ford Foundation in 1968 with the mandate to improve the quality of life for all New Yorkers. Through centers on youth, government and technology as well as core organizational assistance, the Fund introduces and helps to implement innovations in policy, programs, practice and technology in order to advance the functioning of government and nonprofit organizations in New York City and beyond.

Third, the City of New York made available rent free and then restored a former Courthouse as the location for the Midtown Court. The City also partially funded the costs of establishing the Court’s information system.

Fourth, the Center for Substance Abuse Treatment, a division of the Department of Health and Human Services, awarded grants that supported the bulk of the social service, educational and treatment programs offered at the Court. Federal contracts and grants also funded the purchase of equipment and supplies. A grant from the State Justice Institute funded a major upgrade of the Court’s software during the demonstration period.

There was also a fifth important source of funding, what might be termed in-kind funding in the form of employees of private and public agencies assigned to work on the sixth floor of the court building. A list of the various sources of this form of subsidy is shown in Appendix 8.2.

Private organizations, such as the Times Square Business Improvement District, also provided supervisory staff for community service work crews.

These sundry funding sources create a complex and unique budget for operating a trial court. The flow of funds is an important part of the story of the costs and benefits associated with the Midtown Community Court, in particular to jurisdictions seeking to create their own community court.

IV. An Overview of Operational Costs

Additional costs associated with operating the Midtown Community Court—that is, costs over and above that for a conventional daytime arraignment part at 100 Centre Street, primarily stem from innovations to the court process and lost economies of scale. Most of the extra costs support either a larger contingent of traditional staff or new staff positions created by the planners of the Midtown Court. Two rough (and incomplete) estimates of those add-on costs show a range of possible values for the actual measurable add-on costs. The low estimate of those costs, \$1,854,000 out of (or 61 percent of) a total annual budget estimated at \$3,026,000.³ This translates into an estimated additional cost of \$125.99 per arraignment in FY 1996.⁴ The high estimate of measurable add-on costs is \$2,210,000 (or 75 percent of the estimated total annual budget). This translates into estimated additional costs of \$150 per arraignment (See Appendix 8.3).

Seven kinds of “add-on” costs are considered in this chapter. The overview begins with costs for which a dollar value can be assigned, such as personnel (including consultants), equipment, non-personnel-related overhead, and capital costs. Attention then shifts to costs for which a dollar value is not assigned, such as lost economies of scale to the Manhattan criminal justice system, opportunity costs, and other costs.

³ Cost estimates are the average annual expenditure during the three-year demonstration phase of the Midtown Court. The estimates are based on assumptions that are briefly reviewed in appropriate sections of this chapter and given more detailed consideration in the appendices. The estimates also reflect the nature and detail of the data available to the authors. The bottom-line is that the estimates are products of decisions made by the evaluation researchers and the quality and detail of the data made available to them. This chapter and related appendices seek to provide the raw material through which interested parties can understand the choices that were made in the estimation process and, if they are so inclined, calculate their own estimates.

⁴ Midtown Community Court arraigned 14,717 cases in FY 1996, the third year of the demonstration period. During the first two years of the demonstration period, an estimated 20,803 cases were arraigned at Midtown (Michelle Sviridoff, e-mail, May 4, 2000).

A. Personnel. Costs associated with employee salary, fringe benefits, overtime, and benefits account for eighty-one percent of the Midtown Community Court's annual budget. The Office of Court Administration provides sixty-two percent of that funding for a complement of judges, court officers, court clerks, and other standard arraignment part positions.

<u>Personnel Costs</u>	<u>Costs, FY 95</u>	<u>Funding Source</u>
Clinical Unit	\$196,070	Federal
Community Service	\$124,716	Federal/FCNY
Resource Coordinator	\$48,878	FCNY
Administration	\$282,093	Federal/FCNY
Support	\$263,083	Federal/FCNY
Courtroom	1,504,811	UCS
Total	\$2,419,651	

The remaining personnel costs cover staff positions unique to the Midtown Court and are funded by the federal government and the private sector (through the FCNY). The new positions fall within the categories of (1) direct provision of innovative services, (2) administration, and (3) support services to innovative programs.

1. *Direct Provision of New Features and Programs*. The sixth floor of the court building houses the clinical unit and community service staff. The clinical unit consists of the clinical director, two counselors, an employment specialist, and an intake counselor. Two consultants serve the unit as full-time drug counselors. All of these positions were funded by federal grants during the demonstration period.

<u>Clinical Unit</u>	<u>Costs, FY 95</u>	<u>Funding Source</u>
Clinical Director	\$47,250	Federal
Counselor	\$19,994	Federal
Counselor	\$8,094	Federal
Employment Specialist	\$6,761	Federal
Intake Counselor	\$26,250	Federal
Clinical Unit: Drug Counselor (Consultant)	\$30,966	Federal
Clinical Unit: Drug Counselor (Consultant)	\$21,000	Federal
Employee Fringe Cost (Clinical Unit)	\$35,755	Federal
Subtotal	\$196,070	

The community service unit includes a coordinator, an assistant coordinator, a supervisor and the mail house supervisor (who oversees community service work performed within the court building). The coordinator position was funded by a federal grant. The other two positions were supported through the FCNY. Another community service supervisor position (part-time) was funded by private sources. The relevant fringe rate multiplier for federal and FCNY supported positions was 33.3 percent.⁵

⁵ The fringe rate for OCA staff was 27.5 percent.

Community Service	Costs, FY 95	Funding Source
Community Service Coordinator	\$33,600	Federal
Asst. Community Service Coordinator	\$12,677	FCNY
Community Service Supervisor	\$23,100	FCNY
Mailhouse Supervisor	\$21,000	FCNY
Community Service: Supervisor (Consultant)	\$4,515	Private
Employee Fringe Benefit Cost	\$29,824	FCNY
Subtotal	\$124,716	

There is also a key new staff position assigned to the courtroom. A resource coordinator brings together all of the information available on a defendant, matches that information to program suitability availability, and makes a sentencing recommendation to the judge. The resource coordinator is the link between the courtroom and the sixth floor staff. The position is funded through the FCNY.⁶

Resource Coordinator	Costs, FY 95	Funding Source
Resource Coordinator	\$36,750	FCNY
Employee Fringe Benefit Cost	\$12,128	FCNY
Subtotal	\$48,878	

2. *Administrative and Support Services for New Features and Programs.* Administration and support personnel expenditures fund positions not present in a standard arraignment part. To some extent these positions compensate for the lack of integration with the central administrative function at the Downtown Court. For the most part, however, these positions reflect the special management and support required by the innovative nature of the Midtown Court and by out-reach efforts to the Midtown business and residential communities.

Administration	Costs, FY 95	Funding Source
Court Coordinator	\$99,750	FCNY
Operations Coordinator	\$47,250	Federal / FCNY
Administrator/Facilities Manager	\$33,600	FCNY
Community Liaison Officer	\$31,500	FCNY
Receptionist	- ¹	Federal
Employee Fringe Benefit Cost	\$69,993	FCNY
Subtotal	\$282,093	

¹ This position was not created until FY 1996 at a cost of \$20,000 annually.

Personnel costs associated with court administration account for about twelve percent of the total personnel cost and over nine percent of the total Court budget. Included are salaries and fringe benefits for a court coordinator, an operations coordinator, a facilities manager, a community affairs officer, and (in FY 96) a receptionist. These positions are supported through

⁶ Consultants accounted for four and one half percent of the total Court budget. These include two drug counselors and a community service supervisor, as well as a computer software development specialist. For purposes of presentation these consultant positions and associated costs are merged into the appropriate functional area.

private sector contributions distributed through the FCNY, with a federal grant providing partial funding for operations coordinator position and receptionist.⁷

The mission of the Midtown Court and the breadth and non-traditional nature of its activities led to the creation of a new post, the court coordinator. The position is roughly equivalent to that of a trial court administrator but with expanded responsibilities for organizational strategy, outreach and fund-raising. An operations coordinator position also was established to provide day-to-day management and ensure liaison between the traditional court and the clinical staff.

Support personnel expenditures account for just over six percent of the total personnel cost and about four and one half percent of the total Court budget. This sub-category includes the technology network managers, the director of research, a research assistant, the custodian, and two maintenance personnel. Funding for these positions came primarily from the FCNY.

Support	Costs, FY 95	Funding Source
Technology Network Manager	\$33,600	Federal / FCNY
Computer: Software Development (Consultant)	\$78,842	FCNY / NYC
Director of Research	\$37,800	FCNY
Research Assistant	\$12,663	FCNY
Custodian	\$29,400	FCNY
Part-time Maintenance	\$11,511	FCNY
Part-time Maintenance	\$13,553	FCNY
Employee Fringe Benefit Cost	\$45,714	FCNY
Subtotal	\$263,083	

The Midtown Court concept included provision for an internal research capacity filled by two social scientists, a research director and a research assistant, both working full-time. Only the portion of the researchers' work carried out in support of the Court's internal operations is included in the budget and was funded by the FCNY. Federal grants covered the researcher's other responsibilities in a process and outcome evaluation of the court undertaken jointly with researchers from the National Center for State Courts.⁸

3. *Additional Traditional Court Staff.* As noted above, the Midtown Court required a larger than standard contingent of clerks and court officers and a larger than usual amount of overtime work per employee in those categories. The overtime expenditure results from the

⁷ When the need for a receptionist became apparent, the position was funded by reallocating federal grant funds from other expenditures

⁸ Grants from the National Institute of Justice and the State Justice Institute to the Court funded a two-phase process and outcome evaluation. In addition, funds from the Center for Substance Abuse and Treatment supported additional data base development and data analysis.

Midtown Court's status as a five day a week, single shift arraignment part. Court clerks must complete all of their responsibilities before leaving for the day. Court officers must remain until all of the defendants have been processed.

Courtroom personnel include the judge, the clerk of the court, four deputy clerks, twelve court officers, and a resource coordinator. All courtroom personnel perform traditional court functions. Accordingly, the New York State Unified Court System (UCS) funds these positions. A fringe rate multiplier of 27.5%, overtime pay and location pay⁹ are costs associated with UCS employees and are included as a separate line item in the personnel category. Appendix 8.4 contains the personnel expenditure data available to the authors.

<u>Courtroom Staff¹</u>	<u>Costs, FY 95</u>	<u>Funding Source</u>
Judge	\$103,800	NY State Unified Court System
Clerk of the Court	\$878,229	NY State Unified Court System
Deputy Clerks (4)	\$0 ²	NY State Unified Court System
Court Officers (12)	\$0 ²	NY State Unified Court System
Location Pay	\$16,128	NY State Unified Court System
Overtime	\$236,596	NY State Unified Court System
Employee Fringe Benefit Cost	\$270,058	NY State Unified Court System
Subtotal	\$2,504,811	

¹ Payroll data for court interpreter or court reporter positions do not appear to be included.

² Payroll data for clerks and court officers were provided as a single category and with an assumption that one-half of the staff covered were engaged in courtroom duties and one-half provided supervisory, back office, and security related services.

When location pay, overtime, and fringe benefits are included, the costs to the greater court system accounted for nearly sixty-two percent of the total personnel cost and just over fifty percent of the total Court budget. However, this figure is not automatically an add-on cost because Midtown Community Court arraigned 33,103 cases during the same time-period.¹⁰ The judge, the deputy clerks, and some court officers are essential parts of any arraignment court.

How much of this cost is an additional expense to the greater court system? Court officials assert that the caseload of the Midtown Community Court requires the same number of deputy clerks at the downtown location. The judge¹¹ arraigns approximately the same number of cases at Midtown Community Court as a judge at the downtown court location (see Chapter Two). Hence, the judge and, arguably, the deputy court clerks are not additional costs to the

⁹ Location pay is cost of living adjustment provided to New York State Unified Court System employees who work in New York City.

¹⁰ This is the total number of C-docket arrest cases arraigned at Midtown. Midtown also arraigns a number of N-docket cases, which increase the caseload by an estimated 7.3 percent (Michelle Sviridoff, e-mail, May 4, 2000).

court system. The clerk of court, on the other hand, is an additional cost. That position was created to manage the functions of a clerk's office outside of the central location.

Finally, part of the salaries of court officers should be regarded as additional costs. Court officers perform traditional security and escort functions that would be necessary at the centralized location. The number of officers assigned to the Midtown Court is larger than for a standard arraignment part. There are several reasons for this related to the nature of the court facility and some of the innovative features of the Court. In terms of the court building, officers must secure the building entrance (a function that is centralized at 100 Centre Street) and provide security for the judge in a building that includes non-Court functions (three floors are rented to other tenants). In terms of the Court's innovative features, officers are needed to provide security when community service work is going on in the building and to escort offenders from the courtroom to the treatment and service center on the Sixth floor to minimize failure to report for community service. These additional officers would not be necessary at the centralized downtown location.

The resulting "add-on" costs are counterbalanced to some degree by the reduction or elimination of other traditional staff functions at Midtown (notably the absence of a law clerk position). (Appendix 8.5 contains the current Office of Court Administration (OCA) staffing levels in a standard daytime arraignment part.) Nonetheless, it is clear that Midtown Court imposes a net additional personnel cost on the Office of Court Administration. Some of that additional cost can be attributed to lost economies of scale (the need to duplicate assignments conducted centrally at the Downtown Court, such as electronic security) or to the vagaries of holding court sessions in a multipurpose building. Other add-on costs are needed to support of specific objectives of the Midtown Court, such as achieving immediacy of community service and treatment.

Having noted the likelihood that an add-on cost stems from the higher staffing levels and payroll overtime, no precise figure can be placed on its magnitude. Payroll data provided by the Office of Court Administration included only a total figure for non-judicial employees, with an assumption that courtroom and non-court room functions each accounted for one-half of that total (see Appendix 8.6). It is, therefore, not possible to distinguish staff needed to perform

¹¹ Although a number of judges serve the Midtown Community Court at any one time, their total time at that location is equivalent to one full-time judge.

innovative functions from those assigned to traditional court officer and clerk functions or make a precise comparison between staffing costs at the Midtown Court relative to the Downtown Court. The conclusion to the chapter offers some estimates of the add-on costs of operating the Midtown Court taking into account the number and seniority of OCA staff assigned there.

B. Equipment. Equipment expenditures accounted for just over one percent of the total Court costs. These costs include supplies and computer software, other technological equipment, and other office equipment. Some of these expenditures may resemble capital costs because their expected useful life exceeds one year. However, prorating these costs over time is unwarranted because replacement for this kind of equipment is a relatively constant cost from year to year, unlike the start-up costs addressed below.

<u>Equipment</u>	<u>Costs, FY 95</u>	<u>Funding Source</u>
Supplies and Computer Software	\$10,949	FCNY / NYC
Other Technological Equipment	\$4,658	FCNY / NYC
Other Office Equipment	\$18,891	FCNY / NYC
Subtotal:	\$34,498	

The Midtown Court required a made-to-measure information system, including computer hardware that would guide the choice of sentence and hold defendants accountable for completing the conditions of their sentence. In 1994, the State Justice Institute awarded a \$149,512 grant to Midtown Community Court to update its original "Descriptive Judicial Desktop" with an "Analytical Judicial Desktop (see Appendix 8.7 for a description of the two systems).¹² The grant money was spent during the 1995 and 1996 fiscal years, but the benefits of the update will continue forward for several years. Therefore, these costs have also been prorated over time to account for the expected useful life of the software upgrade. A prorated cost of \$22,804 per year is estimated.

C. Other Overhead Costs. Other overhead is the second largest cost center, accounting for twelve percent of the total budget in the three-year demonstration period. This category includes utilities, printing, client food and transportation, building maintenance, office and janitorial supplies, and community service supplies. Office and janitorial supplies, telephone, and building maintenance and repairs account for over half of overhead expenditures. Those expenditures declined during the demonstration period as the Court streamlined operations. Funding for non-traditional court costs were essentially fixed over the three-year demonstration.

¹² "Building an Analytic Judicial Desktop", submitted to the State Justice Institute on May 18, 1994.

Pay increases and the addition of a receptionist position were funded by reducing overhead expenditures year by year. (See Appendix 8.1 for an explanation of how budget lines were adjusted to estimate the resulting reallocation of costs.)

<u>Other Overhead Costs</u>	<u>Costs, FY 95</u>	<u>Funding Source</u>
Telephone	\$67,881	~
Insurance	\$20,210	~
Energy	\$43,762	~
Printing	\$4,378	~
Office and Janitorial Supplies	\$50,288	~
Client Food	\$15,113	Federal
Client Transportation	\$9,598	Federal
Miscellaneous	\$13,195	~
Repairs/building maintenance	\$60,694	NYC
Community Service Supplies	\$29,439	~
Subtotal	\$314,558	

D. Capital Costs. Capital expenditures accounted for over six percent of the total court annual budget. Capital costs include renovations to the building, computer start-up costs, a major computer software upgrade, and building use. The budget figures shown here are based on the discussion under "start-up" costs presented later in this chapter.

<u>Capital Costs</u>	<u>Costs, FY 95</u>	<u>Funding Source</u>
Renovations	\$123,918	~
Computer Start-up Costs	\$55,120	FCNY / NYC
Software Upgrade	\$22,804	Federal Grant / SJI
Building Space Costs	\$12,000	NYC
Subtotal	\$213,842	

E. Lost Economies of Scale to the Criminal Justice System. The Midtown Court is detached in both physical and cyber space from the rest of a highly centralized criminal justice system. All of the other arraignment parts in Manhattan are located in 100 Centre Street, over five miles from the Midtown Court. Serving a remote location causes inconvenience and extra costs to the Office of the District Attorney and the Criminal Justice Agency. The Midtown Court information system does not have the capacity to interact with other criminal justice databases, including that maintained for the other arraignment parts in New York City. So one set of additional systemic costs represent lost economies of scale to other criminal justice agencies.

Another set of systemic costs follow from the willingness of some of those agencies to provide special staffing levels and apply special policies in support of the Midtown Court's objectives.

1. *Holding Cells*. The Midtown North Precinct of the NYPD is located next door to the Midtown Court. NYPD staff has responsibility for prisoners held in the holding cells in the court

building and in the precinct house.¹³ During the weekday day shift (6:30 am to 6pm) nine police officers, including one sergeant, and a civilian staff member are assigned to the holding cells.¹⁴ Smaller contingents of NYPD officers are present during evening and morning shifts (see Appendix 8.8 for the holding cell staffing schedule).

2. *Pretrial Services.* The Criminal Justice Agency (CJA), New York City's pre-trial services agency, assigned staff to the Court and expanded its role to accommodate the information needs of the Midtown Court. This imposes several costs on CJA. First, the number and seniority of CJA personnel is greater than that assigned to regular arraignment parts. There are two shifts at the Midtown Court. An evening shift of two interviewers and a supervisor conduct interviews with summary arrest defendants in the precinct house and the Court's holding cells. A day shift of one interviewer and one supervisor conducts other interviews. Second, interviews are conducted with all defendants in Midtown; only summary arrests are interviewed Downtown. Defendants charged with prostitution are interviewed at Midtown but not at Downtown. The interview protocol at the Midtown Court is longer than the one administered in the Downtown Court to cover issues that will permit a wider range of case dispositions than is available Downtown.

CJA staffing at the Midtown Court also compensates for lost economies of scale and the isolation of the Midtown Court's information system. One consequence of this is that CJA staff conducting interviews in the holding cells must enter interview data twice, once in speaking with the defendant and again to enter the answers into the CJA's own data bases. CJA did not receive additional funding to cover the costs of doing business in Midtown. Thus, CJA has, in effect, subsidized the Midtown Court over its initial years. There is no payoff to CJA from this subsidy. Caseload and other reports generated by CJA for Manhattan do not include cases arraigned at the Midtown Community Court because the Court's information system is not integrated with the rest of the court system, a problem that has eased over time but has not been eliminated.

3. *Defense Attorneys.* The Legal Aid Society assigned a full-time staff member to the Midtown Court and rotated other attorneys through the Court to have the equivalent of two full

¹³ Defendants held in custody for appearance in the Downtown Courts are held in a central facility run by the City's Department of Corrections.

¹⁴ These staffing figures may represent the number of people assigned rather than the number of full-time equivalent positions.

time staff positions present at all times.¹⁵ Assigned counsel on the 18b panel rotate through the Midtown Court. Defending cases at the Midtown Court was awkward for attorneys without offices in the building. They could not (and still can not) access Midtown case files from their regular office locations and experienced none of the benefits of working in a paperless court environment. A simple illustration is that when the Judge asks the attorneys to approach the bench they need to carry paper case files with them because their computer stations cannot be moved.

4. *Office of the District Attorney.* Staff at the Office of the District Attorney experienced the same additional costs that defense attorneys experienced. The Office also found it necessary to hire a messenger to transfer paperwork and files to and from the Midtown Court.

5. *NYPD Civilian Employees.* The Midtown Court uses a stand-alone computer system that is not linked to the rest of the state's court system's information system, NYPD civilian employees in the courtroom must key enter records sent to and received from data bases of criminal histories. New York Police Department civilian employees download information from the state information system and then key enter that information into the Midtown Court's own information system. The same inefficiencies exist when Midtown Court records are entered into the statewide system.

F. Opportunity Costs. A complete accounting of the costs of operating the Midtown Court would include the value of rent forgone by the City of New York for the space occupied by the Court (which was previously rented out to a retail concerns). The estimated rent forgiven is \$12,000 per year, a modest figure in today's values given the property boom in the Times Square area since 1993 (although the landmark status of the building limits the use of the space for retail or commercial purposes).¹⁶

The Midtown Court also has benefited from the donation of services in the form of staff from various public and private agencies in the areas of drug treatment, prostitution, employment, and public health. Viewed by the court planners, this is clearly a benefit to the people of Midtown Manhattan. Viewed by a jurisdiction interested in obtaining the full cost of operating the Midtown Court, however, these are potential costs if the jurisdiction is unable to

¹⁵ Eventually a second attorney was assigned to the Midtown Court on a full-time basis.

¹⁶ The City continues to receive rent from theater companies operating within the Court building.

lure such in-kind services with the opportunity to get access to a defendant population so rich in opportunities for intervention. The latter viewpoint is generally applicable to services and staffing funded through the private sector and federal government. The application of those resources in Midtown Manhattan makes it unavailable for use elsewhere *if* one argues that the resources would be available in the absence of the Court.

G. Other Costs. Local organizations providing community service opportunities noted that their participation was a net cost to them, largely because of the additional supervision required for work crews.

V. An Overview of Start Up Costs

Table 8.1 summarizes renovation start-up costs other than computer costs. This includes costs to renovate the court building. Although owned by the City of New York, the building needed extensive renovation and new furniture and equipment to be suitable for court operations.

Table 8.2 summarizes computer start-up costs. The New York City Mayor's Office and Digital Equipment Corporation funded the Midtown Community Court computer system.¹⁷ The total start-up costs (computer and non-computer) amounted to \$1,897,348.

Table 8-1
Total Start-up Costs (Non-Computer)

Construction	\$1,378,604
Signage/Art	\$14,201
Furnishings	\$78,023
Telephone	\$35,445
Alarm	\$4,450
Cabling	\$32,134
Office Equipment	\$2,313
Total Start-up Cost (minus computers)	\$1,545,170

Table 8-2
Total Computer Start-up Costs

Computer Hardware	\$186,624
Computer Software	\$165,554
Total Computer Start-up Cost	\$352,178

Although all start-up costs were incurred prior to or during the first year of operation, it is inappropriate to assess all of those costs to operations in those years because benefits from those

¹⁷ "The Midtown Community Court computer system is a joint project of the New York State Office of Court Administration, the City of New York, the Fund for the City of New York, in association with the Vera Institute of Justice and Digital Equipment Corporation." (*Opening the Way for a New Approach to Criminal Justice*, A publication of the Fund for the City of New York and Digital Equipment Corporation, 1993.)

expenditures will accrue well into the future. Therefore, the annual budget estimates shown previously in the chapter for capital and equipment were obtained by prorating the total costs over the expected useful life of each expenditure item (see Appendix 8.9). The expected useful life of the computer start-up expenditures is significantly shorter than that of the renovations; therefore, those costs are treated separately.

VI. An Overview of Benefits

Five main-kinds of benefits can be attributed to the Midtown Community Court. Most of the benefits pertain to the quality of court outcomes and the overall performance of the criminal justice system.¹⁸ The five benefits, starting with the most easily quantified, are:

A. Annual Estimated Systemic Criminal Justice Benefits.

	<u>Low Estimate</u>	<u>High Estimate</u>
▪ Arrest-to-arraignment savings:	\$107,000	\$107,000
▪ Increased arraignment disposition savings:	\$ 15,000	\$37,000
▪ Jail savings:	\$463,500	\$525,000
▪ Reduced prostitution arrests, arrest-to-arraignment costs:	\$567,000	\$567,000
▪ Community service contribution:	\$118,000	\$182,000
Total	\$1,270,500	\$1,418,000

There are other potential systemic benefits that have not been estimated in this report but deserve mention. These include:

- *Reductions in jail time and post-arraignment court costs associated with the reduced frequency of prostitution arrests.* These potential savings were not estimated because there is no way to determine which court might have imposed sentences for these arrests and, therefore, insufficient data upon which to base estimates.
- *Reductions in jail costs for those who complete mandatory drug treatment/case management as an alternative to jail.* Completion of mandatory drug treatment at Midtown is associated with estimated annual cost savings of \$448,786. Some but not all of these savings are included in the calculation of primary jail savings. It is not possible to determine which savings have been counted previously and which have not.
- *Reductions in criminal justice costs associated with lower rates of recidivism.*¹⁹ A

¹⁸ Methods for estimating potential savings are discussed in the following sections of this report: 1) *arrest-to-arraignment cost-savings*, Chapter Two, Section IIC and Appendix 2.1A; 2) *arraignment disposition cost-savings*, Chapter Two, Section IIIA and Appendix 2.2A; 3) *community service contribution*, Chapter Two, Section IV and Appendix 2.4B; 4) *jail cost-savings*, Chapter Three and Appendix 3.1; and 5) *cost-savings associated with reduced prostitution arrests*, Chapter Four. In addition, Chapter Five discusses the methodological difficulties associated with estimating cost savings associated with reductions in recidivism for those who complete long term treatment/case management.

¹⁹ Cost savings associated with prostitution cases are estimated through savings associated with reduced arrest frequency.

reduction in annual arrest rates for graduates of the Court's treatment/case management program would clearly produce arraignment and jail cost-savings. Given the methodological limitations of the recidivism analyses,²⁰ discussed in Chapter Five, it did not seem appropriate to estimate cost savings associated with reductions in annual arrest rates without more rigorous analysis.

B. Quality of Residential Life. Information from focus groups, panel interviews conducted over the demonstration period, NYPD statistics, and other sources agree that a very sharp reduction in prevalence of quality of life crime took place in Midtown Manhattan. The 1998 community survey (see Chapter 7) confirms that quality of life crime was not a significant concern of Midtown residents. The reductions in crime rates cannot be attributed solely to the Midtown Court's presence but it is reasonable to conclude that the efforts of the NYPD and community organizations could not have been as successful in the absence of the Court. The measurable improvement made by the Midtown Court to its environs is the value of community service work performed, which is estimated at between \$118,000 and \$182,000.

C. Gained Economies of Scale in Service and Treatment Delivery. The Midtown Court achieved economies of scale in the delivery of social service and treatment programs by attracting a wide range of public and private agencies as part of a single unit. Common location provided a synergy in which quicker and appropriate referrals were made across service and treatment providers at a time when the defendant (and in some instances volunteers) were amenable to making changes in their lives. Specific examples include:

- public health concerns involving Hepatitis B, Tuberculosis, AIDS and other sexually transmitted diseases could be addressed in a concentrated manner and
- multiple problems of defendants (and family members) could be resolved simultaneously, such as unemployment, chronic illness, and homelessness.

D. Demonstration Effects. New positions, practices, and technology developed explicitly for the Midtown Community Court became incorporated into the larger court system in Manhattan (and elsewhere) with a presumed improvement to the quality and efficiency of court operations and court outcomes. The Downtown criminal court experienced a trend in which community service sentences replaced jail sentences during the demonstration period for some types of offenses.

²⁰ These include the absence of an appropriate comparison group and the relatively small number of treatment completers included in the analysis.

E. Urban Redevelopment. Key informants in the business and residential community agreed that the Midtown Court contributed to the positive change in the Times Square area. They also agreed that it is not possible to identify a distinct Midtown Court contribution. Rather, the Court was one of a number of institutional changes that combined to revitalize the Times Square neighborhood. As discussed in Chapter One, this research does not attempt to estimate economic benefits associated with improvements in the quality of life in Midtown Manhattan or to estimate the percent of those benefits that should be attributed to the Midtown Community Court's multiplier effect.

F. Quality and Efficiency of Decision-Making. The Midtown Court's demonstrated that enhanced quality and efficiency can be achieved in judicial decision-making by increasing the amount and reliability of information available on defendants. The usefulness of that expanded data was enhanced by computer programs generated by the Court that analyze that information and predict the probability a defendant will successfully complete various sentence options.

IX. Conclusions and Final Issues

It is time to take stock of what is known about the costs and benefits of the Midtown Community Court. The main issue to be addressed, however, is what can and what cannot be measured. Estimates for both costs and benefits are incomplete. Therefore, the main objectives of this chapter has been to be comprehensive in terms of what kinds of costs and benefits should be considered and to be conservative in assigning dollar values to particular costs or benefits.

The point of view was taken to be that of another jurisdiction thinking about replicating the Midtown Community Court model. As with the Midtown Court, local government in that jurisdiction might provide the court facility free of charge and opening the new court might leverage in-kind resources in the form of treatment, educational, and social service staff employed by public and private agencies. These are nonetheless potential costs that must be paid or donated. They are also opportunity costs in the sense that the resources provided are diverted from other potential uses.

In terms of costs, the most important missing piece is the cost of additional *traditional* court staff needed to support the innovative features of the Court and to compensate for lost economies of scale in a satellite location. It was not possible to allocate personnel costs between traditional and innovative functions. However, some alternative cost estimates were prepared using different assumptions about how much of the funding provided by the Unified Court

System was for non-traditional purposes. This resulted in a ranged of estimated add-on costs of between \$1,854,000 and \$2,210,000 (see Appendix 8.3). The high and medium estimates produced additional cost per arraignment estimates of \$150 and 126, respectively. None of the estimates include the costs experienced by the NYPD and other criminal justice agencies to compensate for lost economies of scale at the Midtown Court. Nor do they include the value of in-kind subsidies represented by staff from private and public agencies located in the Court building.

In terms of benefits, only certain criminal justice system cost savings and the value of community service work could be given estimated dollar values. The low estimate was \$1,270,000 annually and the high estimate was \$1,418,000. The bulk of the benefits identified by key informants in the criminal justice, residential, and business communities and by the evaluators could not be assigned dollar values. The value that Midtown Manhattan residents placed on the presumed improved quality of life could not be established. Even if it had been established, the Court's effect was as a multiplier, enhancing the value of the numerous other efforts to revitalize the Times Square area, which efforts in turn contributed to the successes of the Midtown Court.

Our ambitions for this chapter were modest: to identify the kinds of costs and benefits associated with a community court on the Midtown model and to place some broad parameters around the magnitude of those costs and benefits. The evidence presented in this chapter is insufficient to determine whether the value of benefits exceeded costs during the demonstration period of the Midtown Community Court. There are only rough indicators available. Although the estimated measurable annual cost savings to the Manhattan criminal justice system was equivalent to two-thirds of the estimated "add-on" costs, there are gaps in our ability to delineate the "add-on" costs of the Midtown Court. There are even larger gaps in our ability to estimate the dollar value of both tangible and intangible benefits of the Court. A conclusion about the net balance between overall costs and overall benefits therefore would take us from the realm of estimation into that of speculation.

The experience of estimating the Midtown Court's costs and benefits allows us to conclude this report with some lessons that other jurisdictions contemplating a community court project should heed. The fundamental lesson is that the collection and analysis of data on costs

and benefits should be integrated into the operations of the new court. Post-hoc estimates of costs and benefits will be incomplete and inconclusive. Eight specific lessons follow:

Lesson One: Community courts have complex funding arrangements. Community courts mix public and private funding sources. Further, resources provided to community courts mix capital (as in the Midtown Court's computer hardware) and staffing (as in the hardware manufacturers loan of programmers to develop the Midtown Court's information system). It proved difficult to disentangle the sources of funds and in-kind support retrospectively for the Midtown Community Court.

Lessons Two: Much of the cost of operating a community court is borne outside the court system. Funding for a community court is complicated because significant costs are external to the court, absorbed by criminal justice agencies and public and private service providers. For example, the costs of diagnosis and treatment may be covered by the budgets of agencies, public and private, that locate staff in the court. Similarly, the operation of a community court may require that outside agencies to change practice (e.g., the pre-trial services expanded the interview protocols to meet the needs of the Midtown Court).

Lesson Three: In practice, it is difficult to distinguish the proportion of staff time devoted to innovative from that applied to traditional, court functions. Community courts are established by redesigning an existing calendar or docket of a trial court. Staff costs represent the largest component of a court's budget. Research on costs and benefits requires a methodology for dividing staff costs between new and traditional staff roles at the start of the evaluation.

Lesson Four: The development of a community court often coincides with or is a component to a major redevelopment strategy. The Midtown Court experience highlights the synergy among the various forces for change, each adding to the value of the other's contribution. As a result, the credit for improvements to local conditions cannot be attributed to a particular institution or program. Consideration was given to using Delphi techniques to establish a consensus among knowledgeable observers of the Midtown scene as to the relative contribution of the Midtown Court. The likelihood of producing meaningful estimates using such methods, however, was thought to be too low to make it worthwhile.

Lesson Five: The fundamental reason for establishing a community court is to improve the quality of life for the residential, institutional, and business communities.

Estimating changes in the quality of life necessarily entails consideration of non-tangible outcomes. The Midtown Court evaluation incorporated techniques from the field of environmental economics (contingent valuation) in the effort to put a dollar figure on non-tangible costs and benefits. The results were sufficiently promising to suggest further exploration of methodologies for estimating non-tangible outcomes of community courts.

Lesson Six: Public satisfaction with innovative features of community courts in the abstract is not sufficient evidence for assessing the balance between costs and benefits in the public mind. In the Midtown Court evaluation, as well as other studies (e.g., Yankelovich et al., 1978; Tyler, 2001), people generally supportive of court reform may not be willing to pay for it. Research should employ a set of questions that make explicit the additional or diverted tax revenue that will be needed to establish levels of support for specific reforms.

Lesson Seven: Cost-benefit or cost-effectiveness studies of community courts are likely to have limited generalizability. Community courts share some core elements but vary in the scale of their activities, the extent to which they are self-contained, the array of resources that are available to defendants, and caseload composition. The Midtown Community Court is self-contained (with a dedicated court building), located in an environment rich in treatment and other types of resources, and has a caseload strongly influenced by local law enforcement policies and the way the New York criminal code treats quality-of-life misdemeanors.

Lesson Eight: Although community courts are diverse, this report is able to propose a basic approach to analyzing cost and benefit issues in such courts and to identify the major cost centers and potential benefits that should be anticipated. This chapter offers a framework that future evaluations of community courts can employ and refine.

Chapter Nine

Conclusion

I. Introduction

This report was designed to present a broad overview of the impacts of the Midtown Community Court and a conservative estimate of the tangible benefits associated with those impacts. It builds upon previous research that examined the Court's impacts on case outcomes, court processing, community service compliance rates, community conditions and community attitudes over the first 18 months.

This chapter reviews findings from the research components described in previous chapters. It examines three primary topics, including:

- *The project's ability to sustain preliminary impacts:* a three-year overview of impacts on case outcomes, compliance rates, community conditions and community attitudes;
- *Additional impacts:* findings about the project's effects on jail time, recidivism rates; and the attitudes of a random sample of community residents toward the project; and
- *Costs and benefits:* a review of the additional costs associated with operating the Court, the estimated value of selected project benefits and alternative methods for assessing the project's cost-effectiveness.

Research staff estimated both the frequency of jail sentences at Downtown arraignment for the four most jail-bound charges at the Midtown Court and the number of jail-days produced by those sentences. It was estimated that 18 percent of defendants would have received jail sentences Downtown for a total of 78,920 jail days. This was roughly double the percent who actually received jail sentences at Midtown for these charges (9% for a total of 51,937 jail days). This represents an estimated reduction of roughly 27,000 jail days -- roughly 74 years of jail time.

The chapter also considers the relevance of findings about the impacts, costs and benefits of the Midtown Court for jurisdictions around the nation that are developing community courts based on the Midtown model.

II. Sustaining Preliminary Impacts

As noted in the first phase of this research, project planners anticipated that the Court would have impacts in four primary areas: case outcomes, compliance with intermediate sanctions, community conditions and community attitudes. The analysis of preliminary impacts showed that, in its first 18 months, the Court had substantial effects in all four areas. Preliminary

research also examined the project's effects on other key aspects of case processing that were associated with system costs -- arrest-to-arraignment time and the frequency of dispositions at arraignment.

Continuing comparison of the Midtown and Downtown courts in the second phase of the research revealed that early impacts on arrest-to-arraignment time, case outcomes and community service compliance rates were sustained over three years. In addition, by the third year, the Midtown Court produced a higher rate of dispositions at arraignment for comparable cases than the Downtown court -- an impact that developed after the first phase of the research.

The magnitude of some preliminary impacts diminished over time, as procedures and outcomes at the Downtown court -- the frequency of intermediate sanctions, community service compliance rates -- moved closer to those at Midtown. Nevertheless, differences between the two courts in sentence outcomes and in community service compliance remained large.

A. Case outcomes and case processing¹

1. *Case Outcomes.* A central objective of the Court was to move sentencing for low-level offenses into the middle ranges, between "walks" (e.g., sentences of 'time served' and conditional discharge, with no condition imposed) and jail. The Phase 2 review of aggregate data suggests that the preliminary impacts on sentence outcomes at the Midtown Court identified in the first phase of the research -- an increase in intermediate sanctions, marked reductions in the frequency of "time served" sentences and reductions in the frequency of jail for some charges -- were sustained throughout the three-year demonstration period. Specifically, community service sentences were at least twice as frequent at Midtown than Downtown²; sentences of 'time served' were far more common Downtown (ranging from six times as frequent for unlicensed vending to forty times as frequent for prostitution); and jail sentences were roughly twice as common

¹ Although the methods used to review differences in case outcomes at the two courts in Phase 2 research were not as rigorous as the multivariate analysis conducted in the first phase, the data are sufficient to address the primary question at hand: Were there notable changes in case outcomes at either the Midtown or Downtown courts over the three-year demonstration period?

² This pattern was evident for all charges except drug cases, where the Midtown Court relied more heavily on social service sanctions than community service sanctions; data on the frequency of social service sentences at the Downtown court are not available.

Downtown for all charges.³

Research found relatively minor variation in case outcomes at Midtown over three years. Yet there were several substantial changes Downtown from Year 1 to Year 3 -- a decrease in “time served” sentences for prostitution (from 53% to 34%); an increase in community service sentences for prostitution (from 20% in Year 1 to 37% in Year 3) and unlicensed vending (from 21% to 43%); and a sharp reduction in fine use for unlicensed vending (from 27% to 4%).

The changes in some case outcomes Downtown -- particularly the increased use of community service sentences for prostitution and unlicensed vending -- brought the Downtown court somewhat closer to the Midtown model. According to some system observers, these changes Downtown represent a “feedback” effect -- an increasing acceptance of some aspects of the Midtown model. In spite of these changes, differences between the two courts in the frequency of jail sentences, community service sentences and sentences of “time served” remained large.

Primary jail sentences. A separate Phase 2 analysis estimated the Court’s impact on jail-days, taking into account both the reduced frequency and increased duration of jail sentences at Midtown. A review of aggregate data on jail sentences at arraignment at the two courts demonstrated that Phase 1 differences were largely sustained over three years. That review also suggested that the reduction in jail frequency at Midtown produced a substantial reduction in jail-sentence days, in spite of the longer average duration of Midtown sentences. The estimated likelihood of jail sentences at Downtown arraignment for the four most jail-bound charges at the Midtown Court was 18 percent for a total of 78,920 sentenced jail-days -- roughly double the Midtown rate for the same charges (9%) for a total of 51,937 sentenced jail-days. This represents a reduction of roughly 27,000 jail-days -- roughly 74 years of jail time.

2. Arrest-to-Arraignment Time. The first phase of research demonstrated that the Midtown Court moved cases from arrest to arraignment markedly faster than the Downtown court. Although some suggested that Midtown’s relatively “easy to arraign” caseload accounted for this difference, others pointed out that less complicated cases Downtown (e.g., prostitution)

³ The first phase of the research showed that aggregate differences in jail frequency for some charges (e.g., drug cases, unlicensed vending cases) were explained by underlying differences in caseload composition (e.g., the percent of DATs). Multivariate analysis pointed to significant differences in jail frequency for shoplifting, prostitution and turnstile jumping.

were just as likely to be detained for long periods between arrest and arraignment as more complicated cases. Over the Court's first three years, arrest-to-arraignment time was consistently lower than at the Downtown court, averaging 18.9 hours compared to 29.2 for a comparable period -- a system cost-saving. Informed observers report that, shortly after the demonstration period, improvements in the delivery of electronic "rap sheets" to the Downtown court sped up the arrest-to-arraignment process Downtown, dramatically reducing differences between the two courts.

3. *Disposition Rates at Arraignment.* Preliminary research also examined the hypothesis that extensive 'forum shopping' would increase the frequency of adjournments at arraignment, thereby escalating system costs. Phase 1 research showed that there was no significant difference in the frequency of adjournments at the Midtown and Downtown courts, after controlling for differences in charge type, arrest type and precinct of arrest. Yet prostitution and unlicensed vending cases had lower arraignment disposition rates at Midtown than Downtown -- a difference that system insiders attributed to "forum shopping."

The Phase 2 review demonstrated that the extent of "forum shopping" for prostitution and unlicensed vending cases at the Midtown Court diminished over time. By Year 3, overall arraignment disposition rates for the types of cases heard at the Midtown Court were higher at Midtown than Downtown -- a system-cost saving. Estimates based on data from the two courts, broken down by both charge and arrest type, suggested that the Midtown Court produced 952 more dispositions at arraignment than the Downtown court over three years. Analysis pointed to an increase in the frequency of arraignment dispositions for summary arrests, but not for DATs. Much of the estimated net increase in arraignment dispositions occurred in the Court's third year.

B. Compliance with Alternative Sanctions. The first phase of the research showed that aggregate community service compliance at Midtown was markedly higher than Downtown (roughly 75 percent compared to roughly 50 percent), although the research was unable to control for underlying differences between the courts in case and defendant characteristics. Project staff offered several explanations for this difference. Before Midtown opened, roughly 20 percent of defendants sentenced to community service Downtown left court without reporting to the scheduling office. In contrast, at Midtown, court officers escorted defendants directly to the scheduling floor. In addition, the majority of Midtown community service participants were

scheduled to begin within a week of sentencing -- substantially faster than Downtown. Project staff also cited ready access to information about non-compliance and the rapid issuing of warrants as factors that demonstrated that "the Court meant business."

The second phase of the research again reviewed aggregate community service compliance rates at the two courts. Over three years, aggregate compliance rates at the Downtown court improved somewhat (Year 3 rate: 56%) while dropping marginally at Midtown (Year 3 rate: 73%). Multivariate analysis of Midtown data demonstrated that a reduction in aggregate compliance rates at Midtown in Year 3 reflected a change in caseload composition -- specifically an increase in the percent of cases involving summary arrests.⁴ Available data did not permit similar analysis of factors associated with improved compliance rates Downtown.⁵ Although the difference in aggregate community service compliance rates at the two courts narrowed a bit over the demonstration period, it remained substantial.

C. Community Conditions. In Phase 1, ethnographic observations of local 'hot spots', interviews with offenders, analysis of arrest data, along with focus group and individual interviews with local police, community leaders and residents, pointed to substantial reductions in concentrations of prostitution and unlicensed vending in Midtown early on. In addition, community members reported a marked reduction in graffiti along Ninth Avenue, the commercial strip that serves the residential community.

In addition to the Court, several factors converged to produce a general improvement in neighborhood conditions -- increased police enforcement, clean-up crews provided by Business Improvement Districts, the redevelopment of the Times Square Area and general economic development in Midtown as a whole. The Court's "attentive publics" saw it as one of several, mutually supportive contributors to the marked improvement in quality-of-life conditions in the Midtown area. Respondents suggested that the Midtown Court contributed to these improvements by imposing lengthy community service sentences on repeat offenders, thereby increasing the costs of 'doing business' in Midtown; by assigning community service crews to

⁴ Defendants with summary arrests have significantly lower community service compliance rates than those with DATs.

⁵ Much of the improvement in compliance rates Downtown stemmed from a reduction in the frequency with which defendants failed to report to the scheduling office (down from 20% in 1993 to 10% in 1996).

clean up local eyesores; and, in some instances, by providing help to defendants who were ready to change their lifestyles.

In Phase 2, continued ethnographic observations and interviews, supplemented by arrest data and panel interviews with community leaders, pointed to a continuing influence on quality-of-life conditions over the three-year demonstration period. Prostitution markets were reduced further in the Court's second and third years. Although observations suggested that reductions in unlicensed vending markets were sustained through 1996, observers reported a resurgence in unlicensed vending activity on Midtown streets shortly after the demonstration period ended.

Informed observers report that there was substantial synergy between the Court's efforts to address local quality-of-life problems and other neighborhood initiatives -- police efforts, BIDs, the redevelopment of Times Square. Although it is impossible to tease out the relative strength of various contributions to changes in community conditions, the Midtown Court was an acknowledged component of a nationally-recognized, dramatic transformation of Midtown Manhattan over the three-year demonstration period.

D. Community Attitudes. Over the project's first four years, research staff repeatedly interviewed a group of project stakeholders representing Midtown's residential and business communities as well as criminal justice personnel that worked in partnership with the court. Within this group, there was general agreement that the Midtown Court had contributed to dramatic improvements in the neighborhoods surrounding the Court. There was broad consensus that the primary quality-of-life problems of the Midtown area, particularly prostitution, had been dealt with successfully and that the priority problems of the neighborhood had shifted from quality-of-life problems to other issues, including the delivery of public services. There was recognition that early skepticism about broad-scale community service sentencing had been unwarranted. Some respondents reported that the project had also promoted positive change in court functions beyond Midtown, including feedback effects on case outcomes at Downtown arraignment; and the development of specialized court projects, drawing upon the Midtown model, in local centralized courts.

Local stakeholders also voiced several concerns. Some concerns related to the role of the community as project partner and project advisor. Respondents saw a need for greater community outreach to "get through" to a broader population and increased resident participation

on the project's advisory board. Other concerns were related to costs imposed on project partners, including costs associated with supervising community service crews, implementing specialized technology and decentralizing staff assignments.

There was a general recognition of the benefits associated with the project including neighborhood revitalization; impacts on the broader court system; and system efficiencies. Yet respondents acknowledged the difficulty of parceling out the value of the Midtown Court's contribution to neighborhood improvements resulting from a complex synergy among various simultaneous efforts to improve community conditions in Midtown Manhattan

III. Additional Impacts

Phase 2 research also examined the Court's influence on the frequency of secondary jail; on recidivism rates for prostitutes and for defendants participating in mandatory case management/drug treatment; and on attitudes toward the Court among a random sample of community residents.

A. Secondary Jail. Previous research on criminal justice interventions (e.g., alternative-to-incarceration programs, intensive supervision probation) has examined the impact of intermediate sanctions and enhanced monitoring on the frequency of jail sentences imposed in response to non-compliance with court and/or probation orders. Given the Midtown Court's dual emphasis on increasing the frequency of intermediate sanctions and on rigorous compliance monitoring, it was important that the research explore the project's effects on "secondary" jail sentences -- typically, sentences imposed in response to non-compliance with intermediate sanctions.⁶

Analysis showed that secondary jail sentences *overall* were more common for cases originally sentenced at Midtown (11%) than for cases sentenced Downtown (3%) for the four most jail-bound charges at the Midtown Court.⁷ In a narrower analysis of differences in the

⁶ This task proved more difficult than anticipated. Although the Midtown database provided information about secondary jail sentences imposed for all cases docketed at the Midtown court, the research databases that document other New York City court outcomes, maintained by UCS and CJA, do not extend beyond the first disposition and sentence. To examine the secondary jail issue, therefore, research staff compared cases sentenced at Midtown to other cases, originally docketed at Midtown, but ultimately sentenced Downtown.

⁷ The broad analysis of differences in secondary jail sentences included *all* cases that did not originally receive a primary jail sentence. At Midtown, this included many social service sanctions -- intermediate sanctions that were not widely available Downtown.

frequency of secondary jail, focused solely on cases that received community service sentences, the difference between the two courts was considerably smaller (Midtown, 11%; Downtown, 7%).⁸ In both analyses, differences between the two courts in the frequency of secondary jail were particularly strong for prostitution and drug charges.

Although defendants whose cases were first sentenced at Midtown received more 'secondary' jail time than they would have if the first sentence had been handed out Downtown, analysis showed that 'primary' jail savings, particularly for petit larceny cases, more than offset the added costs of 'secondary' jail. After accounting for the greater use of secondary jail at the Midtown Court, the net jail saving of the project over three years was reduced from roughly 27,000 jail days to roughly 12,600 jail-days -- or approximately 35 jail-years.

The secondary jail analysis suggests that the expanded use of intermediate sanctions and tightened accountability mechanisms -- seen as a system benefit -- have the capacity to increase the frequency of secondary jail (a system cost). For charges where the likelihood of primary jail is relatively low (e.g., prostitution), secondary jail costs can exceed the primary jail savings produced by an increased use of intermediate sanctions. For charges like petit larceny, where both the likelihood and length of jail sentences is relatively high, the increased use of intermediate sanctions can produce substantial reductions in jail time even after accounting for increases in secondary jail sentences.

B. Prostitution: Declining Arrest Frequency and Shrinking Markets. Given the visible reduction in Midtown prostitution markets and the marked decline in the frequency of Manhattan prostitution arrests, it was hypothesized that recidivism rates for prostitutes who passed through the Midtown Court might have fallen. Several steps were taken to examine the Court's effect on the recidivism of prostitutes and prostitution markets, including:

- Pre-post analyses of differences in arrest frequency (controlling for time at risk) for a baseline Downtown sample and a Midtown sample of prostitutes;
- Analysis of differences in time to rearrest (survival analysis) for the two prostitution samples;
- Review of changes in the frequency of arrests in Midtown's target area over time; and

⁸ Because information about social service sanctions at the Downtown court is not recorded, research staff were unable to compare differences in the frequency of secondary jail for such sanctions.

- Review of UCS data documenting the annual number of individual prostitutes arrested in Manhattan from 1990 through 1996 and their annual number of arrests.

Together, these analyses demonstrated that the reduction in prostitution arrests in New York City reflected *both* declining individual arrest rates and a reduction in the number of street-prostitutes arrested in Manhattan.

Analyses of recidivism rates found significant differences between the Downtown baseline prostitution sample and the Midtown prostitution sample. For the baseline sample, the annual arrest rate rose from 11.1 to 13.1 arrests per year in the year after the instant arrest (an 18% increase), while for the Midtown sample, average annual arrest rates declined from 7.9 arrests per year before the instant arrest to 7.1 arrests per year (a 10% reduction following the Court's opening).⁹ Other more rigorous statistical analyses that gauge the differences between the samples for time to failure (first arrest after the instant arrest) also indicate that the Midtown sample fared better.

Members of both prostitution samples participated in prostitution markets that changed dramatically over time. The reduction in arrest frequency after the Court opened was observed in both samples. In the years before the Midtown Court opened, annual arrest rates for both samples ran high and held relatively steady. Between 1993 and 1995, annual arrest rates for the combined prostitution sample fell 56%.¹⁰ Analysis suggests that both the Baseline and Midtown samples were equally affected by historical changes in the nature of Manhattan prostitution markets concurrent with the opening of the Midtown Court.

Taken together, the recidivism data, the Midtown Court caseload data and the UCS data suggest that by the third full year of the Midtown Court's operation (1996), the population of prostitution arrestees in Manhattan was markedly younger and less involved in the criminal justice system than it had been before the Midtown Court began operations. Moreover, the data portray a street prostitution market with fewer individuals (according to UCS data) offending with less frequency (according to recidivism and UCS data). These factors were behind a decline in the aggregate number of prostitution-related arrests in Manhattan.

⁹ The Downtown sample was arraigned in the year before Midtown opened. Although the average annual arrest rates for the three years before the instant arrest were lower for the Midtown sample (Downtown; 11.1; Midtown, 7.9), these differences were not statistically significant.

Data from ethnographic observations and individual interviews further suggest that changes in Midtown prostitution markets spring from individual changes in the frequency of street prostitution. Respondents reported that, in combination with increased enforcement activity, Midtown's alternative sanctioning – including multiple-day community service sentences – put a strain on their “work” schedules and, as a result, diminished their income. This impact on individuals, in turn, negatively affected street prostitution markets in Manhattan. Established prostitution “tracks” (or “strolls”) saw less activity (and in many cases, disappeared entirely), which made it more difficult for prostitutes and would-be customers to make transactions. In this diminished market, a decline in the number of potential customers resulted in depressed prices for sex acts and, in turn, falling incomes for prostitutes. In this difficult working environment, individuals resorted to a number of different tactics to avoid arrest (and the sanctions at the Midtown Court). While it is difficult to discern precisely the Court's role in this population's transformation, one effect is evident: chronic recidivist prostitutes began either retiring, changing patterns of work or moving elsewhere (e.g., indoors, to another city).

C. Recidivism Rates for Participants in Mandatory Case Management/Drug Treatment.

Research staff conducted two separate recidivism analyses to examine the effects of participation in the mandatory case management/drug treatment at the Midtown Court (an option designed as a jail alternative that was not typically available Downtown). Initially, researchers examined reoffending rates for those in long-term case management in the Court's first year. However, the number of cases – and the proportion of completers – in the Year One sample were too small to support definitive conclusions.¹¹ For this reason, the initial recidivism analysis was supplemented with a second one, which examined the reoffending of those who completed long-term case management in the first three years of Court operation; this second analysis provides information about the Court's impact on those who received a significant “dose” of treatment.

First-year sample. For the first year sample, there was little difference in baseline and

¹⁰ Roughly a third of the baseline sample had cases at the Midtown Court during their follow-up year.

¹¹ Completion and retention rates for participants in mandatory treatment/case management at the Midtown Court are below those found in local felony drug courts where participants typically have less extensive criminal histories and face lengthier sentences if they fail. System insiders attribute the relatively low completion rates for the program (roughly 30% over three years) to both the high-risk nature of the jail-bound population in a New York City misdemeanor court and the relatively limited coercive power available to the Court for low-level cases.

follow-up annual arrest rates overall. Yet the large majority of first-year participants did not complete the program. For the small number of participants who completed their treatment mandate, annual arrest rates were lower (baseline arrest frequency, 2.5: follow-up arrest frequency, .8). Arrest rates also fell for participants (completers or not) who spent over 90 days in treatment (baseline arrest frequency, 3: follow-up arrest frequency, 1.1).

Sample of program completers. Over three years, the number and percent of participants who completed treatment mandates at the Court increased considerably, providing a sufficiently large number of cases for analysis. The three-year sample of program completers demonstrated a marked reduction in annual arrest frequency (baseline arrest frequency, 2: follow-up arrest frequency, 1). Additional analyses confirmed the hypothesis that longer stays in treatment/case management are associated with lower rates of rearrest. The reduction in annual arrest rates was confined to the group that completed over 90 days of treatment (baseline rate, 2.3; follow-up rate, 0.9).

Interviews with long-term “success stories” and project staff support the conclusion that the Midtown Court is capable of facilitating improvements in drug addicted offenders’ lives. Some respondents reported that they would not have had the opportunity or the incentive to enter treatment absent the Court.

Yet, without a valid comparison group it is difficult to determine whether participants who completed over 90 days of treatment might have fared as well or accessed treatment services independent of the Court. Although it is clear that a significant “dose” of treatment is associated with a reduction in annual arrest rates, more rigorous research is required to examine whether the improvement in arrest rates for program completers stemmed from the court-mandated treatment program.

D. Resident Perceptions. A random survey of 562 Midtown residents, conducted in the spring of 1998, examined residents’ perceptions of neighborhood quality of life; personal safety; awareness of the Midtown Community Court; perceived importance of the Court’s components; perceptions about the relationship between the costs and benefits of a community court; and resident’s willingness to pay additional tax dollars or reallocate existing tax dollars for such a court. Conducted four and a half years after the court opened, the survey found high levels of satisfaction with the Midtown neighborhood (92%). In addition, the majority of residents (57%)

believed that the neighborhood had grown safer in the past year. Residents defined the primary quality-of-life problems in the neighborhood at that time as involving trash, panhandling and public drug consumption; prostitution and unlicensed vending were relatively low on the list.

Although familiarity with the Midtown Court was low (20%), over half of the respondents saw the following components of the project as very important: neighborhood location; increased judicial access to information to support decision-making; close monitoring of community service compliance; community service sentencing; and defendant access to treatment/services.

Based on a description of the Court's core components and of the additional cost per case added by the project, 24 percent of respondents said that the benefits of the Court outweighed its costs; 51 percent said its benefits equaled its costs; and 25 percent said its costs outweighed its benefits. The more satisfied respondents were with their neighborhoods, the more likely they were to answer that the benefits of the Court outweigh or equal its costs.

The survey also explored whether residents would be either willing to pay additional taxes or to have tax dollars reallocated to support a community court. The majority of respondents (64%) reported that they were willing to pay additional taxes; 74% reported that they were willing to have tax dollars reallocated. Willingness to pay additional taxes was negatively related to how much extra respondents were asked to pay; willingness to have tax dollars reallocated was not related to the amount to be reallocated. Multivariate analysis of willingness to pay demonstrated that it was influenced by respondents' income, gender, the amount they were asked to pay, their length of residence in the neighborhood and the perceived importance of improved accountability at the Court.

Overall, the survey demonstrated that local respondents saw the benefits of the Midtown Court as equal to or greater than its costs and supported public funding for comparable courts. Yet the survey analysis could not identify which specific components of the Court apart from a modest influence from increased accountability that motivated the public to support the overall concept. The public felt that the specific innovative features of the Court were important. However, a strong belief that those features was important did not make it more likely that residents would be willing to pay additional taxes to receive the benefit of those features. Instead, the primary influence on residents' willingness to pay was the amount of additional tax

involved.

IV. Cost and Benefits

A. Perspective on Costs and Benefits. The second phase of the evaluation included a study of the costs and benefits associated with the Midtown Community Court over the three-year demonstration period. The primary objectives of the study were to be comprehensive in identifying what kinds of costs and benefits should be taken into consideration and to be conservative in assigning a dollar value to particular costs or benefits. The point of view adopted for the study was that of societal costs and benefits. A full replication of the Midtown Court model would need to secure the same level of staffing, building space and other resources. From a societal perspective the services and staffing made available to the Midtown Court by private and public agencies are treated as costs. The rationale is that those resources could have been used for other purposes. In other words, there was an opportunity cost in applying those resources to the Midtown Court. The Court demonstrated the ability of court planners to shift those costs to public and private agencies through in-kind donation and other subsidies, a process other community courts will need to emulate.

B. Cost Issues and Estimates. The analysis considered two main costs. The first kind of cost was the add-on costs needed to fund and support the innovative features of the Midtown Court. Four kinds of "add-on" costs were considered and their dollar value estimated. These included measurable add-on costs – personnel, equipment, non-personnel related overhead, and capital costs. Most of the extra costs support either a larger contingent of traditional courtroom staff or new staff positions created by the planners of the Midtown Court. The second kind of cost was through lost economies of scale to the court system and other criminal justice agencies needed to operate a satellite arraignment part in Manhattan. It was not possible to measure that form of additional cost, which included lost economies of scale for the Manhattan criminal justice system, opportunity costs, and other costs. It was not possible to allocate traditional court staff costs between traditional and innovative functions. However, some alternative cost estimates were prepared using different assumptions about how much of the funding provided by the Unified Court System served non-traditional purposes.

This resulted in a range of estimated annual add-on costs of between \$1,854,000 and \$2,210,000, which correspond to additional costs per arraignment of \$126 and \$150,

respectively (see Appendix 8.3). None of these estimates include the costs experienced by the NYPD and other criminal justice agencies to compensate for lost economies of scale at the Midtown Court. Nor do they include the value of in-kind subsidies represented by staff from private and public agencies located in the Court building.

C. Benefit Issues and Estimates. The analysis considered two main benefits. The first kind of benefit was tangible. Tangible benefits included cost savings to the criminal justice system through shortened arrest to arraignment time, reduced use of jail space, and other system savings. The estimated tangible benefits also included the value of the clean-up work performed by community service work crews in the Midtown area. The second kind of benefit was intangible. Such benefits included improvements to the quality of life of Midtown residents during the demonstration period, economies of scale *achieved* in the delivery of services and treatment to high-risk populations (such as the homeless and substance abusers), demonstration of effective court practices and technologies, a contribution to the redevelopment of Times Square, and enhanced quality of judicial decision-making in sentencing.

In terms of tangible benefits, only certain criminal justice system cost savings and the value of community service work could be given estimated dollar values. The low estimate was \$1,153,000 annually and the high estimate was \$1,236,000. The bulk of the benefits identified by key informants in the criminal justice, residential, and business communities, and by the evaluators could not be assigned dollar values. Specifically, the value that Midtown Manhattan residents placed on the presumed improved quality of life could not be established. Even if it had been established, the Court's effect was as a multiplier, enhancing the value of the numerous other efforts to revitalize the Times Square area, which efforts in turn contributed to the successes of the Midtown Court.

The value of the demonstration effects of the Midtown Court is of particular relevance in this final chapter: The Court served as a "laboratory" for testing new procedures and practices. Since the Court opened, several of the features, initially tested at the Midtown Community Court, have been adapted by other courts in New York State and elsewhere, as described below:

- *Resource coordinator role.* The resource coordinator role, pioneered at Midtown, is now an official title in the New York State court system. Resource coordinators are an accepted part of the drug courts, domestic violence courts and family treatment courts that have begun operating throughout New York State in recent years. They also play a key role in the growing number of community courts being developed locally and nationally.
- *Customized technology.* The computer system developed for the Midtown Community Court served as the model for a customized technology application developed for the Brooklyn Treatment Court and subsequently adapted to drug treatment courts in New York and other states. That model, in turn, served as the prototype for customized technology for domestic violence courts, being implemented in several New York courts.
- *On-site services.* The effort to bring social services into the courthouse itself has been adapted by some drug treatment courts in centralized settings and in new community courts.

D. The Bottom-Line. Our ambitions for the study of costs and benefits were modest: to identify the kinds of costs and benefits associated with a community court on the Midtown model and to place some broad parameters around the magnitude of those costs and benefits. The evidence and methods available to us could not determine with precision whether the value of benefits exceeded costs during the demonstration period of the Midtown Community Court. There were two rough indicators available, however. Although the estimated measurable annual cost savings to the Manhattan criminal justice system was equivalent to two-thirds of the estimated "add-on" costs, there are gaps in our ability delineate the add-on costs of the Midtown Court. There are even bigger gaps in our ability to estimate the dollar value of both tangible and intangible benefits of the Court. It is likely that the dollar value of unmeasured benefits (e.g., improved quality of life in Midtown; reduced recidivism for those who complete drug treatment) is greater than the dollar value of unmeasured "add-on" costs (e.g., lost economies of scale in criminal justice agencies; larger than typical staffing levels).

V. **Relevance of Research Findings to Other Jurisdictions**

A. Evolving Concept. In spite of substantial initial skepticism among some branches of the local criminal justice system (prosecutors, local police), the Midtown Community Court demonstrated an ability to implement the core components of its vision early on. Over the past six years, the Court has survived several generations of staff change with relatively little change in case outcomes, compliance rates or accountability procedures. There have been three judges, two project coordinators and two chief clerks -- each of whom contributed new ideas, enabling the project to grow and change with the times. This experience suggests that the project's early

impacts, documented in the first phase of the research, were not dependent upon the small group of people who initially planned and implemented the project.

Over the post-demonstration period, the Midtown Court has continued to evolve in response to changing community conditions. Some of the initial problems addressed by the court (e.g., prostitution) diminished in perceived importance. Since then, the Court has developed the ability to address new problems that come before it. A Street Outreach Team pairs court-based social workers with local police to go out to local hot spots to encourage local street-people to take advantage of the services available at the courthouse. A court-based job-training program is available on-site for those who choose to take advantage of it. Court-based mediation staff have convened facilitated dialogues to address local hot spots and eyesores. And the Court's caseload has evolved to include summonsable offenses and local small claims matters as well as low-level crime. The Midtown Court continues to generate new lessons for other jurisdictions interested in the community court concept.

B. Community Courts: The Second Generation. In recent years, a second generation of community courts, influenced by the initial Midtown Court model, has been springing up around the nation. By the end of 1999, community courts were operating in six cities -- Austin TX; Hartford CT; Hempstead, NY; Portland, OR; Minneapolis, MN; and West Palm Beach FL -- and over a dozen projects were either about to open or well past the early stages of planning.

Although the community courts taking shape around the country draw heavily upon the Midtown model, they each have unique features developed in response to local problems or adapted to local operational issues. Some, like the Midtown Court, address the problems of central business districts; others target high-risk inner-city neighborhoods. Although many are neighborhood-based, some smaller jurisdictions have established community-focused courts, serving multiple neighborhoods, in a centralized setting. Some, in high-volume jurisdictions, carry a full docket; others operate a day or two a week. Some have benefited from a newly designed courthouse, housing an array of on-site services; others have adapted the model to a traditional courthouse setting or have found existing space in target neighborhoods to house a part-time court. Several have built customized technology to expand the information available to support decision-making and to promote rigorous monitoring of compliance with court mandates.

And several are taking a multi-jurisdictional approach to community problem-solving,

combining environmental hearings, nuisance abatement, housing court matters and/or family court matters with a traditional criminal court docket.

In spite of this diversity, community courts share several core components. All of them employ a “problem-solving” approach to community problems. They are committed to developing more constructive responses to low-level offenses that traditionally receive little court attention. They all use community service as a restorative tool designed to “pay back” neighborhoods victimized by crime. They all rely on partnerships with local social service providers to help address the underlying problems of defendants and community members. And they all have links to community groups to aid in the process of identifying and responding to the priority problems of target neighborhoods.

In addition, most have appointed a dedicated project coordinator who is responsible for community outreach and community partnerships (e.g., community advisory groups, community newsletters). And most follow Midtown in stressing the importance of immediacy in scheduling community service assignments or linking offenders to services.

The community court projects being developed around the country also face a common challenge: how to secure the resources necessary to develop alternative ways of doing business. Some, like the Midtown Court, have been able to generate private support for selected components of the project (e.g., building renovation, project coordination); such support is most common in “central city” jurisdictions. Others have used a mix of federal funds (e.g., Weed and Seed funding; grants from the Bureau of Justice Assistance; Local Law Enforcement Block Grants) and local funds (city or state allocations) to support selected components of the project. Most, like the Midtown Court, have made intensive efforts to leverage in-kind assistance from community-based and city agencies in their efforts to deliver social services and to supervise community restitution projects. They have also, on occasion, leveraged in-kind support from local universities for community surveys, identifying priority problems, offender surveys, caseload analyses, operational research and evaluation.

The second generation of community courts is beginning to demonstrate that the model can be implemented in other jurisdictions in ways that do not unduly tax local coffers. Although community courts are complex collaborative efforts that require careful planning, the costs of implementation -- given a strong capacity to leverage local resources -- need not be prohibitive.

C. Relevance of the Research to New Community Courts. For jurisdictions attempting to adapt the community court model to local circumstances, the Midtown Community Court represents a significant departure from traditional ways of organizing misdemeanor courts. It springs from a recognition that 1) traditional misdemeanor courts in large urban jurisdictions rarely take low-level crime seriously and 2) offenders and community members alike see few consequences for non-compliance with court orders.

The Midtown Court introduced a renewed emphasis on accountability, warrant enforcement and the capacity to provide a meaningful response to low-level offenses. It attempted to make the court an effective participant in responding to low-level crime by emphasizing the need for a rational sentencing policy, based on expanded information about prior compliance with intermediate sanctions, and an increased capacity to address underlying causes of recidivism for some high-rate offenders. Like the growing number of drug courts around the country, it demonstrated that courts could build meaningful partnerships with social service providers and community organizations. Overall, project operating procedures strengthen the likelihood that orders will be obeyed and that defendant behavior will change.

In their effort to justify the additional expenses entailed by the model (for example, staffing for project and resource coordination), new community courts need to consider which of the benefits reviewed above are most applicable to their jurisdictions. Benefits are likely to vary from jurisdiction to jurisdiction, depending upon the specific problems addressed by the project as discussed below:

- *Promoting system efficiencies.* Community courts may address specific systemic problems of individual jurisdictions. In Midtown Manhattan, there was an emphasis upon reducing arrest-to-arraignment time and increasing the speed of dispositions. Jurisdictions that develop strategic responses to local system inefficiencies have the capacity to produce systemic cost savings.
- *Increased use of community service.* Based on early reports from new community courts, there is a strong potential for new projects to increase the frequency of community service and improve compliance with community service.
- *Reduced jail.* There is little likelihood of jail cost savings for some of the new community courts that report that they deal exclusively with cases in which jail sentences are not an option. In jurisdictions where intermediate sanctions are imposed as an alternative to jail, primary jail savings are likely. Strict accountability mechanisms may also increase the likelihood of secondary jail sentences.
- *Improvements in targeted quality of life problems.* Community courts that target specific

quality-of-life problems can play a part in improving community conditions through their ability to influence local crime markets by raising the costs of arrest and prosecution for offenders. They can also have a direct influence on community conditions through community service projects. They can have an indirect influence on local conditions through their efforts to link street offenders to constructive services. In addition, their collaborations with community groups (e.g., community conditions panels) may produce strategic responses to local problems that have an impact on local conditions of disorder.

- *Reducing recidivism.* Impacts on recidivism appear most likely for selected sub-groups that either 1) receive intensive services or 2) participate in highly concentrated markets (prostitution, vending, low level drugs) that might be affected by a change in the court's response.
- *Improving community attitudes.* The survey of community residents indicates strong community support for core components of the community court model and some willingness to pay more in tax dollars for initiatives that increase offender accountability.

D. Community Courts in Context. Like the Midtown Court, the community court models currently being implemented around the country draw broadly on several approaches to court processing that are attracting growing interest nationwide. These include restorative justice (primarily the effort to use community service to pay back neighborhoods where crime takes place); therapeutic jurisprudence (adapting the role of the law and legal practice to promote therapeutic outcomes); and community justice (efforts to serve as a platform for collaborative community-focused problem-solving). In addition, community courts are introducing a new emphasis on procedural justice, by recognizing the importance of treating the public -- including defendants -- with respect. Community courts can provide defendants with the opportunity to express themselves and to respond to defendants' problems. Judges attempt to make proceedings easier to follow than comparable court proceedings in traditional settings. And the demeanor of court staff and judges -- deliberately courteous -- conveys a different message than that of most high-volume urban courts, dedicated to processing cases rather than responding to the problems of individuals and communities.

Community courts, attempt to create a unified team approach to case processing. Instead of being overwhelmed by 'turf' issues and inter-agency skirmishes, personnel throughout the courthouse take part in the broad-based effort to ensure rigorous monitoring of offenders' compliance with the conditions imposed by the Court and to link troubled defendants to appropriate services. As a result, traditional roles often expand beyond job descriptions. Together, the mission-driven focus and relatively small scale of the community court model can

have a palpable effect on the culture of the Courthouse.

The past and current experiences of community courts have broader implications for court reform. The Midtown Court has sparked a new vision of how courts can relate to communities -- a vision that brings courts back into the life of cities. Its experience suggests that courts can become valuable partners with community development initiatives in areas suffering from neglect and urban decay. As one of many factors that contributed to the transformation of Midtown Manhattan over the past several years, the Midtown Community Court increased the efficacy of other simultaneous community improvement initiatives. Such a contribution is clearly beyond the scope of traditional courts that do not see themselves as agents of neighborhood change.

Also, while community courts are many things depending on where they are located and the kinds of problems that they were designed to address, a key common feature is their capacity to respond to changing conditions. Community courts therefore represent an important model by which courts can meet their responsibility to contribute to solving new public problems, a responsibility noted by the Trial Court Performance Standards, which were prepared by a commission of judges and court managers. Trial Court Standard 4.5, "Response to Changes," explicitly mandates the kind of active role that community courts assume:

Effective trial courts are responsive to emergent public issues such as drug abuse, child and spousal abuse, AIDS, drunken driving, child support enforcement . . . A trial court that moves deliberately in response to emergent issues is a stabilizing force in society and acts consistently with its role of maintaining the rule of law (Bureau of Justice Assistance, 1997, p. 20).

The experience of the Midtown Community Court and other community courts provides a model for how trial courts can meet their responsibility to be responsive. That experience is very timely as courts across the country strive to take on a new role as problem-solvers for litigants, their families, and entire communities.

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Appendix 1.1

Midtown Community Court: Influences, Origins and Objectives

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The Midtown Community Court: Influences, Origins and Objectives

I. Introduction

In October 1993, the Midtown Community Court opened as a three-year demonstration project, designed to test the ability of criminal courts to forge links with the community in developing a problem-solving approach to quality-of-life offenses. The product of a two-year long planning effort, the project brought together planning staff from the New York State Unified Court System (UCS); the City of New York; and the Fund for the City of New York (FCNY), a private non-profit organization. The purpose was to design a community-based courthouse that would provide effective and accessible justice for quality-of-life crimes -- low-level offenses like prostitution, shoplifting, minor drug possession, turnstile jumping and disorderly conduct -- that often arise in the Times Square area and the surrounding residential neighborhoods of Clinton and Chelsea.

The decision to establish the Midtown Community Court grew out of a belief that the traditional court response to low-level offenses was neither constructive nor meaningful to victims, defendants or the community. This belief was grounded in several propositions, including the following:

- that centralized courts, which focus the lion's share of their resources on serious crimes, devote insufficient attention to quality-of-life offenses;
- that both communities and criminal justice officials share a deep frustration about the criminal court processing of low-level offenses, which is widely viewed as producing 'revolving door justice';
- that community members feel shut off and isolated from large-scale centralized courts;
- that low-level offenses like prostitution, street-level drug possession and vandalism, although often labeled as "victimless", in fact erode the quality of life in communities and create an atmosphere in which serious crime flourishes; and
- that, when communities are victimized by quality-of-life crimes, they have a stake in the production of justice and a role to play at the courthouse.

According to project planners, the Midtown Community Court was established to help solve problems that were specific to the Court's Midtown location: high concentrations of quality-of-life crimes; visible signs of disorder; and clusters of persistent high-rate offenders with serious problems, including addiction and homelessness. It was conceived as a response to problems that are common in large-scale urban jurisdictions: crowded, chaotic conditions;

community dissatisfaction with the courts in general and their response to quality-of-life offenses in particular; a limited range of intermediate sanctions for low-level offenses; high "no-show" and 'drop-out' rates for intermediate sanctions programs; the inability of sentencing alternatives to address community concerns; and a need for constructive responses to the multiple problems of defendants. The goal, as the planning team put it, was "to make justice constructive, visible and efficient -- and, above all, to make it responsive and meaningful to victims, defendants and the community." (Midtown Community Court, 1994: p. 4).

In developing the Midtown Community Court, project planners collaborated with community groups, criminal justice officials and representatives of local government to identify ways in which a community court could achieve these goals. This collaborative process produced an approach to low-level crime that was designed to 'pay back' the community, while providing help for the underlying problems of defendants. The implementation of this 'new agenda' required a re-thinking of the nature of the courthouse, the information available to the Court and the role that might be played by community-based organizations.

According to planners, the process of "re-thinking" how a community-based court might promote a community-focused, problem-solving agenda led them to introduce a number of features that depart substantially from "business as usual" in New York City Criminal Courts.

These include:

- a coordinating team, working in partnership with court administrators, to foster collaboration with the community and other criminal justice agencies; oversee the planning, development and operations of court-based programs; and develop ideas for new court-based programs ;
- an assessment team, operating between arrest and arraignment, to determine whether a defendant has a substance abuse problem, a place to sleep, a history of mental illness, etc.;
- a resource coordinator to match defendants with drug treatment, community service and other sanctions;
- innovative technology, to provide immediate access to information needed to inform judicial decision-making;
- space for court-based social service providers to address underlying problems of defendants that can contribute to continuing criminal involvement;
- community service projects specifically designed to 'pay back' the community harmed by crime;
- a Community Advisory Board to keep the court abreast of quality-of-life problems in the

- community, identify new community service projects to address these problems, help plan new projects and provide feedback about the Court;
- court-based mediation to address community-level conflicts, rather than individual disputes; and
 - a court-based research unit, to feed back information on case processing and case outcomes, defendant compliance with court conditions, the quality of life in the community and to suggest adjustments to the experiment as it proceeds.

Over the past several years, the Court has continued to develop new components and partnerships that depart from traditional criminal court procedure. These include:

- Street Outreach Services, pairing court-based outreach workers with local community policing officers to reach out to disorderly street populations and engage them in constructive services;
- Times Square Ink, a court-based vocational training program that places graduates in jobs in back office support positions;
- a Community Conditions Panel, chaired by the Court's coordinator, composed of members of the business and residential communities, police, an Assistant District Attorney, the Midtown judge and other court staff, that meets monthly to review neighborhood problems and develop court and community solutions;
- "Hot Spot" Working Groups that drew together stakeholders (residents, merchants, social service providers) from specific problem locations to collaborate with Court staff and SOS police officers and outreach workers to develop action plans, designed to address long-standing neighborhood problems; and
- Community Impact Panels, that bring community members together with small groups of convicted offenders to discuss the impact of quality-of-life offenses on neighborhoods and develop strategies for prevention.

II. Project Origins

A. Underlying Problems. In recent years, there has been a growing recognition that high concentrations of low-level crime in urban neighborhoods not only breed fear but also attract more serious crime (Kelling and Cole, 1996; Wilson and Kelling, 1982). In 1992, New York City residents cited quality-of-life problems as a central factor in decisions about moving out of the city (Horowitz, 1993). Large and small-scale businesses have paid close attention to levels of crime and disorder in deciding where to locate. Economic development efforts have run aground because of concerns about low-level crime and disorder. Yet, the criminal court's response to low-level crimes has rarely impressed the community, the victim, or the defendant that such crimes are taken seriously.

The development of the Midtown Court was spurred, in part, by widespread frustration

with 'business as usual' in low-level courts among judges, police and community residents alike. In New York City each day, judges, prosecutors, defense attorneys and court administrators confronted hundreds of misdemeanants, many of whom had appeared before the court multiple times for similar offenses. In large cities around the country, the routine processing of low-level offenses has been widely recognized as providing little satisfaction to court personnel or community members. Community surveys point to public dissatisfaction with the outcomes provided by lower courts as well as public support for an expanded use of alternative sanctions (Supreme Judicial Court, Commonwealth of Massachusetts, 1992; Yankelovich, Skelly and White, 1978).

Without suitable alternative punishments at the centralized court or available jail space, many judges have come to believe that the range of available sentences for low-level offenses is too limited. Policy analysts report that, in some urban courts, the criminal justice process itself (arrest, time served before arraignment, bail forfeiture) has, in itself, taken the place of punishment for low-level offenses (Feeley, 1979). Community members complain that courts provide little remedy for the problems that bother them most. Yet intermediate sanction programs (community service, substance abuse treatment), which have the capacity to provide more constructive responses to low-level offenses, have not been used extensively and have not been closely linked to either the courthouse or to the communities where crimes occurred.

Although quality-of-life offenses have been traditionally viewed as victimless crimes, policy makers and community groups have increasingly recognized that communities themselves are victimized by these offenses (Wilson and Kelling, 1982). Neighborhood organizations, working in partnership with community police officers, have lobbied to insert Community Impact Statements into defendant case files. Court watch groups have monitored the performance of individual judges and scrutinized the Court's response to specific offenses. Yet, centralized criminal courts have rarely responded to these initiatives by providing a forum for the community to have a voice. In fact, courts have traditionally attempted to insulate themselves from community influence to protect the judiciary from local politics and abide by traditionalist interpretations of the canon of judicial ethics.

Police officers feel just as disenfranchised from the court process as the community. In

New York City, they frequently complain that they receive little feedback about court outcomes and that the "courts don't back them up." Both police and community members blame the courts for turning the criminal justice system into a 'revolving door'.

Centralized criminal courts are beset with other problems, including inefficiency and a lack of coordination with other criminal justice agencies. Many urban courts are crowded, chaotic and overwhelmed. Defendants face lengthy waits between arrest and arraignment. Police officers are kept off the streets as they deliver arrested offenders to distant centralized courts and wait for complaints to be drawn. Court administrators, pressuring judges to move their calendars quickly, send a message, however unwittingly, that rewards quantity over quality.

B. Purpose of the Project. The Midtown Court was created in response to such problems. A fundamental goal of the Court was to build a bridge between courts and communities, based on a common recognition of the need for a more constructive response to misdemeanor crime and crimes of lesser severity.

Before the Court opened, planning staff delineated five ways in which a community-based court could improve justice. Planners hypothesized that:

- 1) Justice would be swifter. Mindful that "justice delayed is justice denied," the Court would design sentences that stress immediacy and certainty. Immediate sentencing to perform community-based work projects and/or participate in treatment would enforce the message that crime has consequences and allow service providers to engage defendants promptly in education, treatment or prevention.
- 2) Justice would be more visible to the community. The Community Court would be accessible to the public, and a Community Advisory Board would help guide the experiment. Offenders would pay back the community through visible work projects carried out in the Midtown area.
- 3) Police enforcement efforts for low-level offenses would be encouraged. The court would augment the NYPD's community policing program by providing an array of problem-solving tools -- community work projects; services for addicts, prostitutes and the homeless. By making the court's sentences more constructive, the Court would encourage enforcement efforts for these minor offenses.
- 4) The court would marshal the energy of local residents and businesses. The court would work with local residents, businesses, social service organizations, and law enforcement to forge creative, cooperative solutions to quality-of-life problems that each group now contends with alone. This would broaden the scope of remedies available to the court in low-level cases.
- 5) The court would understand that communities are victims too. In a centralized court low-

level crimes tend to be seen as isolated incidents, rather than as on-going quality-of-life conditions. By understanding the magnitude, scope, and nature of local quality-of-life crimes, the Court would be able to address the neighborhood's problems.

C. Research and Policy Influences. The planning for the Midtown Court was influenced by emerging criminal justice research and policy literature. As discussed above, the project was grounded in research on criminal courts, indicating that, in some urban settings, the criminal justice process had taken the place of punishment for low-level offenses (Feeley, 1979; see also Ragona and Ryan, 1984; Ryan, 1980; Alfini (ed.), 1981). Planners were also influenced by the increasing interest in community-oriented policing, the growing effort to promote alternative sanctions and the development of treatment-focused drug courts. Other influences included literature on the role of victims in the criminal justice process, the restorative justice movement and initiatives that specifically promote neighborhood-based justice. Together, these influences helped shape planners' vision of what a community-based courthouse could be.

Community Policing: Solving Community Problems. In part, the development of the Midtown Community Court represents an extension of the principles of community policing. Criminal justice professionals in recent years have grown increasingly conscious of the complex inter-relationships among quality-of-life offenses, perceptions of disorder, levels of fear in urban neighborhoods and the incidence of more serious crime (Kelling and Coles, 1996; Skogan, 1990; Wilson and Kelling, 1982). Based on the belief that community-based disorder poses a serious threat to public safety, neighborhood-oriented policing programs in New York and elsewhere have attempted to reduce disorder, combat fear, and involve community members in the solution of the problems that bother them most (McElroy, Cosgrove and Sadd, 1992; Goldstein, 1990; Greene and Mastrofski, 1988; Trojanowicz and Carter, 1988; Pate et al, 1986).

Many neighborhood-oriented policing programs rely on a collaborative problem-solving approach that analyzes neighborhood problems, implements tactics designed to address those problems and reviews the effects of attempted solutions (Goldstein, 1990). Midtown Court planners proposed that courts, like community policing initiatives, could provide constructive solutions to community-based conditions of disorder.

Alternative Sanctions. In the effort to develop appropriate tools for solving local

problems, project planners were also influenced by research literature on alternative sanctions and the effort to develop non-incarcerative sentences to provide proportionate punishment for jail-bound offenders. In recent years, a wide variety of alternatives to incarceration have been designed for jail- and prison-bound populations -- intensive supervision programs, shock incarceration, drug treatment as an alternative to incarceration and electronic monitoring, to name a few (Von Hirsch and Ashworth, 1992; Morris and Tonry, 1990; Clear and Hardyman, 1990; Petersilia, 1987; MacKenzie, 1990).

Over the past two decades, the Community Service Sentencing Project (CSSP) in New York City has targeted high-rate misdemeanants, approximately half of whom are assessed as being "jail bound" (McDonald, 1986). Like the Midtown Court, this program was designed both as an alternative to jail and an alternative to a 'walk'. In the early stages of program development, CSSP planners were explicit about the value of developing *both* alternatives to jail and alternatives to nothing:

The conventional view, these days, is that programs should be avoided to the extent that they increase either the number of people who are under the net of social control or the intensity of that control (its burdensomeness, for example). . . . But this by no means disposes of the issue. There is another view, which might be stated as follows: the net of social control is presently inadequate -- society does not even attempt to control the great bulk of offenders who are brought before the courts, but releases them after dismissal of the cases, or upon illusory sentences such as probation or conditional discharge. . . . (T)he formal process is not equipped with effective sanctions short of incarceration with which to signify to offenders that violation of laws will not be tolerated. (McDonald, 1986: p. 39).

In fact, a substantial body of research literature has demonstrated that many programs, designed primarily as an alternative to costly incarceration, have served instead as alternatives to probation -- that the programs have often failed in their efforts to reduce jail time:

The major reason why these new punishments fail to save prison beds or money is that they are too often applied to the wrong offender. This is because nowhere have they been built into a comprehensive, graduated, and principled punishment system based on defined sentencing policies. They have been scattered and isolated experiments, mostly sailing under the banner of 'alternatives' to imprisonment. (Morris and Tonry, 1992: p. 365)

The Midtown Court emphasized both alternatives to 'nothing' and alternatives to jail.

Planners sought to develop a graduated set of short-term punishments that would be meaningful to the Court's primary stakeholders: the community, victims and defendants. When the planning period began, no alternative sanction programs -- even the existing community service model in New York City -- had specifically targeted the lowest level offenders, particularly those arrested for quality-of-life offenses. There had been little consistent effort to develop a graduated range of responses for low-level offenders that took into account differences in charge and criminal history, as well as compliance with previous intermediate sanctions. Project planners sought to develop a graduated, proportional array of intermediate punishments that increased in severity as defendants returned to court on new charges.

Drug Courts. The recent movement to establish specialized drug courts to link substance-abusing offenders to treatment was also an influence. Drug courts have been pioneers in the effort to develop a problem-solving approach to case processing and to establish a new role for judges, who have long-term assignments to a specialized court part. In their efforts to use the coercive power of the court to link substance-abusing offenders to treatment, drug courts have demonstrated new ways for courts to collaborate with non-traditional partners to achieve desired outcomes.

The need for linkages between the courts and the treatment community had become increasingly apparent with growing knowledge about the numbers of defendants who are dependent on drugs or alcohol, homeless, mentally ill, and infected with HIV or tuberculosis. Drug courts have demonstrated the capacity to serve as a gateway to treatment and related services for defendants with multiple problems. Introducing close monitoring of treatment participation and structured, graduated responses to participant non-compliance, drug courts have drawn upon their coercive power to engage defendants in treatment and used the authority of a new type of judge to support and sustain continuing treatment involvement (Belenko, 1998; General Accounting Office, 1995; Deschenes et al., 1994; Mahoney, 1994; Goldkamp and Weiland, 1993).

Although early drug courts targeted defendants charged with felony offenses, planners recognized that the need for treatment and related services was just as great among low-level offenders. Treatment strategies at the Community Court were developed with an awareness that

misdemeanor courts had limited coercive power to mandate long-term treatment and that past court-based service referrals had led to high rates of "no show" and program drop-out. It was thought that a misdemeanor court, with admittedly little coercive power, would have greater capacity to link defendants to services if they were co-located and co-delivered at the courthouse itself. Planners recognized that, in a low-level court, the effort to engage defendants in a service continuum might require 'carrots' as well as 'sticks'. In adapting elements of the drug court model to a new context, planners explored ways to promote *voluntary* service engagement among defendants whose crimes were minor but whose needs were great.

Community-Based Justice Centers. In the 70's, the concept of returning to community-based courts surfaced in discussions of neighborhood-based justice centers that would provide dispute resolution as an alternative to formal adjudication. Interest in neighborhood-based conflict resolution was sparked by a belief that community needs were not being met by courts and that justice had become too remote from communities and the people living in them:

Neighborhood justice centers and community courts are currently gaining great favor in this country. They try to substitute informality, understanding and the perspective of local community opinion for the formal, rigid procedures of the courts (Feeley, 1979: 293-4).

Proponents of such centers argued that many low-level cases did not require the full weight of court processing, but could be disposed through less formal mechanisms, like mediation. Feeley, however, suggested that "substantive" justice -- formal adjudication -- was needed for many cases that proved inappropriate for informal resolution. The concept of Neighborhood Justice Centers failed to take hold; a sustained commitment to local justice did not emerge until the 1990s.

Restorative Justice. Recent efforts to promote a restorative community justice model, grounded in the victim movement, envision a broader role for communities, victimized by quality-of-life crimes, in the production of public safety and formal justice (Bazemore and Umbreit, 1994). Proponents of restorative community justice contend that the 'community,' like the 'state' and the victim, has a stake in the course of justice that should be acknowledged and nurtured (Young, 1995). The restorative justice model calls for both individual and community restitution, to pay back the victims of crime; victim impact panels, to educate offenders about

the effects of their actions on victims; and rehabilitation programs, to help offenders reconstruct their lives.

Decentralized Courts. Citizens' displeasure with courts can be traced, in part, to a process of court centralization that New York and other cities undertook in the second half of this century. Centralized courts were increasingly perceived as distant from urban neighborhoods and unresponsive to their problems. As one observer put it,

For reasons of efficiency and coordination, many jurisdictions have consolidated their trial courts into a single downtown complex, thereby geographically removing the judiciary from most of the community and making it less visible. (Johnson, 1978:2)

As caseloads have expanded, large, centralized courts have not been flexible enough to respond effectively. Conditions for both defendants and communities have deteriorated.

The Midtown Court springs in part from a renewed interest in bringing court services for high volume, short duration cases back to communities through satellite and branch courts. Satellite and branch courts are courts of limited or special jurisdiction that hear traffic, small claims, and preliminary or minor criminal matters (National Clearinghouse for Criminal Justice Planning and Architecture, 1976: 92-3). Intense interest in their effective development is evident in judicial planning efforts and guides (e.g., Carter Goble Associates, 1985; Hardenbergh, 1991) and the recommendations emerging from the recent wave of state commissions to chart the future course for their judicial branches (e.g., Massachusetts and Colorado).

III. Developing the Midtown Court

A. Local Influences. In New York State, the concept of community courts surfaced in the '90s, infused with a new concern about developing more appropriate court responses to quality-of-life crime. In 1990, New York State Court administrators proposed establishing community-based courts in the hope that "by speeding justice, bringing it closer to neighborhoods and attending more carefully to crimes like petty larceny, noise violations, prostitution and loitering for the purpose of using drugs, the courts could help restore a sense of order in the city" (Glaberson, 1990). In early discussions, community courts were seen as a means of relieving strain on overtaxed criminal courts; speeding case processing; demonstrating

that low-level crime was taken seriously; improving community access to and confidence in the criminal justice system; matching defendants to needed social services; and promoting rapid, constructive community-based justice (Crosson, 1990; DeStefano, 1990).

Quality-of-Life Problems in Midtown. Plans to develop a community court project in the Times Square area of Manhattan began to take shape in 1991. These plans were driven less by the need to relieve strain on the courts than by the desire to promote more constructive response to quality-of-life offenses. For decades, the neighborhood surrounding Times Square, with its bustling shops, hotels, entertainment centers and transportation hubs had been a magnet for illegitimate enterprise. The area had developed a reputation as New York City's red light district. Its peep shows, triple-X theaters, video arcades, tawdry storefronts and pulsing neon lights attracted hustlers and runaways, drawn to the glitz and the excitement. Until very recently, the public image of the Times Square area was a panorama of urban decay: streets crowded with three-card monte players, hawkers of counterfeit goods, hookers, ticket scalpers, pickpockets and shoplifters. By the early '90s, this image, combined with the economic slow-down affecting the city's real estate markets, had increasingly served to keep tourists away and to discourage commercial investment.

Since the mid-'70s, the area had also spawned a series of efforts to "clean up Times Square" (Daly, 1995). By 1993, a number of efforts had begun to transform the face of Midtown, including:

- the transformation of Bryant Park, from a haven for drug dealers and drug users to an orderly, bucolic oasis;
- the establishment of Business Improvement Districts throughout Midtown, to provide enhanced security, street cleanliness and other services to neighborhood businesses; and
- the planned, ambitious redevelopment of 42nd Street, spearheaded by New York State's Urban Development Corporation.

Yet, at the start of planning, in 1991, the cornerstone of the 'clean up' effort, the 42nd Street development project, with its images of lofty office towers, seemed to be stalled by a slowed-down real estate market and skittish economy (Newmark, 1995; Dykstra, 1995). A series of prior clean-up efforts had not substantially affected the highly concentrated quality-of-life problems in Midtown.

B. Developing the Midtown Court. Project planners trace the genesis of the Court to a meeting between a former Deputy Mayor for Criminal Justice and an official of the Shubert Theater organization, held to discuss the negative impact of quality-of-life crimes in the Times Square area on tourism. Business at New York theaters had been slow for some time; many theaters were empty. The meeting produced the idea of transforming an empty theater into a community-based court to deal with quality-of-life offenses in the Times Square area and led to a planning grant to develop the concept further.

Planning for New York's first community court began in October 1991, coordinated by staff from FCNY, working in partnership with the Administrative Judge of the New York City Criminal Courts and the Deputy Mayor for Public Safety. During this period, the planning team solicited input from community groups, criminal justice professionals and social service providers; reviewed data about the characteristics of defendants arrested for misdemeanor and lesser offenses; examined caseload patterns at the centralized Manhattan criminal court; documented each step of case processing, from arrest through arraignment and case disposition; identified appropriate social service providers to work at the Court to respond to defendants' underlying problems; developed a variety of community service projects and identified local partners to supervise defendants assigned to work in the target community; and worked to generate political and financial support.

The public-private partnership between the UCS, the City of New York and FCNY coordinating staff was a central element in the development and operation of the new Court. Together, the core planning team assembled a court-based coordinating team that would be responsible for overseeing day-to-day operations, community service and social service programs, technology and on-site research. Working in close partnership with UCS, coordinating staff would also be responsible for fostering and overseeing Court-community collaborations with community groups, city agencies and non-profit organizations.

Midtown was selected as a testing ground for a Community Court for several reasons. Midtown precincts had the highest volume of misdemeanor crime in the city, accounting for 43% of all low-level arrests in Manhattan. Midtown had a substantial degree of existing community organization -- block associations, community improvement groups -- within both the residential

and business communities.¹ A Times Square Business Improvement District, established in 1992, was expected to bring new resources, enhanced security and an intensive focus on quality-of-life problems to the area; the concurrent and complementary development of the BID and the Community Court were seen as a means of promoting a new, collaborative approach to public safety in Midtown. And, perhaps most important, there was a potential site available, potential financial resources to support the project and the demonstrated will to make a change.

The planning effort generated support from community leaders; financial support from 32 foundations and corporations, many of them located within the target area; and commitments from City, State and Federal agencies to support the project. When the initial site fell through late in the first year of planning, a representative of the local Community Board proved instrumental in identifying the current site for the court -- a former magistrate's court on 54th Street, directly adjacent to the Midtown North Precinct house.

With joint funding from New York City and corporate and foundation supporters, the former courthouse was refurbished to house a new courtroom on the ground floor and administration offices and service delivery areas on the top two floors. The renovation also

¹ Although the Times Square business community provided strong impetus for developing the Midtown Court, the Court's constituency and target area are broader than the Times Square neighborhood alone. The Court's 'community' includes multiple Midtown constituencies, both business and residential. By 1993, the problems that affected the Times Square area had spread into the surrounding residential neighborhood of Clinton and Chelsea -- neighborhoods that include over 100,000 residents. Midtown residential neighborhoods, west of Eighth Avenue, were heavily burdened by concentrations of visible street prostitution and low-level drug trafficking. Potential customers, drawn to the area from New Jersey and outer boroughs, circled the residential neighborhood in the 40s, west of Times Square, in search of street prostitutes. Residents of Clinton and Chelsea complained that prostitution and low-level drug offenses were far too visible and that the neighborhood was marred by the proliferation of graffiti and other signs of disorder.

These common problems helped planners forge an unusual coalition between the Midtown business and residential communities -- two communities that represent decidedly different worlds. Midtown Manhattan houses some of the nation's most powerful business organizations, including major hotels, theaters, law firms, the *New York Times*, flagship department stores and other large-scale organizations. It also houses large numbers of store-front mom-and-pop businesses, serving the residential community.

In contrast, the residential community within the court's target area was not affluent, particularly when compared to Greenwich Village, just south of the target area; to the neighborhood just east of the Midtown Community Court's target precincts; and to Manhattan's upper east side. Clinton, an area formerly known as 'Hell's Kitchen', which stretches west of Eighth Avenue from roughly 34th Street to 57th Street, had been relatively untouched by the gentrification that affected much of Manhattan in the 1980s. Although it contains both pockets of poverty and pockets of affluence, the Midtown residential neighborhood is Manhattan's closest approximation to a middle-class/working-class neighborhood.

created an opportunity for the use of the latest computer technology, linking a network of courthouse computers to a mainframe computer with all court records at the Office of Court Administration in Albany, New York. The re-design of the building reflected the project's commitment to a new style of urban courthouse, including brightly lit, bar-free holding cells, encased in shatter-proof glass; dedicated interview space for attorneys and their clients; and an entire floor set aside for on-site community service projects, treatment readiness groups, health testing, health education and other court-based social services. This design was based on a recognition that trials were not the business of the day in courts of limited jurisdiction. Instead, the courthouse provides dedicated space, designed to support alternative court responses to low-level crime, tailored to the realities of an urban misdemeanor court.

C. Early Challenges. The project faced several early challenges posed by critics -- many of whom posed questions of cost and principle (e.g., geographic equity). There was early opposition from both the prosecutor's office and New York City's Legal Aid Society. Although the defense bar was drawn by the project's efforts to link defendants to court-based services, there was concern that developing intermediate sanctions for convicted offenders who might otherwise have been released would constitute inappropriate 'net widening'. Some defense attorneys predicted that widespread use of intermediate sanctions might serve to 'set up' large numbers of defendants to fail, thereby increasing secondary jail sentences in response to non-compliance.

The prosecutor's office questioned the fairness of devoting resources to a single community and argued that any new resources should be used to improve conditions at the Downtown court. In early interviews with the press, the prosecutor predicted that the court would cost an additional \$3 million dollars annually and create inefficiencies. Questions about caseload volume -- whether the number of potential arraignments merited the assignment of a full complement of court staff -- were paramount.

Other cost issues were also a central part of the debate. The planning team had generated sufficient funding to support the building renovation, the Court's technology (including both software development and hardware), and staff salaries over the course of the three-year demonstration period. Yet, criminal justice agencies that planned to devote staff members to the

new Court argued that decentralization would strain their existing resources and promote system inefficiency within their agencies.

Some critics raised questions about the Court's ability to process cases efficiently enough to meet a court ruling that mandated penalties when arrest-to-arraignment time exceeded 24 hours. They predicted that, because the Midtown Community Court would operate for only one shift per day, it would be forced to transport large numbers of cases to the Downtown Court, which operates 24 hours per day.

The process of planning the Community Court focused broad attention on sentencing patterns and generated a fertile conversation about 'going rates' for low-level crime. A number of questions surfaced during the planning period about the Court's ability to influence court outcomes. Some criminal justice personnel argued that the Court would not be able to affect 'going rates' for misdemeanors. They contended that defendants, offered intermediate sanctions in Midtown, would simply adjourn their case to 'judge shop' at the Downtown court. Instead of an increased use of intermediate sanctions, they predicted an increase in adjournment rates.

There were other questions raised during the planning period as well. Community groups and local police predicted that many defendants would fail to complete alternative sentences. This prediction, along with a corollary -- that defendants would resist community service sentences -- supported a further hypothesis: that the project would not improve either community conditions (graffiti, street cleanliness) or community attitudes toward the court. Even the most optimistic members of the community were aware of the difficulty of affecting entrenched street-level quality-of-life conditions like prostitution and unlicensed vending and of reducing arrest frequency among high-rate petty offenders.

There was substantial debate about these issues during the planning period. In spite of these controversies and criticisms, the project generated sufficient support from community organizations, community leaders, local government and the criminal justice system to begin operations exactly two years after the beginning of planning.

Appendix 2.1

Arrest-to-Arraignment Time: Estimating Cost Savings

Appendix 2.1

Arrest-to-Arraignment Costs

To estimate how much additional arrest-to-arraignment time would have been served had Midtown cases been disposed Downtown, we first calculated the total detention hours for summary arrests at Midtown. The table below shows actual arrest-to-arraignment time by quarter at the Midtown Court over three years.

Table 2.1.A:

Arrest-to-Arraignment Time by Quarter, Midtown Community Court

Quarter	Number Detained	Average Time	Total Time in Hours
1	319	18.84	6,010
2	774	17.31	13,398
3	1,287	19.10	24,466
4	1,353	18.46	24,987
5	1,676	19.46	32,615
6	1,584	19.56	30,983
7	1,327	17.45	23,156
8	1,206	16.45	19,839
9	1,153	15.97	18,413
10	1,566	19.43	30,427
11	2,095	20.66	43,283
12	2,586	20.05	51,849
Total	16,926	18.87	319,416

Next, we estimated the amount of time that would have been spent in pre-arraignment detention had Midtown cases been arraigned Downtown, using average Downtown pre-arraignment detention time for comparable periods.¹

¹ This comparison is based on two underlying assumptions: 1) that Midtown cases, which involved an easier-to-arraign caseload than the Downtown court, would not have *reduced* the Downtown average arrest-to-arraignment time by adding easier cases; and 2) that the addition of Midtown cases would not have *increased* arrest-to-arraignment time Downtown by adding to the length of the queue awaiting arraignment. For purposes of estimating cost savings, we assume that these two potential impacts of arraigning Midtown cases Downtown on average arrest-to-arraignment time (one positive, one negative) would, in combination, have been minimal.

Table 2.1.B:
Estimated Arrest-to-Arraignment Time at the Downtown Court
for Midtown Cases by Quarter

Quarter	Number Detained	Average Time	Total Time in Hours
1	319	28.47	9,081
2	774	28.60	22,134
3	1,287	28.55	26,748
4	1,353	32.78	44,356
5	1,676	32.11	53,816
6	1,584	29.33	46,459
7	1,327	26.84	35,612
8	1,206	28.11	33,905
9	1,153	28.08	32,372
10	1,566	29.30	45,889
11	2,095	30.36	63,604
12	2,586	26.89	69,546
Total	16,926	29.16	493,522

As discussed in Chapter Two, assuming that Midtown cases would have been held for the average arrest-to-arraignment time if arraigned Downtown, we estimate that the Midtown Court saved nearly 20 persons-years of detention time in pre-arraignment holding cells or an average of 6.7 person-years of detention annually.

For purposes of the cost analysis, we needed to translate savings in detention time into dollars. To do this, we drew upon earlier research (ENFORTH Corporation, 1989) that reviewed costs associated with the arrest-to-arraignment study in New York City. That research estimated that the average cost of arraignment case processing in Manhattan in 1989 was roughly \$1,000 per case, including the costs of arrest, court processing and detention. Detention costs were estimated at \$54 per case.

average arrest-to-arraignment time (one positive, one negative) would, in combination, have been minimal.

Based on these findings, we estimated that reductions in arrest-to-arraignment time saved roughly 35 percent of the detention costs (roughly \$19 per case) for the 16,926 cases detained at Midtown (174,106 saved hours divided by 493,522 detention hours at the Downtown court). At \$29 per case, this represents a savings of roughly \$321,000 over three years or \$107,000 per year. Given the fact that labor costs increased between the time of the ENFORTH study (1989) and the demonstration period (1993-1996), this represents a conservative estimate of the savings associated with reductions in arrest-to-arraignment time.

Appendix 2.2A

Arrest Disposition Rates: Estimating Cost Savings

Appendix 2-2A

Arraignment Disposition Rates: Estimating Cost Savings

This section reviews the calculations used to estimate differences in arraignment disposition rates at the Midtown and Downtown courts and the procedures used to estimate the cost savings associated with increases in arraignment disposition rates.

Summary arrests. Table 1 shows that an average of 82 percent of summary arrest cases arraigned at Midtown over three years were disposed at arraignment compared to an average of 71 percent that *would have been disposed* at the Downtown court. To estimate the number of Midtown cases that *would have been disposed at Downtown arraignment*, we multiplied the arraignment disposition rates for specific charges for summary arrest cases Downtown by the actual number of cases arraigned at the Midtown Court. We then subtracted the estimated number of arraignment dispositions Downtown from the actual number of cases disposed at Midtown arraignment for a total of 1,798 increased dispositions at arraignment for summary arrest cases.

Table 1:

Estimating Differences between the Midtown and Downtown Courts in the Number of Cases Disposed at Arraignment over Three Years: Summary Arrests Only

	Prostitution	Theft of Service	Low-level Drugs	Petit Larceny	Unlicensed Vending	Assault	Total
Number Arraigned	3,664	4,678	1,793	3,326	1,509	116	15,086
# and % Disposed Cases at Midtown	2,794 (76%)	4,452 (95%)	1,472 (82%)	2,660 (80%)	1,058 (70%)	9 (8%)	12,445 (82%)
% Disposed Downtown	74%	83%	62%	56%	84%	5%	71%
Estimated # Disposed Cases Downtown ¹	2,552	3,916	1,069	1,842	1,263	6	10,647
Increased/ Decreased # Disposed Cases	242	536	403	818	-205	3	1,798

¹ Estimates were based on annual disposition rates for each offense and charge type. These estimates were calculated separately for each of the three years and then added together.

DATs. We used the same procedures to estimate the effect of the Midtown Court on the number of DAT cases disposed at arraignment. Table 2 shows estimates of the percent of Midtown DATs that would have been disposed at the Downtown court (75%) compared to the percent actually disposed at the Midtown Court (69%). For DATs, the estimated reduction in dispositions at Midtown for vending cases (1,146 fewer dispositions) more than offset the increased number of arraignment dispositions for other charges. Based on these estimates, the overall frequency of dispositions at arraignment for DATs over three years at Midtown was lower than Downtown by 846 cases

Table 2:

Estimating Differences between the Midtown and Downtown Courts in the Number of Cases Disposed at Arraignment over Three Years: Desk Appearance Tickets Only

	Prostitution	Theft of Service	Low-level Drugs	Petit Larceny	Unlicensed Vending	Assault	Total
Number Arraigned	92	6,411	473	2,128	3,180	531	12,815
# and % Disposed Cases at Midtown	77 (84%)	5,533 (86%)	353 (75%)	1,505 (71%)	1,345 (42%)	17 (3%)	8,830 (69%)
% Disposed Downtown	72%	85%	67%	63%	81%	8%	75%
Estimated # Disposed Cases Downtown	66	5,406	322	1,338	2,504	40	9,676
Increased/ Decreased # Disposed Cases	11	127	31	167	-1,159	-23	-846

As shown in the two tables above, the Midtown Court substantially increased the estimated frequency of dispositions at arraignment for summary arrests, but not for DATs. Table 3 shows the Court's estimated net effect on dispositions at arraignment for both summary arrests and DATs combined: an increase of 952 dispositions over three years. Table 3 also shows the average number of post-arraignment appearances for cases that were not disposed at arraignment and estimates the number of post-arraignment court appearances saved by the increased

frequency of arraignment dispositions at the Midtown Court.² These estimates are based on the average number of increased dispositions over three years (754 post-arraignment court appearances saved annually). The estimate of the average number of post-arraignment court appearances saved provide a basis for estimating the dollar value of the increased rate of arraignment disposition by the Midtown Court.

Table 3:

Estimating Differences between the Midtown and Downtown Courts in the Number of Cases Disposed at Arraignment over Three Years: All Cases

	Prostitution	Theft of Service	Low-level Drugs	Petit Larceny	Unlicensed Vending	Assault	Total
Total Increased/Decreased # Disposed Cases	253	663	434	985	-1,364	-20	951
Annual Average	84	221	145	328	-454	-7	317
Average Number Post-Arraignment Appearances	2.6	1.9	2.8	2.6	2.5	4.3	2
Average Annual Appearances Saved	217	431	413	853	-1,132	-27	754

Because the impact of the Court on dispositions at arraignment varied substantially from year to year, Table 4 estimates the annual number of saved appearances based on the third year total, a number presented to represent “mature operations”. This table provides an alternative basis – the impact of “mature operations” on disposition rates – for estimating the annual savings produced by the increased rate of arraignment disposition at the Midtown Court.

² We estimated the average number of post-arraignment appearances for cases that were continued at Midtown arraignment by gathering data from the Midtown Community Court data base on the average number of appearances by charge for these cases. The arraignment appearance was subtracted to produce a count of post-arraignment appearances.

Table 4:
Estimating Differences between the Midtown and Downtown Courts
In the Number of Cases Disposed at Arraignment in Year 3

	Prostitution	Theft of Service	Low-level Drugs	Petit Larceny	Unlicensed Vending	Assault	Total
Total Increased/Decreased # Disposed Cases: Year 3	276	247	270	416	-473	-4	732
Average Number Post-Arraignment Appearances	2.6	1.9	2.8	2.6	2.5	4.3	2
Year 3: Saved Appearances	709	482	769	1,082	-1,177	-17	1,848

A final step was to estimate the number of post-arraignment appearances for cases that are not disposed at arraignment: 754 post-arraignment court appearances saved annually. The estimate of the average number of post-arraignment court appearances saved provide a basis for estimating the dollar value of the increased rate of arraignment disposition by the Midtown Court. Because the impact of the Court on dispositions at arraignment varied substantially from year to year, we also estimated the annual number of saved appearances based on the third year total, a number presented to represent “mature operations”: 1848 saved appearances in Year 3.

Based on data supplied by the administrative judge of New York City’s Criminal Court, the cost of a post-arraignment court appearance averages roughly \$20 per defendant-appearance. At this rate, the Midtown Court produced an average annual savings of roughly \$15,100 over the three-year demonstration period. Because the Court’s impact increased markedly from year to year, we also calculated the cost savings in Year 3 – a third year savings of roughly \$37,000 during a period of “mature operations”.

Appendix 2.2B

Arrest Disposition Rates: Three-Year Trends

Appendix 2.2 (B)

Arrestment Disposition Rates: Three-Year Trends

The gradual increase in the likelihood of disposition at arraignment for cases arraigned at Midtown over three years appears to spring from a number of factors including the increased availability of intermediate sanctions as an alternative to short-term jail; changes in caseload composition at the Midtown Court; growing acceptance of the Court's use of intermediate sanctions among both defendants and defense attorneys; and changes in arraignment disposition rates at the Downtown court. This appendix documents trends in caseload composition and disposition rates that contributed to the cost saving documented in Appendix 2.2(A).

Aggregate Arrestment Disposition Rates. Over the three year demonstration period, aggregate arraignment disposition rates fluctuated at both the Midtown and Downtown courts. As show in Chart 1, aggregate arraignment disposition rates increased for all charges at Midtown. These increases were relatively small for all charges but the two associated with 'forum shopping' in the first phase of the research: prostitution (increased from 70% in year 1 to 82% in Year 3) and unlicensed vending (increased from 49% in Year 1 to 57% in Year 3).

In contrast, as shown in Chart 2, aggregate arraignment disposition rates at the Downtown court dropped for some charges, while increasing for others. Disposition rates fell markedly for prostitution cases Downtown (from 77% in Year 1 to 67% in Year 3) and moderately for drug cases (from 66% in Year 1 to 61% in Year 3) while increasing substantially for unlicensed vending charges (from 74% in Year 1 to 85% in Year 3). Disposition rates for other charges Downtown changed only marginally.

Caseload Composition and Disposition Rates. In part, trends in aggregate arraignment disposition rates at the two courts reflect changes in caseload composition. As shown in Charts 3 and 4, the fact that summary arrests constituted a changing proportion of arraigned cases at the two courts affected aggregate disposition rates. For example, at Midtown, the percent of arraigned cases involving summary arrests increased dramatically for theft of service cases (from 26% in Year 1 to 71% in Year 3) as a result of a tightening of DAT procedures. Because summary arrests for these cases were more likely to be disposed at Midtown arraignment than DATs, the aggregate disposition rate increased (from 90% in Year 1 to 94% in Year 3).

Other changes in caseload composition were not clearly associated with changes in

disposition rates. For example, at the Downtown court the percent of prostitution cases involving summary arrests fell markedly (from 95% in Year 1 to 64% in Year 3) as a result of a policy known locally as “backdoor DATs”. As explained by system insiders, because of pressures to arraign cases within 24 hours, some prostitution cases, initially detained pending arraignment, were subsequently issued DATs to speed up the arrest-to-arraignment process. These cases were associated with higher arraignment disposition rates than summary arrests. Yet changes in disposition rates for prostitution cases Downtown were more affected by trends in disposition rates for summary arrests, as shown below, than by changes in the type of arrest handled.

It is noteworthy that the percent of cases involving summary arrests for drug cases at the two courts shifted in different directions -- increasing at Midtown (from 69% in Year 1 to 81% in Year 3) and dropping Downtown (from 81% in Year 1 to 67% in Year 3). This change partially reflects the delayed transfer of summary arrests, arising in Midtown, to the new court. Yet the overall change in aggregate arraignment disposition rates for this charge was relatively small.

Changing Disposition Rates for Summary Arrest Cases at the Two Courts. As shown in Charts 5 and 6, the fact that the Midtown Court increased the frequency of dispositions at arraignment for Midtown summary arrest cases by the third year springs from both an *increase* in disposition rates for prostitution and unlicensed vending cases at Midtown and a *decrease* in arraignment disposition rates for prostitution and drug cases Downtown.

Changing Disposition Rates for DAT Cases at the Two Courts. Arraignment disposition rates for DATs also varied over time at the two courts, as shown in Charts 7 and 8. At Midtown, although disposition rates increased sharply for prostitution DAT cases, there were very few cases of this type. For other charges, trends at the two courts did not differ greatly, including an increase in arraignment disposition rates for DAT drug cases and unlicensed vending cases at both courts.

Chart 1: Percent Disposed by Year and Charge: Midtown Community Court

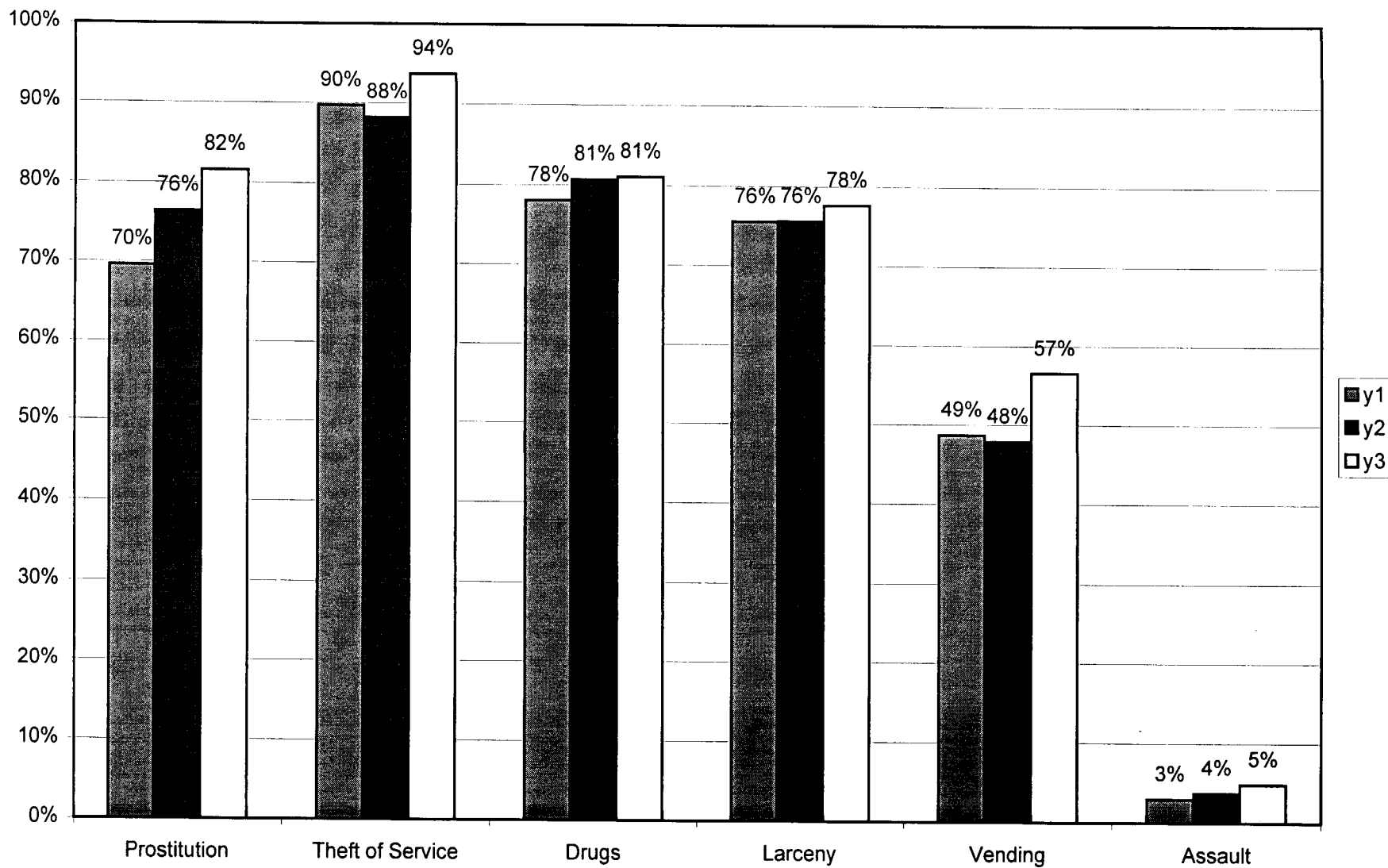


Chart 2: Percent Disposed by Year and Charge: 100 Centre Street

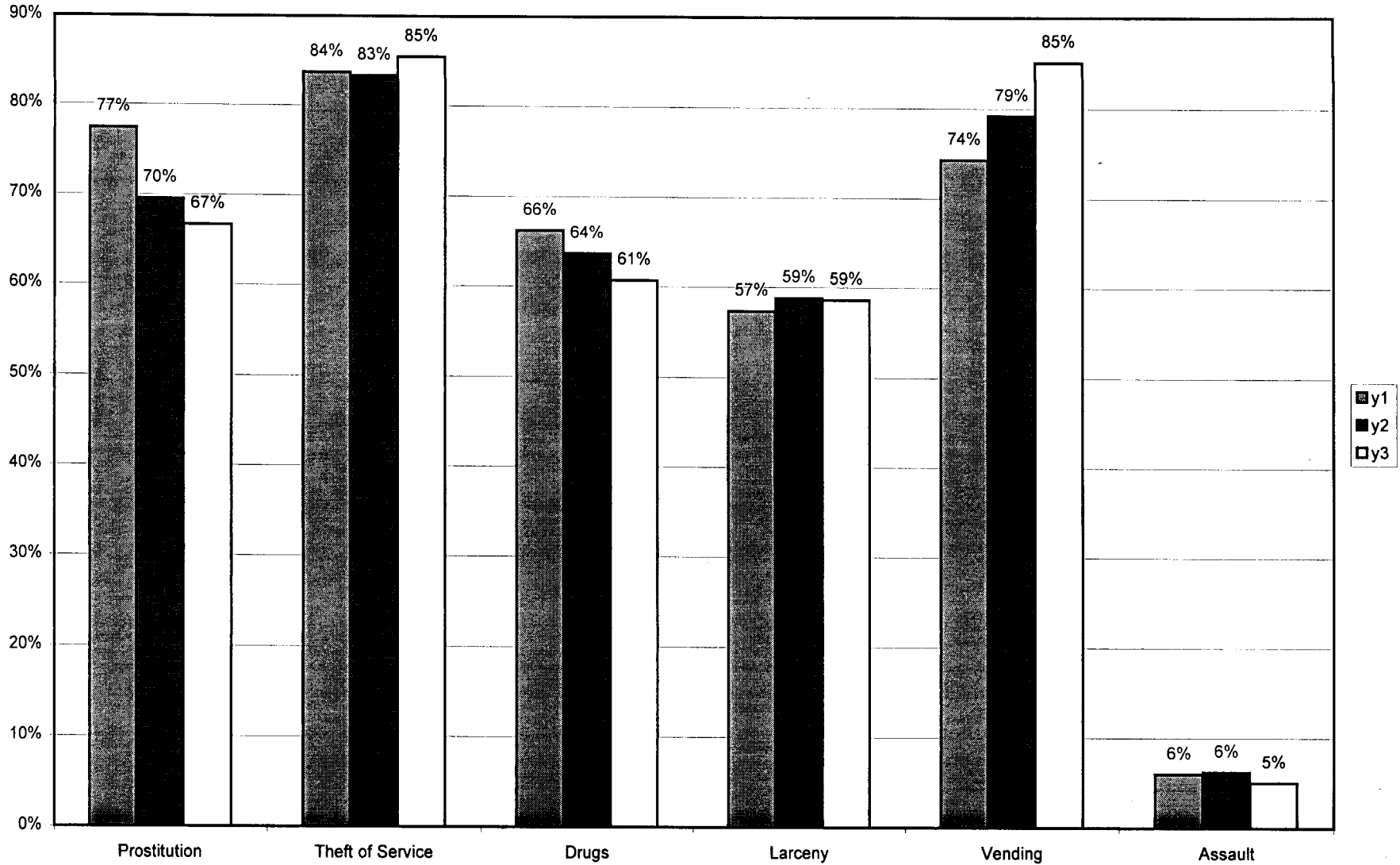


Chart 3: Summary Arrests as a Percent of Arraigned Cases by Year and Charge: Midtown Community Court

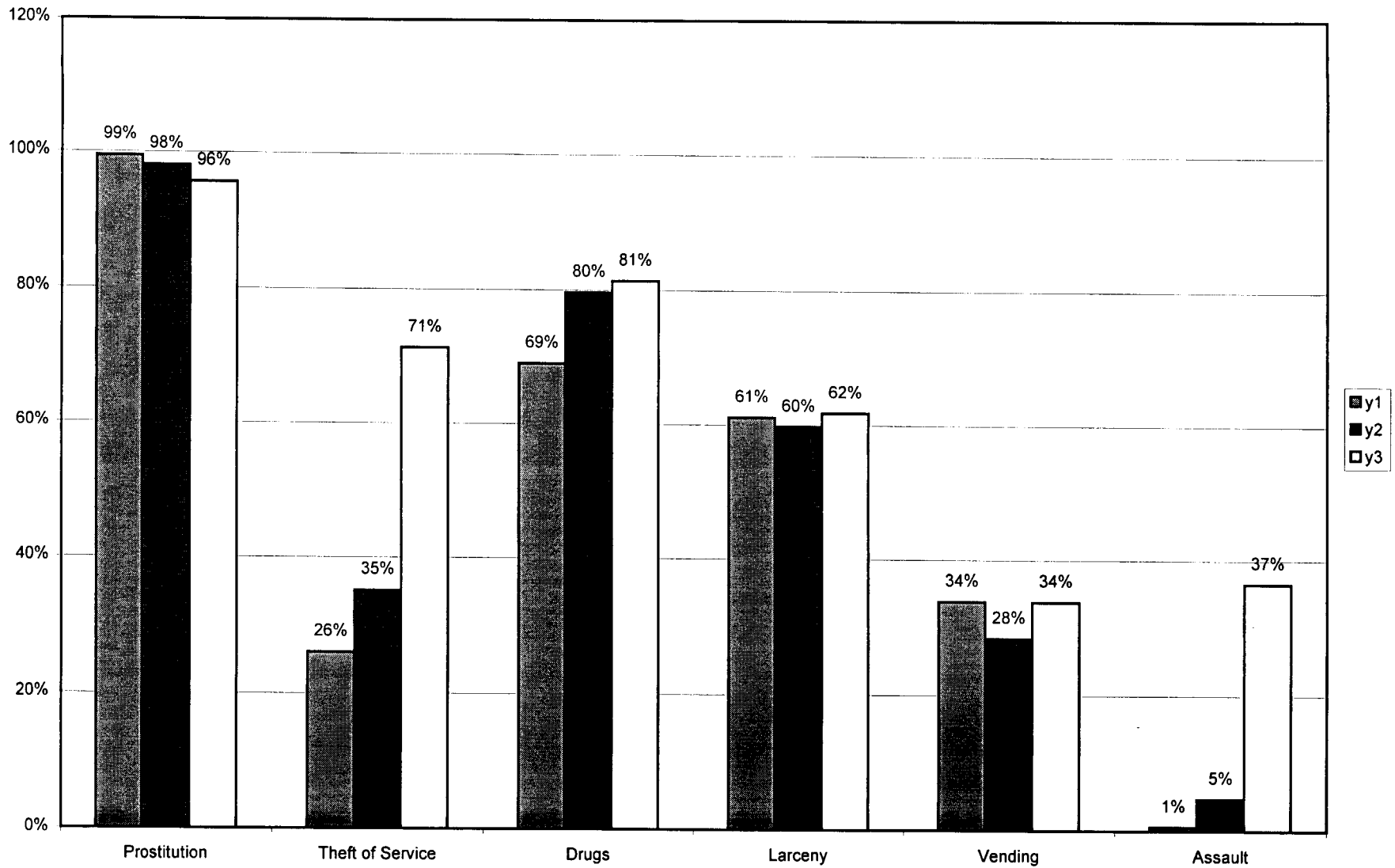


Chart 4: Summary Arrests as a Percent of Arraigned Cases by Charge and Year: 100 Centre Street

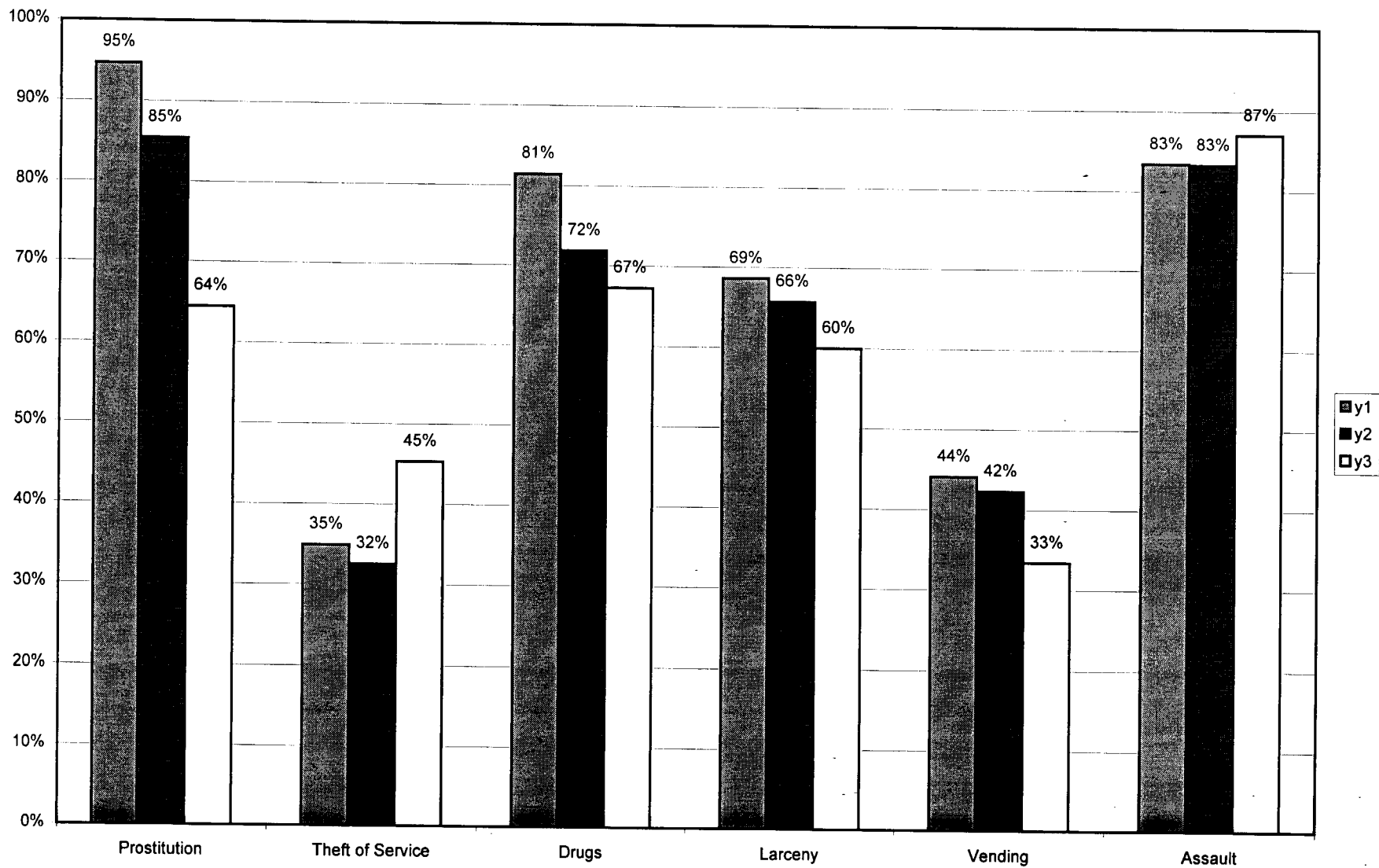


Chart 5: Percent Disposed by Year and Charge: Midtown Community Court (Summary Arrests Only)

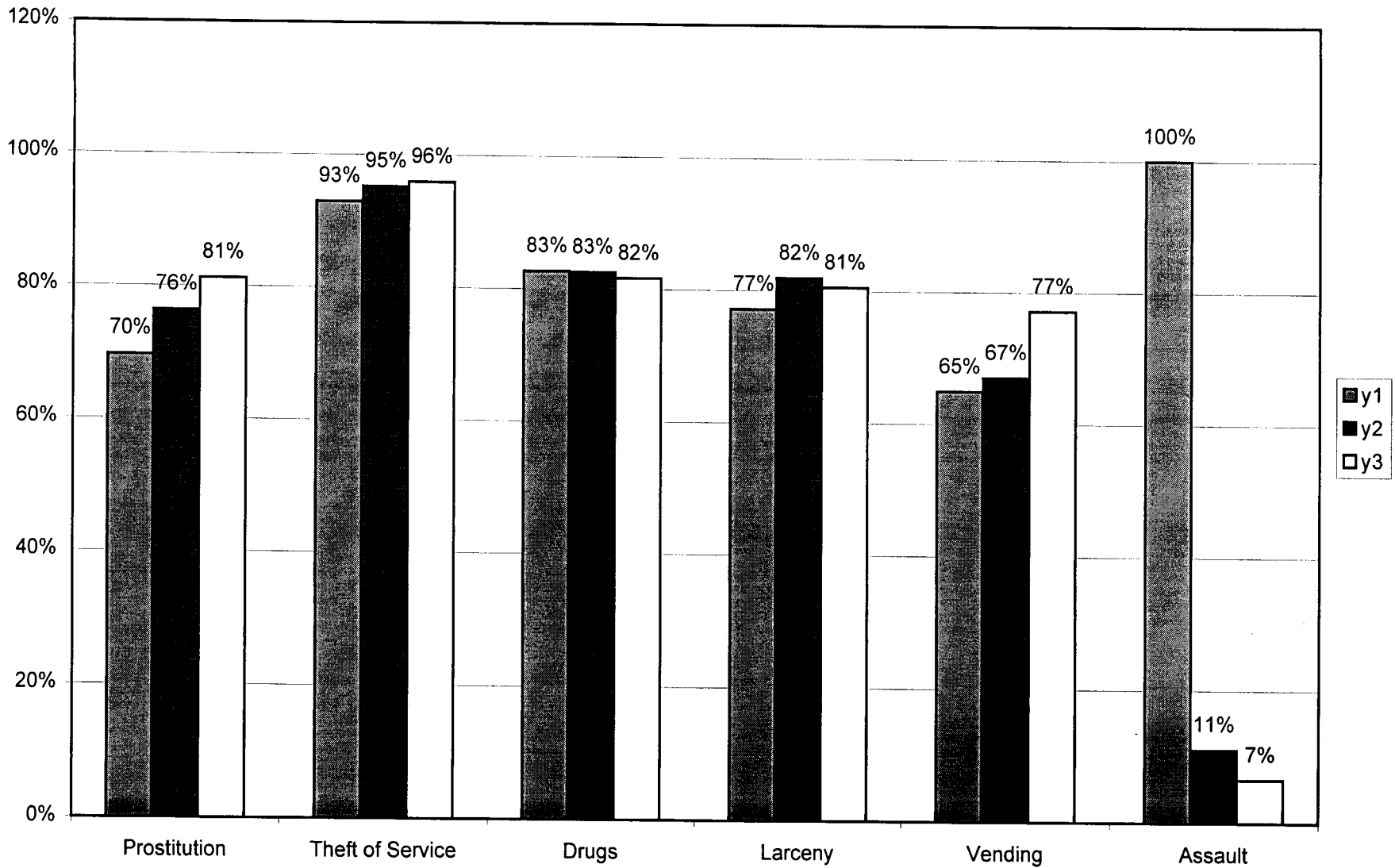


Chart 6: Percent Disposed by Year and Charge: 100 Centre Street (Summary Arrests Only)

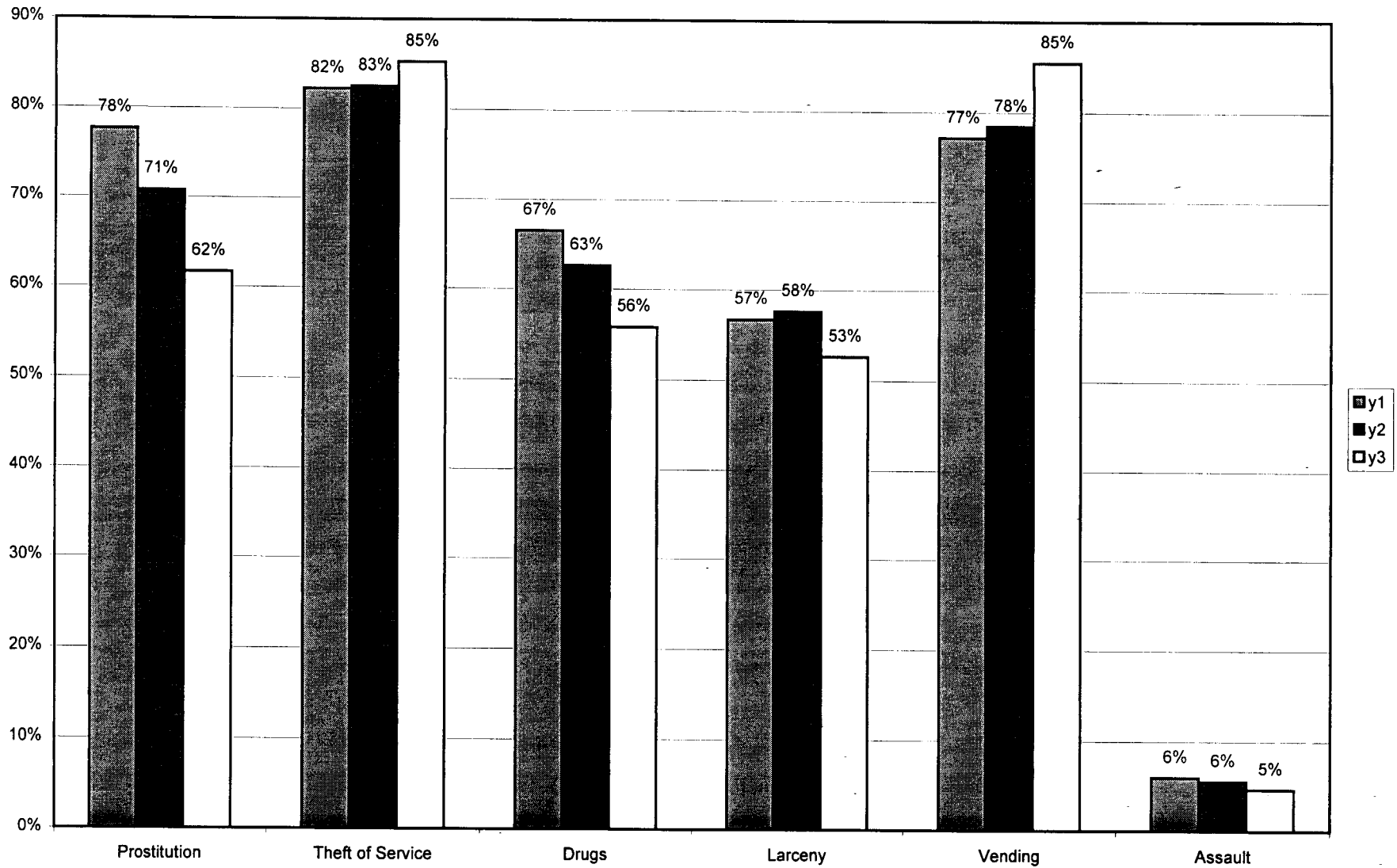


Chart 7: Percent Disposed by Year and Charge: Midtown Community Court (DATs Only)

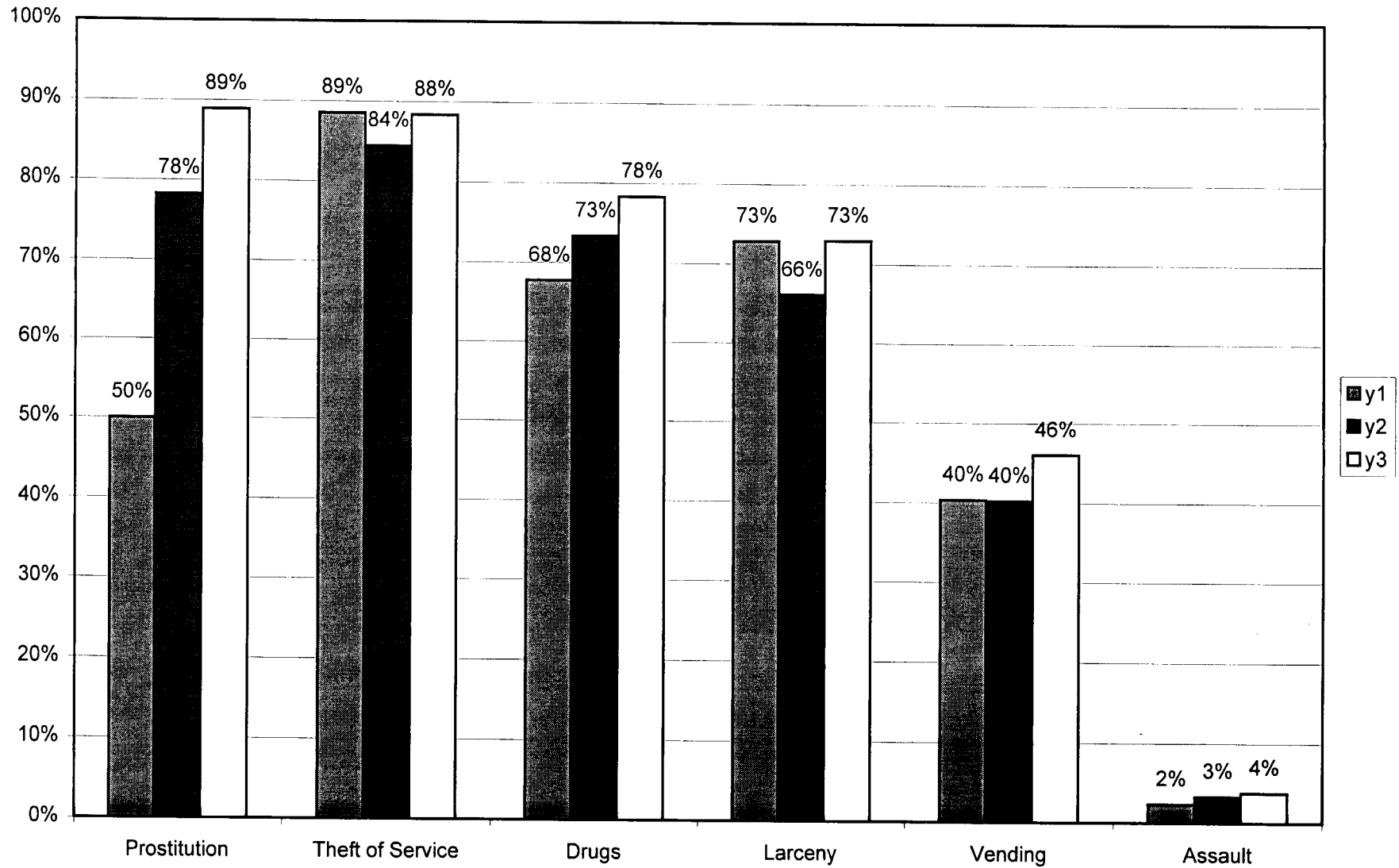
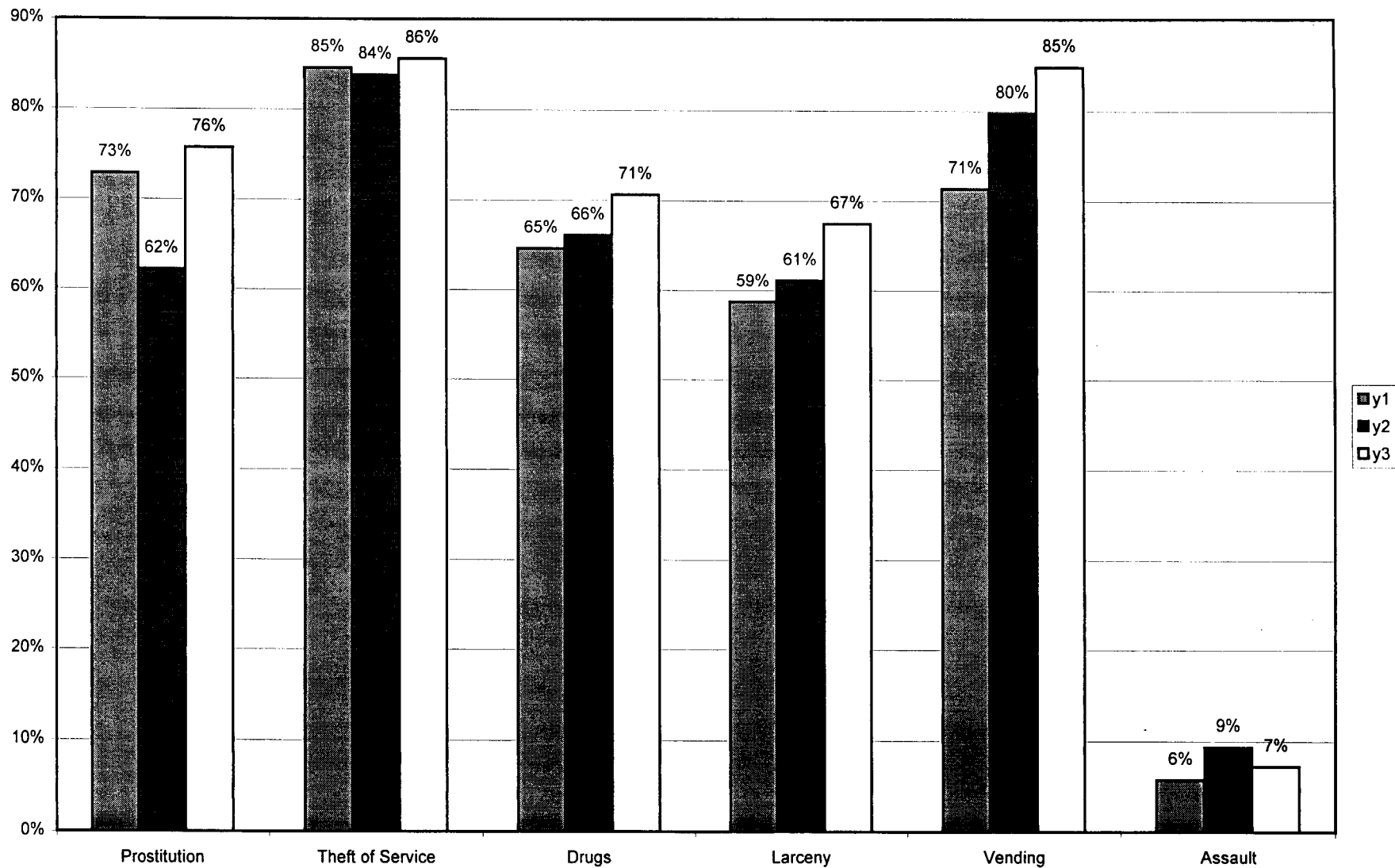


Chart 8: Percent Disposed by Year and Charge: 100 Centre Street (DATs Only)



Appendix 2.3

Case Outcome Trends: Methodology

Appendix 2-3

Comparing Case Outcomes

Methodological issues Research staff originally envisioned replicating the analysis conducted during the first phase of the research to answer questions about the impact of the Midtown Community Court on case outcomes. During Phase 1 research, staff constructed comparable databases for the Midtown and Downtown courts and used multivariate analyses to control for underlying differences between the courts in factors such as charge type, arrest type (e.g., the frequency of Desk Appearance Tickets) and prior criminal history.

Yet recent changes in the way that local research databases are constructed made it impossible to obtain an updated comparison data set, similar to that used in the first phase of the evaluation. In 1995, New York City's Criminal Justice Agency (CJA), which constructed the data set for the first phase of the research, began receiving case outcome information electronically from the New York State automated court data base, CRIMS. During the transition, this change in procedure affected CJA's access to information about "sealed" cases (i.e., cases that are dismissed or receive an adjournment in contemplation of dismissal) for the study period. Without information about sealed cases, the data available through CJA's research data base would not have been comparable to the data set constructed for the first phase of the research, and would not have provided sufficient information to examine differences in case outcomes at the Midtown and Downtown courts. Other sources of case outcome information (for example, CRIMS, the New York State Unified Court System's research database) do not include key variables, including prior criminal history, precinct of arrest, and information about defendants' demographic characteristics which is needed to control for underlying differences between the two courts.

In the process of exploring the suitability of available research databases, research staff identified another problem as well. Research staff had originally expected to use either a CJA or CRIMS data set to examine the frequency of "secondary" jail sentences for non-compliance with intermediate sanctions at the Downtown court (see Chapter Three). Unfortunately, neither the CJA nor the CRIMS research data base maintains information about court outcomes after the first sentence.

Given the difficulties associated with obtaining suitable data to replicate analysis,

Given the difficulties associated with obtaining suitable data to replicate analysis, research staff decided to turn instead to readily available information about aggregated case outcomes of convicted cases at the Downtown court. Examining whether the Midtown Court sustained its initial impact on case outcomes did not necessarily require multivariate analysis, if analyses could control for key differences identified in Phase 1 research: charge, Court and arrest type. In fact, the findings of Phase I analysis closely parallel findings from aggregate comparisons of sentence outcomes for cases ending in conviction, after controlling for charge type.¹ The analysis of differences in sentence outcomes compares aggregate outcomes for *convicted* cases only for comparable charges at the two courts – jail sentences, sentences of “time served”, community service sentences and fines.

Comparisons of aggregate official record data for cases convicted at arraignment demonstrate impacts on case outcomes that closely parallel those found in the more rigorous multivariate analysis conducted during the first phase of the research. A review of aggregate data showing sentence outcomes for misdemeanor and lesser cases at the two courts over three years provides substantial documentation of key trends. This review is sufficient for examining the extent to which key differences between the two courts have been sustained.

¹ This comparison used aggregate data from the CRIMS database. By examining convicted cases *only*, it differs from Phase 1 analysis which examined differences in the extent of intermediate sanctions for *all* cases disposed at arraignment, both convicted and not convicted. In New York City, a substantial proportion of misdemeanor and lesser cases are not convicted but are adjourned in contemplation of dismissal (ACD). ACDs are generally reserved for defendants with little prior involvement in the criminal justice system. In recent years, Manhattan courts have increasingly imposed specific conditions upon defendants receiving ACDs, including the requirement that they complete short-term community service or social service sentences. Although the Midtown Court maintains information about sanctions associated with an ACD, the CRIMS data base does not. Therefore, the comparison is limited to convicted cases only.

By limiting the analysis to convicted cases only, this approach effectively controls for underlying differences between the two courts in arrest type. Although the Midtown Court handled a substantially higher percent of DATs than the Downtown court, DATs are far less likely to end in conviction than summary arrests.

Appendix 2.4A

Correlates of Compliance: Midtown Community Court

Appendix 2-4(A)

Correlates of Compliance: Midtown Community Court

This section outlines the results of bivariate and multivariate analyses of community service and social service compliance rates at the Midtown Court over three years.

Bivariate Analysis. Bivariate analysis shows that several variables have a strong relationship to whether an individual will complete his or her community or social service sentence at Midtown. Factors that have a strong positive relationship with compliance are discussed below:

- *DAT* For both types of sanction, those issued a DAT are much more likely (43% more likely for community service, 41% more likely for social service) to comply than those with a summary arrest. This stark difference might be a product of the fact that those who are responsible enough to appear on their own recognizance at arraignment also will be more likely to complete their court-ordered sentences.
- *Sentence length* Those receiving a one-day alternative sanction were substantially more likely to complete their sentences than those receiving a sanction of two or more days (43% more likely for community service, 53% for social service).
- *Speed of assignment* Those beginning their sanction the same day as they were sentenced were more likely to complete it (15% more likely for community service, 24% for social service).
- *Charge type* Those charged with soliciting a prostitute, unlicensed vending and assault all had very high rates of compliance (well over 80%) for both community and social service sanctions.

Several factors had strong negative relationships to completion:

- *Homelessness* Those who reported being homeless or living in a shelter were more likely to fail than those who were domiciled (24% more likely for community service, 33% for social service).
- *Drug use* Those who admitted to using heroin or cocaine/crack failed more often (24% more likely for community service, 27% for social service).
- *Charge type* Those charged with drug, panhandling and trespassing offenses had the lowest rates of completion for both types of sanction (as low as 51%).

Other factors had no strong relationship, positive or negative, with compliance. Mean

age, and the categories of sex and year of Court operation differed only slightly from each other in terms of rates of success. One factor, criminal history (operationalized as the mean number of prior misdemeanor convictions), had a strong relationship with community service compliance (completers averaged about four priors, while failures had a mean of seven) but not social service compliance (both completers and failures averaged approximately eight priors).

Multivariate Analysis. This exploration of the bivariate relationships between compliance rates and legal and demographic factors and year answers some questions, but raises another: What is the *relative* contribution of each of these factors to compliance when they are considered simultaneously? The following analysis, using the logistic regression multivariate technique, addresses this question.¹ Two multivariate models were created to examine this issue, one predicting community service compliance and one predicting social service compliance.

Community Service Compliance

Table 1: Output from Logistic Regression Predicting Community Service Compliance

Dependent Variable..	M_CSSTAT	Completed Community Service?			
-2 Log Likelihood	11933.391				
Goodness of Fit	13004.836				
	Chi-Square	df	Significance		
Model Chi-Square	2758.724	19	.0000		
Improvement	2758.724	19	.0000		
----- Variables in the Equation -----					
Variable	B	S.E.	df	Sig	Exp(B)
M_DAT	1.6809	.0574	1	.0000	5.3706
M_YEAR_2	-.0132	.0592	1	.8240	.9869
M_YEAR_3	.1521	.0625	1	.0149	1.1643
M_SMEDAY	.6315	.0680	1	.0000	1.8804
M_ONEDAY	.9485	.0500	1	.0000	2.5818
CH_DRUGS	-.3436	.1895	1	.0698	.7092
CH_JOHNS	1.7264	.2073	1	.0000	5.6206
CH_PHNDL	-.7233	.2242	1	.0013	.4852
CH_PL	-.2338	.1487	1	.1160	.7915
CH_PROS	-.0601	.1578	1	.7034	.9417
CH_RZIST	.0259	.2496	1	.9173	1.0263
CH_TOS	-.3835	.1411	1	.0066	.6815
CH_TRESP	-.1621	.2204	1	.4619	.8503
CH_VEND	.4282	.1713	1	.0124	1.5346
PMISCONV	.0049	.0013	1	.0002	1.0049
AGE	.0022	.0026	1	.3928	1.0022

¹ The logistic regression procedure is used here because it is appropriate in cases with a dichotomous outcome measure (in this case, completed versus failed) and both dichotomous (e.g., sex) and continuous (e.g., number of prior misdemeanors) predictor variables.

M_FEMALE	.3958	.0643	1	.0000	1.4855
M_HMELSS	-.2993	.0838	1	.0004	.7414
M_DRGUSE	-.6146	.0639	1	.0000	.5408
Constant	-.1095	.1723	1	.5251	

Table 1 shows that, while several factors are statistically significant ($p < .01$), the standardized coefficients (in the column titled Exp[B]) show that only a few of these factors had a *strong* influence on compliance rates for community service sentences. Namely, DAT arrest cases (M_DAT) clearly had an impact on compliance, as did sentences that are scheduled on the same day of sentencing (M_SMEDAY) and those that are only a day in length (M_ONEDAY). Looking at the charge variables, it is evident that those who get caught trying to solicit a prostitute (CH_JOHNS) do not want any further trouble: their standardized coefficient was the largest, suggesting it had the most impact, of any model variable (panhandling (CH_PHNDL) and theft of service cases (CH_TOS) were also significantly related to compliance, but negatively and not as strongly. Also significant was the model variable that gauges past criminal involvement – prior misdemeanor convictions (PMISCONV); its positive coefficient shows that the more misdemeanor convictions a case had, somewhat paradoxically, the more likely compliance was likely to be.

This paradoxical relationship disappears with the addition to the model of an interaction term that considered the combined effect of the number of prior misdemeanor convictions for those charged with prostitution.² Court staff have noted that “career street walkers” – those arrested consistently and often – had high rates of compliance, as they viewed their community service sentences as a cost of doing business. The results of a logistic analysis that included this factor were consistent with this conventional wisdom. With its addition, the prior misdemeanor variable remains significant, but is now *negatively* related to compliance. The interaction term, by contrast, is positively related to compliance ($p < .001$) with a standardized coefficient of 1.03.

As for extra-legal variables, controlling for other variables, females (M_FEMALE) were more likely to complete community service than males. This is a relationship that is not apparent

² Precisely, this variable was created by multiplying the prior misdemeanor conviction variable (PMISCONV) with the prostitution charge variable (CH_PROS). The resultant variable was included in the model, as were the variables used to create it.

when looking at the bivariate relationship between sex and community service compliance, which shows that – not considering other factors – females are slightly more (78% versus 76%) likely to complete. The regression also shows that those who admit drug use (M_DRGUSE) and who are homeless (M_HMELSS) are significantly more likely to fail.

Finally, controlling for other model variables, Year-Three (M_YEAR_3) cases were significantly more likely to comply than Year-One cases ($p < .05$).³ Based on the bivariate relationships – where the Year-One compliance rate was four percent higher than the Year-Three rate – this was unexpected. This apparent inconsistency can be explained in part by a fundamental change in the Court's caseload, from Year One, in which 70 percent of docketed cases were DATs, to Year Three, where only 46 percent were DATs (see Chart 1 in chapter Two).

This change arose from a shift in NYPD policy away from issuing DATs in lieu of issuing more summary arrests (Purdy, 1997). In the past, those DAT cases with a tendency not to comply with legal mandates failed to appear at arraignment (and a warrant was issued for their arrest). It has been suggested that the new NYPD summary arrest policy pushed those with a tendency to abscond into the system where, instead of ignoring a DAT, they ignored their court-ordered community service sentence, negatively affecting compliance rates. Faced with a changing caseload, based on the above analysis, it appears that one of the most effective steps Midtown staff can take to bolster compliance rates is to schedule as many people as possible to same-day sentences.

³ The dummy variable for Year One is excluded from this model, making it the reference category.

Social Service Compliance

Table 2: Output from Logistic Regression Predicting Social Service Compliance

Dependent Variable.. M_SSSTAT Completed Social Service?

Estimation terminated at iteration number 4 because
Log Likelihood decreased by less than .01 percent.

-2 Log Likelihood	4920.295				
Goodness of Fit	4617.976				
	Chi-Square		df	Significance	
Model Chi-Square	1004.751		19	.0000	
Improvement	1004.751		19	.0000	
----- Variables in the Equation -----					
Variable	B	S.E.	df	Sig	Exp(B)
M_DAT	1.8058	.1412	1	.0000	6.0848
M_YEAR_2	-.3746	.0930	1	.0001	.6876
M_YEAR_3	-.0447	.0929	1	.6305	.9563
M_SMEDAY	.8536	.0965	1	.0000	2.3481
M_ONEDAY	.7832	.0870	1	.0000	2.1885
CH_DRUGS	.0863	.2373	1	.7162	1.0901
CH_JOHNS	1.7495	.2685	1	.0000	5.7515
CH_PHNDL	-.4792	.3602	1	.1834	.6193
CH_PL	.0577	.2500	1	.8175	1.0594
CH_PROS	.3338	.2394	1	.1632	1.3963
CH_RZIST	-.4852	.4131	1	.2402	.6156
CH_TOS	.0363	.2406	1	.8801	1.0370
CH_TRESP	.0979	.3405	1	.7737	1.1029
CH_VEND	.1119	.3316	1	.7357	1.1184
PMISCONV	.0070	.0017	1	.0001	1.0070
AGE	.0212	.0043	1	.0000	1.0215
M_FEMALE	-.0435	.0873	1	.6180	.9574
M_HMELSS	-.5660	.1060	1	.0000	.5678
M_DRGUSE	-.5195	.0833	1	.0000	.5948
Constant	-.6940	.2914	1	.0173	

Table 2 illustrates that most of the factors that best predict community service compliance are strong predictors of social service compliance as well. As with community service compliance, DAT cases (M_DAT), cases sentenced to one day (M_ONEDAY) and sentences that began on the same day (M_SMEDAY) were all highly influential factors. Of all charges, "johns" (CH_JOHNS) were also most likely to comply with a social service mandate; no other charge variables were significantly (positively or negatively) related to compliance. The more prior misdemeanor convictions a case had (PMISCONV), and the greater a person's age (AGE),

the more likely compliance was.⁴

The state of being homeless (M_HMELSS) and admitted “hard” drug use (M_DRGUSE) were both negatively related to success. Finally, cases from the second year (M_YEAR_2) were significantly less likely to comply than cases in the first year, a result that is consistent with the bivariate comparison of year to social service compliance.

⁴ However, as with the community service compliance model, the inclusion of the interactive term (“priors” x “prostitution”) changed the relationship between priors and social service compliance from a positive one to a negative one. The new variable was significant ($p < .05$) and had a standardized coefficient of 1.01.

Appendix 2.4B

Community Service: Estimating the Value

Appendix 2-4 (B)

Estimating the Value of Community Service Labor

One of the central premises of the Midtown Community Court is that community service should 'pay back' the community where crimes take place. Over the Court's first three years, defendants completed 21,369 days of community service within the Court's catchment area. Defendants assigned to community service crews painted over graffiti, assisted street sanitation crews for local Business Improvement Districts, maintained tree beds, helped recycle cans collected by the homeless and sent out bulk mail for local non-profit organizations. Working a six-hour day, valued at the then-current minimum wage (\$4.25 per hour), they contributed nearly \$545,000 in labor to the Midtown area, or an average of roughly \$182,000 per year.⁵

Increased Community Service Days. From a relatively conservative perspective, the value of community service labor produced by the Midtown Community Court can be seen as equal to the amount of additional community service performed by Midtown defendants, compared to the amount that would have been performed if their cases had been sent Downtown. As demonstrated in the first phase of the research, if the Court did not exist, fewer defendants would have been sentenced to community service, the community service completion rate would have been lower and community service work would have been concentrated in other neighborhoods.

Because the Midtown Court handed out more community service sentences and had a higher compliance rate than the Downtown court, Midtown defendants completed more community service days than would have been completed Downtown. To estimate the value of the increase in the amount of community service performed, we needed to examine the difference in the number of both community service sentences and community service days completed.

To do this we reviewed differences in case outcomes for convicted cases at the two courts over three years to estimate differences in the likelihood of community service. To estimate the value of the increase in the amount of community service performed, we needed to examine the difference in the number of both community service sentences and community service days completed. First, we calculated the number of community service sentences that would have been handed out for the five most frequent charges. For example, review of case outcomes over

⁵ This includes not only cases that were sentenced to community service at Midtown arraignment but also cases that were sentenced to community service on a subsequent appearance (e.g., after a return on warrant).

three years showed that prostitutes were 2.2 times more likely to receive community service sentences at the Midtown Court than at the Downtown Court. Therefore, to determine the number of community service sentences Downtown, we divided the number of community service sentences by 2.2. Based on the ratio calculated for the five most common charges (2.38), we used the same method to estimate the number of community service sentences Downtown for 'other' charges, as shown below in Table 1. Based on these calculations, we estimate that Midtown imposed 8,770 more community service sentences than would have been imposed Downtown (15,125 actual community service sentences at Midtown compared to an estimated 6,355 Downtown).

Table 2.4.B.1
Calculating the Effect of the Midtown Court
on the Frequency of Community Service Sentences

	Prostitution	Shoplifting	Turnstile Jumping	Low-Level Drugs	Vending	Other	Total
# Midtown Community Service Sentences	1798	2586	7024	335	1527	1855	15125
Ratio Midtown/ Downtown	2.2	2.55	2.93	.52	2.08	2.38	2.38
# (Estimate) Downtown Community Service Sentences	817	1014	2397	644	734	779	6355
Increased # Sentences	981	1572	4627	-309	793	1076	8770

Next, we compared the number of completed community service sentences at Midtown (11,305) to an estimate of the number that would have been completed Downtown. To calculate the difference in the number of *completed* community service sentences at the two courts, we estimated the number of sentences that would have been completed Downtown, using the

average Downtown completion rate of 54.7% over three years for all charges. We then subtracted these estimates from the actual number of completed sentences at Midtown, as shown below. Based on this, we estimate that there are 3.25 completed community service sentences at Midtown for every completed community service sentence Downtown and that a total of 7,829 more community service sentences would have been completed at Midtown than if the same cases were heard Downtown.

Table 2.4.B.2
Calculating the Effect of the Midtown Court
on the Frequency of Community Service Completion

	Prostitution	Shoplifting	Turnstile Jumping	Low-Level Drugs	Vending	Other	Total
Completed Sentences: Midtown	1143	1882	5274	180	1368	1458	11305
Completed Sentences: Downtown (estimate)	447	555	1311	352	402	426	3476
Increased # completed sentences	696	1327	3963	-172	966	1032	7829

The final step was to estimate differences in the number of community service days actually performed. At the Midtown Community Court, the 11,305 community service sentences completed over three years yielded 20,067 community service days (valued at \$511,708) -- an average of 1.775 days per completion. Because the first phase of the evaluation showed no difference in average community service sentence lengths at the two courts (two days at both courts), we used the Midtown average number of days completed per sentence to estimate the number of community service days performed if defendants had been arraigned Downtown. At this rate, 3,476 completed sentences would have yielded a total of 6170 community service days completed (valued at \$157,335).

We were then able to calculate the difference in the value of completed community service days at the two courts: at minimum wage, the value of community service days completed at Midtown increased by an estimated \$354,373 or an average of \$118,124 per year.

This represents a conservative estimate of the added value of community service sentencing at the two courts.

Other Approaches to Estimating the Value of Community Service. There is also reason to believe that the entire \$182,000 worth of annual labor represents a direct contribution to the Midtown community. By maintaining and improving the condition of streets and sidewalks primarily along the commercial strip that serves Clinton's residential community, the Court improved quality-of-life conditions on a key thoroughfare. In addition, community service contributions to various non-profit groups (e.g., Salvation Army), Business Improvement Districts and city agencies throughout Midtown represented a direct contribution to the neighborhood.

From an even broader perspective, community service labor not only represents a direct contribution to the community but also has 'multiplier' effects that contribute to the revitalization of Midtown Manhattan. For example, the Court's graffiti removal work along the commercial strip serving the residential community helped attract new restaurants and shops and contributed to the overall improvement of the Clinton neighborhood, increasing property values, expanding the city's tax base and spurring economic development. From this perspective, the value of community service labor would equal not only the \$182,000 in labor but an estimated 'return' on that investment. Analysis of these effects is beyond the scope of this research.

Appendix 2.5

Unlicensed Vending: Additional Ethnographic Findings

Appendix 2-5

Ethnographic Research on Unlicensed Vending

Introduction. Qualitative research documents the extent to which improvements in street conditions in the Midtown area, documented in preliminary research, were sustained over the first three years of the Court's operations. Initial ethnographic research was conducted between February 1994 and August 1995. It assessed the impact of the Midtown Community Court on street-level conditions in Midtown Manhattan, examining the nature and concentration of misdemeanor offenses within designated areas in Midtown and probing the specific impact of the Midtown Community Court on these activities. During the initial 18 months of ethnographic fieldwork, significant declines in several misdemeanor offenses, including unlicensed street vending, were documented.

Beginning in October 1996 and lasting until July 1997, follow-up ethnographic research was conducted in Midtown to reappraise the prevalence and patterns of unlicensed vending, to assay whether its observed decline had been sustained and to document the role which the Midtown Community Court had played in these changes.

Research Methods. As with the initial research, observations of vendors took place on Broadway between 47th and 50th Streets, around Times Square, and just south of the Port Authority Bus Terminal. While interviews with many daily unlicensed vendors suggested that they did not work at specific pre-determined sites, they did appear to follow a routine that varied by time of day and season, and they were often concentrated in three areas, namely, Times Square between 43rd and 46th Streets, Avenue of the Americas between 51st and 55th Streets, and Lexington Avenue between 56th and 57th Streets. The greatest amount of intermittent vending appeared to take place on Ninth Avenue between 50th and 57th Streets, often by clients of St. Claire Hospital's methadone clinic.

Street-level observations were complemented by qualitative interviews with unlicensed vendors and other quality-of-life offenders. Interviews focused on the perceived changes in street-level conditions, markets for illegal goods and services, reactions to increased quality-of-life enforcement, and the reactions and responses of unlicensed vendors to such changes.

Informants were also specifically asked about their experiences with the Midtown Community Court.

Unlicensed street vendors had previously been differentiated on the basis of their product and mobility. The most visible and ubiquitous street vendors were (and continued to be) African immigrants selling counterfeit products along well-established routes. A serious problem in conducting research among this population had been a significant language barrier. African vendors tended to be Senègalese who spoke mostly French or Creole and had limited ability to converse in English. Members of the ethnographic team spoke Spanish and were able to interview the more stationary Central American vendors with relative ease, but there were far fewer of them than the mobile vendors. As with the initial research, intermittent vendors were spoken with, but, because of the sporadic nature of their work, systematic observations of this type of vendor was extremely difficult.

Findings. Unlike street prostitutes, whose numbers consistently declined in response to greater police enforcement, pressures applied by the Midtown Community Court, and changing street-level conditions in Midtown, the number of unlicensed vendors rebounded in 1996-1997, after several years of diminishing numbers.

The initial ethnographic research had distinguished unlicensed street vendors by product, mobility, the specific market they catered to, and the regularity of their schedule as vendors. In the current study, vendors have been broadly classified into three groups.

The first group consisted of itinerant, sporadic vendors, dispersed over the catchment area, who were often seen peddling products in small quantities. As in the previous research period, conversations with such vendors revealed that they were rarely bothered by the police or had any contact with or awareness of the Midtown Community Court. For example, one man who was observed selling "The Club" around 34th Street between Seventh and Eighth Avenues, claimed that he worked in the area for a few hours each day, but had never had any problems with the police.

A second group of occasional or sporadic vendors, associated with the methadone clinic at St. Claire's Hospital, was found along Ninth Avenue between 48th and 58th Streets. These vendors bartered and sold a wide variety of items, including new and used goods, and

pharmaceutical drugs. However, their main source of business was people from the methadone community, and to a much lesser degree, pedestrians along Ninth Avenue. Because most of their activity took place “in house,” the police were seldom seen disrupting this crowd and few of them complained about being troubled by the police for street vending.

By far of greater interest to the research team was the third group of unlicensed vendors who sold apparel, watches and other counterfeit products aimed at tourists. These vendors were mostly Senegalese and West African immigrants who often lived and worked together. Much less visible during the winter months, the vendors returned in large numbers during the summer. Highly dependent on pedestrian and tourist traffic for their sales, the vendors adopted numerous tactics to avoid police detection. The following excerpt from field notes is suggestive of their methods:

Between 44th and 45th Streets on Broadway, there were five unlicensed street vendors selling different products ranging from t-shirts to sweatshirts, sunglasses and watches. A couple of them had sheets laid out in front of them and large cardboard boxes on the side in which they kept their supplies. Others were selling their merchandise from large push carts. Still others were carrying briefcases. Business was brisk as Times Square was bustling. They were all Senegalese and all seemed to know each other. Together they kept collective watch for the police. While I was talking to one of the men, a police car swept by. Instantly, they packed their boxes or covered their carts with sheets. Five seconds later when the police were gone, they had resumed business.

Conversations with the vendors, though often hampered because of the vendors’ limited English skills, revealed that many of them had been arrested on numerous occasions, yet they felt little choice but to return to the streets. Many factors accounted for this decision. As illegal immigrants, many said that they were unable to join the legitimate economy, but even among those who reported that they had once worked in a legal job, street vending was much more lucrative, despite the risks. One vendor, for example, reported that he made up to \$300 a day, far more than he had ever made at his legal day job. While many vendors claimed that they would like to have a license, they complained about the difficulty of getting a license in New York. Furthermore, the profitability of selling counterfeit brand name products was too attractive to pass up. John, an African-American vendor, commented:

I was thinking of getting a license, but in New York City what they do is, they have a big pool, a big lottery pool because they say that there is not enough licenses to go around.

And so you have to wait every year, and then you get in there and drop your number like in the lotto. And you know, unfortunately I just didn't have the time to wait. There's a lot of money to be made. That's why I sell fake stuff. People are so wrapped up in this designer stuff and glasses.

Vendors were quick to acknowledge the strain of stringent law enforcement by police and the Midtown Community Court. Being arrested, one vendor explained, meant the confiscation of merchandise and a loss of revenues through time spent in holding cells and community service. In response to these pressures, the African vendors worked together to avoid arrest and detection. One vendor reported that the advantage of working together in large groups on a single corner was that it allowed most vendors to escape, while the police made an individual arrest. Several vendors reported that they had developed elaborate systems of monitoring police surveillance times and schedules, but such claims were unable to be verified.

Conclusion. In summary, with the exception of one type of unlicensed vendor whose numbers appear to have slightly increased or stabilized in 1997, the transformations in street-level conditions which had been observed during the initial ethnographic research period (1994-1995) were not simply sustained in the current period, but were improved upon during the Court's first three years. Among vendors, it was impossible to assess whether the many changes taking place in Midtown had any impact upon the occasional, itinerant vendor. Street-level vendors who catered to a restricted clientele, such as those who were clients of the methadone program at St. Claire's Hospital, appeared to be relatively unaffected by recent changes in Midtown. But vendors who targeted tourists and worked the Midtown streets daily selling counterfeit products – especially West Africans who worked in groups – arrest, prosecution and follow-up by the Court produced tremendous stress and anxiety and led them to modify their street activities to avoid arrest. Yet, many felt that the risk of arrest was a necessary part of earning a living in New York City and saw few options in the legitimate economy.

Appendix 3.1

Primary and Secondary Jail: Estimating Costs

Appendix 3.1

Primary and Secondary Jail Sentences: Estimating the Costs

I. Primary Jail Sentences: Midtown and Downtown

This appendix provides detailed documentation of the procedures used to estimate differences in the costs of primary and secondary jail at the Midtown and Downtown courts for the four most jailbound charges appearing at the Midtown Court.

Primary Jail Sentences at the Midtown Community Court. Review of the Midtown Court's MIS showed that, over the first three years, the Midtown Court imposed a total of 1,858 jail sentences for the four most jail-bound charges -- an incarceration rate of ten percent. Averaging 28 days per sentence, these cases resulted in a total of 51,937 sentenced jail-days, as shown below:

Table 1
Midtown Community Court: Total Jail Days by Charge

	Prostitution	Shoplifting	Low-level Drugs	Turnstile Jumping	Total
Total Number of Cases	2874	4165	1824	10000	18863
Number of Jail Sentences	284	688	309	577	1858
Percent Receiving Jail Sentence	10%	17%	17%	6%	10%
Average Jail Sentence Length	13	55	15	10	28.0
Total Jail Days Ordered	3692	37840	4635	5770	51937

Primary Jail Sentences at the Downtown Court. To compare the number of primary jail sentence-days at the two courts, research staff estimated the number of jail days that would have been imposed had these cases been handled at the Downtown court, based on a review of (1) data from the first year evaluation, documenting the number and length of jail sentences imposed for individual cases; and (2) aggregate data supplied by the Office of Court Administration, documenting the distribution of jail sentences of various lengths (1-5 days, 6-30 days, 30+ days) by charge over three years. To estimate the number of jail sentences that would have been

imposed Downtown for these cases, research staff drew upon findings from the first phase of the evaluation that controlled for underlying caseload differences between the two courts (e.g., percent of Desk Appearance Tickets, prior criminal history) to determine differences in the likelihood of jail sentences.¹ These analyses showed that jail sentences at the Downtown court were three times as likely for prostitution cases, twice as likely for shoplifting cases, 1.42 times as likely for turnstile jumping cases and 1.2 times as likely for drug cases as they were at the Midtown Court. Multiplying the total number of jail sentences accordingly produced a total of 3047 jail sentences -- 18 percent, roughly double the Midtown frequency of primary jail for these charges (9%).

Analysis of differences in jail costs also required documenting average sentence lengths by charge at the Downtown court. Because the information provided by the Unified Court System about jail sentence length by charge at the Downtown court was categorical (1-5 days, 6-30 days, 30+ days) rather than continuous, estimates of average sentence lengths were based on 1) a review of changes in the distribution of sentence lengths from year to year; 2) information about average sentence lengths at the two courts from the first phase of the evaluation; and 3) information about average jail sentence lengths over three years at the Midtown Court.

To estimate average jail sentences, we assigned a mid-range value to each category, taking into account "going rates" for each charge;² and calculated Downtown average sentence

¹ As discussed in Chapter Two, a review of aggregate sentence outcomes for defendants convicted of specific charges demonstrated that the frequency of jail sentences at the two courts remained relatively stable over the three year demonstration period. Therefore, research staff believed it appropriate to draw upon Phase 1 research which controlled for underlying caseload differences to develop estimates of the number of jail sentences that would have been imposed Downtown. These analyses calculated 'derivatives from the mean' which controlled for such differences to determine the probability of jail sentences being imposed at the two courts (see Sviridoff et al, 1997). For example, in the first phase of the research, the actual percent of shoplifting cases receiving jail sentences was 2.3 times as high for *all* arraigned cases Downtown (51%) as at Midtown (22%); in contrast, the 'derivative from the mean' estimate of the probability of jail for *similar* cases, controlling for criminal history and other key variables, was only twice as high (44% vs. 22%). The estimates derived here assume that derivatives from the mean, based on a comprehensive first year data set, would remain relatively stable if aggregate sentence outcomes also remained stable. It should be acknowledged that these estimates are rough approximations at best.

² For these estimates, we assigned values of 3 days for the 1-5 day category; and 15 days for the 6-30 day category. Determining the values for the 31+ categories for each charge required a gradual process of calibration. We began with estimates loosely based on 'going rates' for repeat offenders for each offense -- 90 days for shoplifting, 60 days for drug cases and 35 days for both prostitution and turnstile jumping. These values were

lengths based on the adjusted values for each category. Review of these data demonstrated that jail sentence length dropped substantially for Midtown shoplifting cases, but did not change as markedly either for other Midtown offenses or for Downtown cases. These estimates showed that differences between the two courts in average jail sentence lengths over three years narrowed considerably since the first year for both shoplifting and prostitution charges, although sentence lengths at the Midtown Court remain substantially longer for these offenses. For drug and turnstile jumping cases, there was relatively little difference between the two courts in average sentence length, either after one year or over three years. This information is shown in Table 2 below.

Table 2
Jail Sentence Lengths at the Midtown and Downtown Courts

<i>Average Jail Sentence Length</i>	<i>Shoplifting</i>	<i>Low-level Drugs</i>	<i>Prostitution</i>	<i>Turnstile Jumping</i>
<i>Year 1: Midtown Jail Sentence Length Distributions and Average</i>	<i>1-5 days: 1% 6-30 days: 25% 31+ days: 74% 79 day average</i>	<i>1-5 days: 17% 6-30 days: 73% 31+ days: 10% 19 day average</i>	<i>1-5 days: 13% 6-30 days: 80% 31+ days: 8% 15 day average</i>	<i>1-5 days: 53% 6-30 days: 45% 31+ days: 2% 10 day average</i>
<i>3 Years: Midtown Jail Sentence Length Distributions and Average</i>	<i>1-5 days: 4% 6-30 days: 41% 31+ days: 55% 55 day average</i>	<i>1-5 days: 16% 6-30 days: 77% 31+ days: 6% 15 day average</i>	<i>1-5 days: 17% 6-30 days: 80% 31+ days: 3% 13 day average</i>	<i>1-5 days: 45% 6-30 days: 52% 31+ days: 2% 10 day average</i>
<i>Year 1: Downtown Jail Sentence Length Distributions and Average</i>	<i>1-5 days: 8% 6-30 days: 50% 31+ days: 42% 49 day average</i>	<i>1-5 days: 26% 6-30 days: 64% 31+ days: 10% 19 day average</i>	<i>1-5 days: 69% 6-30 days: 30% 31+ days: 1% 5 day average</i>	<i>1-5 days: 48% 6-30 days: 49% 31+ days: 3% 9 day average</i>
<i>3 Years: Downtown Jail Sentence Length Distributions and Estimated Average</i>	<i>1-5 days: 9% 6-30 days: 51% 31+ days: 40% Estimated average: 43 days</i>	<i>1-5 days: 32% 6-30 days: 59% 31+ days: 9% Estimated average: 15 days</i>	<i>1-5 days: 59% 6-30 days: 40% 31+ days: 1% Estimated average: 8 days</i>	<i>1-5 days: 51% 6-30 days: 46% 31+ days: 3% Estimated average: 9 days</i>

applied to distributions at *both* courts. Estimates for the Midtown Court were matched against *actual* average sentence lengths at Midtown, which helped us calibrate the value for the 31+ category for each charge, yielding final values of 90 days for shoplifting, 55 days for drug offenses and 32 days for prostitution and turnstile jumping.

These estimates are admittedly rough: it is of course possible that average sentence lengths for sentences over 30 days long differed substantially at the two courts. The estimates do however, correspond to information from Phase 1 research and system actors perceptions. It is also worth noting that jail sentences over 30 days were infrequent for all offenses except shoplifting.

Using the methods for estimating jail frequency and jail duration outlined above, we then estimated the number of Downtown jail sentences that would have been imposed for Midtown cases as shown in Table 3.

Table 3
Downtown Court: Estimated Total Jail Days by Charge

	Prostitution	Shoplifting	Low-level Drugs	Turnstile Jumping	Total
Total Number of Cases	2874	4165	1824	10000	18863
Number of Jail Sentences	852	1376	371	819	3418
Percent Receiving Jail Sentence	30%	33%	20%	8%	18%
Average Jail Sentence Length	8	43	15	9	23.0
Total Jail Days Ordered	6816	59168	5562	7374	78920

Next, we calculated the difference between the actual number of jail-sentence days at Midtown and the estimated number Downtown to determine the number of primary jail sentence days saved by the Midtown court (see Table 4).

Table 4
Estimated Jail Days Saved at the Midtown Court: Primary Jail Sentences

	Prostitution	Shoplifting	Low-level Drugs	Turnstile Jumping	Total
Total Jail Days Saved at Midtown: Three Years	3124	21328	927	1604	26983
Annual Jail Days Saved	1041	7109	309	535	8994
Annual Jail Days Saved after 'Good Time' Credit (1/3 off)	695	4742	206	357	5999

To translate these annual jail savings into costs, we then calculated the number of years saved for each charge (1.9 for prostitution, 12.99 for shoplifting, .56 for drugs and .98 for turnstile jumping) and summed them (16.44 jail years saved.) At a cost of \$60,000 per year at Rikers Island, the local jail, the total *annual* primary jail saving produced by the Midtown Court over the demonstration period was estimated as \$986,175.

II. 'Secondary' Jail Sentences: Estimating the Costs.

Methodological Issues. The task of gathering information about the extent of secondary jail proved particularly challenging. Although the Midtown Court database allowed researchers to document the extent of secondary jail for cases docketed at Midtown, there was no comparable database available for cases docketed at the Downtown court during the study period.³

Therefore, we used two alternative approaches to estimate the number and duration of secondary jail sentences that would have been imposed if cases had first been sentenced Downtown. First, we examined the extent of secondary jail among cases, originally docketed at Midtown, that were disposed and sentenced *Downtown* after being continued or warranted at Midtown arraignment.⁴ This approach yielded 1,467 cases docketed at Midtown that received community service sentences Downtown, providing a solid basis for estimating the frequency of secondary jail for defendants sentenced to community service Downtown.

We also examined the extent of secondary jail among all Midtown cases sentenced Downtown that did not receive a *primary* jail sentence (N=4,578). This second approach had two distinct advantages: it provided a larger number of cases as a base for estimating the

³ In New York City, researchers examining criminal court outcomes have generally relied on two sources of research data: the Criminal Justice Agency database, which has traditionally documented criminal case processing through the first disposition and sentence; and data from the CRIMS extracts files, a SAS database that allows researchers access to a sub-set of data drawn from the Unified Court's System's CRIMS case-based information system. According to agency representatives contacted in the process of research planning, neither database permits research access to information beyond the first sentence imposed.

⁴ Not all cases calendared at the Midtown Court are arraigned at the first scheduled appearance. This is because a substantial proportion of defendants are issued Desk Appearance Tickets (DATs). When these defendants fail to appear at arraignment, a warrant is issued for their arrest. They are not arraigned until they return to the court, either voluntarily or involuntarily, in response to a warrant or for a new offense. Many DATs that are first scheduled to appear at the Midtown Court are actually arraigned Downtown, generally after a warrant falls when they appear on a new case.

frequency of secondary jail and it permitted the inclusion of secondary jail that might have been imposed for other types of non-compliance (e.g., failure to complete social service sentences, failure to pay fines, failure to comply with other conditions of discharge).⁵

The analysis of secondary jail costs used information from the Midtown data base to compare the actual extent of secondary jail for cases first sentenced at the Midtown Court to estimates of secondary jail that would have been imposed for cases that were sentenced Downtown. Analysis showed that secondary jail sentences were far more common for cases originally sentenced at Midtown than for cases sentenced Downtown for the four most common charges at the Midtown Court.

The calculation of secondary jail costs accounted for the fact that most secondary jail sentences are handed out when defendants are brought back to court after an arrest on a new charge. Typically, judges are faced with a defendant who has not only failed to comply with a court order (e.g., community service sentence, social service sentence) but has reoffended. In these cases, defendants can be sentenced to jail on both the old case and the new case; such sentences are generally concurrent, not consecutive. By imposing jail sentences on *both* cases, the judge signals that the court is responding aggressively to non-compliance. In some instances, the primary impetus for the jail sentence is the new arrest; in other instances, it is the outstanding warrant on the old case. Because it is difficult to determine the relative contribution of the old warrant or the new arrest to the jail sentence, for purposes of estimating the costs of 'secondary' jail at the Midtown and Downtown courts, we have attributed half of the 'secondary' jail sentence to the Court that handed out the 'primary' sentence.⁶

Secondary Jail Costs for Defendants Receiving Community Service Sentences. To

⁵ We originally anticipated exploring the extent of secondary jail for defendants who had failed to complete either community service or social service sentences imposed at the two courts. This population could not be identified at the Downtown court for two reasons: 1) when defendants receive social service sentences at the Downtown courts those sentences are not recorded on CRIMS; and 2) compliance information for individual defendants sentenced to either community service or social service sentences Downtown is not readily available.

⁶ Although the decision to divide the number of secondary jail days in half is relatively arbitrary, we believe it makes sense, given the fact that judges typically impose jail in response to both non-compliance and recidivism. Jail sentences on both cases are typically concurrent. It should also be noted that this decision applies equally to both courts.

estimate the cost of secondary jail sentences for cases receiving community service sentences, we documented the extent of secondary jail for cases first sentenced at the Midtown Court over the first three years. Analysis showed that 10.5% of community service sentences ended in secondary jail -- a total of 1,324 secondary jail sentences and 25,983 jail days. The percent of secondary jail sentences varied substantially by charge, as shown in Table 5.

Table 5
Secondary Jail Sentences by Charge for Cases First Sentenced at the Midtown Court:
Defendants Originally Sentenced to Community Service

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
# Community Service Sentences	1839	2807	7616	354	12616
% with Secondary Jail	16.8%	10.3%	8.5%	23.2%	10.5%
# with Secondary Jail	309	288	645	82	1324
Average # Secondary Jail Days	16	61	15	27	26
Total Secondary Jail Days	4944	17568	9875	2214	34401

Secondary Jail Downtown: Community Service Cases. The next task involved estimating the number of secondary jail sentences that would have been imposed if the same cases had been sentenced at the Downtown court. This involved several steps, including:

- estimating the number of community service sentences that would have been imposed Downtown, using information about the percent of cases receiving community service sentences at the Downtown court over the first three years;⁷

⁷ To estimate the number of community service sentences that would have been imposed Downtown, we compared the relative likelihood of community service sentences for cases convicted at the two courts using the average percent of cases receiving such sentences at those courts over three years (see Chapter Two). For example, for prostitution, we divided the average frequency of community service sentences Downtown (29.7% of sentences over three years) by the frequency at Midtown (65.6% of sentences) to determine that community service was .45 times as likely Downtown as at Midtown. This approach showed that community service was .39 times as likely for shoplifting; .48 times as likely for turnstile jumping; and 1.92 times as likely for low-level drug cases (the Midtown Court relies heavily on Treatment Readiness Programs as sanctions for drug cases). These estimates of the relative

- documenting the percent of these cases that would have received a secondary jail sentence, based on information about the extent of secondary jail for Midtown cases sentenced to community service Downtown;
- calculating the number of secondary jail sentences that would have been imposed for these cases by multiplying the estimated number of community service sentences by the documented frequency of secondary jail;
- documenting the average length of secondary jail sentences for cases docketed at Midtown and sentenced to community service Downtown;⁸ and
- calculating the number of secondary jail days that would have been imposed Downtown by multiplying the average secondary jail sentence length by the estimated number of secondary jail sentences.

The results of these procedures are shown below.

Table 6
Estimated Secondary Jail Sentences by Charge for Cases First Sentenced at the Downtown Court: Defendants Originally Sentenced to Community Service

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
# Community Service Sentences	828	1095	2590	680	5191
% with Secondary Jail	3.0%	8.3%	7.6%	6.3%	6.8%
# Secondary Jail Sentences	25	91	197	43	355

likelihood of community service Downtown were then multiplied by the actual number of community service sentences at Midtown to derive an estimate of the number of community service sentences that would have been imposed Downtown.

⁸ Although there were sufficient numbers of secondary jail sentences for shoplifting and turnstile jumping cases to estimate average jail durations, the number of secondary jail cases that were docketed at Midtown and sentenced Downtown was low for prostitution and low-level drug charges (community service cases: 4 and 5, respectively; all non-jail cases, 6 and 9). For these charges, information about average jail sentence lengths is easily affected by the inclusion of additional cases. For prostitution cases first sentenced Downtown, the estimates provided by the small number of cases was comparable to average sentence lengths for secondary jail sentences for prostitution cases first sentenced at Midtown. For drug cases first sentenced Downtown, estimates of secondary jail sentence lengths appear relatively low for community service cases (12.5 days, compared to 27 for Midtown community service cases) and relatively high for non-jail cases (33 days compared to 21 for Midtown non-jail cases).

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
Average # Secondary Jail Days	15	54	17	12.5	26
Total Secondary Jail Days	372	4907	3346	535	9160

Analysis showed that the likelihood of secondary jail sentences for defendants receiving community service sentences at Midtown was considerably higher (10.5%) than for defendants originally sentenced Downtown (6.8%).

Calculating the Cost of Secondary Jail. Determining the increased cost of secondary jail sentences at the Midtown staff also involved several steps, described below:

- first, the estimated number of secondary jail days Downtown was subtracted from the actual number at Midtown;
- next, the increased number of jail days was divided in half, to account for the fact that secondary sentences are typically imposed in conjunction with a new arrest and run concurrently with the sentence for that arrest;
- next, the average annual number of secondary jail days was calculated;
- next, the average annual number of secondary jail days was multiplied by two-thirds, to account for 'good time' credit; and
- last, the total number of jail days was translated into years.

The results of these procedures are shown below.

Table 7
Estimated Increase in Secondary Jail Time by Charge: Community Service Sentences Only

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
Increased # secondary jail days	4572	12661	6329	1679	25241
½ off for concurrent sentence	2286	6331	3165	839	12621
Average annual increase in secondary jail days	762	2110	1055	280	4207

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
2/3s off for 'good time' credit	508	1408	704	187	2806
Total increase in years	1.39	3.86	1.93	.51	7.69

To translate the annual increase in secondary jail into costs, the total number of increased secondary jail years for defendants with community service sentences was multiplied by \$60,000 for a total cost of \$461,257 -- well below the primary jail savings. To estimate the total costs savings produced by the Midtown Court, secondary jail costs for each charge were subtracted from primary jail savings, leaving a net jail saving of \$524,918. as shown below:

Table 8
Annual Jail Savings by Charge: Community Service Sentences Only

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
Primary jail savings per year	\$114,176	\$779,495	\$58,625	\$38,375	\$986,175
Secondary jail costs per year	\$83,541	\$231,374	\$115,664	\$30,677	\$461,257
Total annual jail savings	\$30,634	\$548,120	-\$57,039	\$7,698	\$524,918

C. Secondary Jail Costs for Defendants Not Receiving Primary Jail Sentences at Arraignment. Secondary jail sentences can be imposed for reasons other than failure to complete a community service sentence -- for example, failure to attend a court-ordered treatment readiness program, failure to pay a fine, failure to pay the surcharge imposed on convicted offenders in New York State or failure to remain arrest-free.⁹ To take a broader look at the secondary jail issue, we also examined secondary sentences imposed on *all* defendants who did not receive a primary jail sentence at arraignment (e.g., those who received intermediate

⁹ In fact, the community service analysis above demonstrated that not all secondary jail was imposed on known program failures. For example, in several instances, jail sentences were imposed for cases in which a new arrest preceded the issuance of a warrant for community service non-compliance.

sanctions, fines and 'walks). The procedures used to calculate the costs of secondary jail for this larger group were the same.

Table 9 below shows that over 11 percent (1,940) of the almost 17,000 defendants with non-jail sentences at Midtown over three years also received secondary jail sentences. This represents an increase of 616 secondary jail sentences (a 47% increase) over the number of secondary jail sentences imposed for defendants receiving primary community service sentences. The increased likelihood of secondary jail was greatest for drug cases (from 82 to 348, a 324% increase), an offense for which community service sentences were relatively rare and social service sentences very common at the Midtown Court. In contrast, the extent of secondary jail at Midtown for turnstile jumping cases increased by only 16% (from 645 to 749), reflecting the high frequency of community service sentences for this offense.

Table 9
Secondary Jail Sentences by Charge for Cases First Sentenced at the Midtown Court:
Defendants Not Sentenced to Primary Jail

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
# Not Sentenced to Jail	2598	3536	9312	1482	16928
% with Secondary Jail	17.9%	10.7%	8.0%	23.5%	11.5%
# with Secondary Jail	465	378	749	348	1940
Average # Secondary Jail Days	17	59	15.5	21	25
Total Secondary Jail Days	7905	22302	11609	7308	49125

For Downtown cases, the rate of secondary jail sentences for non-jail cases was substantially lower than at Midtown (2.9% compared to 11.5%) as shown in Table 10. The broader sub-population (all non-jail cases) added another 90 secondary jail sentences for cases first sentenced Downtown, a 25 percent increase over the number generated by community service sentences alone. The increase was largely concentrated among shoplifting cases which accounted for 70% of non-community service secondary jail sentences Downtown.

Table 10
Estimated Secondary Jail Sentences by Charge for Cases First Sentenced at the Downtown Court: Defendants Not Sentenced to Primary Jail

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
# Not Sentenced to Jail	1991	2747	9115	1482	15335
% with Secondary Jail	1.4%	5.6%	2.4%	3.0%	2.9%
# Secondary Jail Sentences	28	154	219	44	445
Average # Secondary Jail Days	13	86	25	33	46
Total Secondary Jail Days	362	13229	5469	1467	20528

This alternative method of calculating secondary jail costs reduces the primary jail savings produced by the Midtown Court further. The amount of secondary jail increased from 7.69 years for community service cases to 8.71 years for all cases not receiving primary jail sentences. Table 11 documents the amount of secondary jail time that would have been served for these cases.

Table 11
Estimated Increase in Secondary Jail Time by Charge: All Non-Jail Cases

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
Increased # secondary jail days	7542	9072	6140	5841	28596
½ off for concurrent sentence	3771	4536	3070	2920	14298
Average annual increase in secondary jail days	1257	1512	1023	973	4766

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
2/3s off for 'good time' credit	838	1009	683	649	3179
Total increase in years	2.30	2.76	1.87	1.78	8.71

To calculate the value of the jail savings at Midtown after taking into account the costs of secondary jail, the total number of increased secondary jail years was again multiplied by \$60,000 for a total cost of \$522,570. This leaves a net annual jail saving of \$463,605, as shown below:

Table 12
Annual Jail Savings by Charge: Defendants Not Sentenced to Primary Jail

	Prostitution	Shoplifting	Turnstile Jumping	Low-level Drugs	Total
Primary jail savings per year	\$114,176	\$779,495	\$58,625	\$38,375	\$986,175
Secondary jail costs per year	\$137,834	\$165,790	\$112,211	\$106,735	\$522,570
Total annual jail savings	-\$23,658	\$613,705	-\$53,586	-\$68,360	\$463,605

After taking the costs of secondary jail for all non-jail cases into account, a substantial annual jail saving remains. The dollars saved spring entirely from the Midtown Court's reduction in primary jail for shoplifting cases, the charge most likely to receive jail sentences at the Downtown court. For other charges, the monitoring and accountability provided by the Midtown Court increased the likelihood of secondary jail, eradicating primary jail savings.

Appendix 4.1

Recidivism Analyses: Assumptions for Calculating Lambdas

Appendix 4.1

Assumptions Made to Calculate Time at Risk: Prostitution and Treatment/Case Management Participants

- Sentences coded as jail time are converted to days and multiplied by 0.67 to control for time off for “good time”.
- For prison sentences, the minimum sentence is used (converted to days). If there is no minimum sentence, the maximum is used.
- For “time served” sentences, as most of these sentences stem from misdemeanor arrests (with brief times in detention, relative to felony arrest cases), it is assumed that defendants were detained for two days before arraignment.
- Sentences disposed on the same day are assumed to run concurrently.
- For Treatment/Case Management Participants, sentences handed down for the instant arrest are often imposed after disposition pending program outcomes. Jail sentences for the instant arrest are generally made concurrent if a defendant is brought in on new arrest charges. For these cases, sentence time for instant arrests has been set equal to zero.

Appendix 7.1
Methodology

Appendix 7.1

Methodology

The interviews were conducted by professional interviewers at the Indiana University Public Opinion Laboratory from our special facilities in Cavanaugh Hall on the Indiana University –Purdue University Indianapolis campus. All interviewers received at least four hours of general interviewer training, in addition to the more than three hours of specific training on the Midtown Community Court instrument (questionnaire). All interviewers completed an additional 3-hour “training refresher” the week prior to the Midtown data collection. Most of the interviewers were “veteran” interviewers in the sense that they had participated in many other survey research projects. Some had been interviewers for the Public Opinion Laboratory for over two years. The interviewers used were also specially selected from our large pool of potential interviewers (over 100 people have been trained in interviewing and had experience in implementing survey research in or Laboratory in the past year) in order to use those who had the most complete and diverse experience in surveys requiring special sensitivity to errors that may be introduced through pace of speech and/or interviewer effects.

The instruments were designed by staff members of the Midtown Community Courts with input from staff members at the POL. After pretesting the questionnaires, several minor changes were made, a final approval was obtained. The questionnaire was implemented in the field in its entirety.

We interviewed 562 residents of the Chelsea and Clinton neighborhoods in Midtown Manhattan. Both listed and unlisted telephone numbers were provided by Survey Sampling, Inc. The maximum margin of error is 4.2%. That means if the same questions were asked of a similar sample, 19 out of 20 times you would receive answers within +/- 4.2 percentage points of those in the final set of data.

Of course additional errors may result from things such as question wording, respondents’ inattention, pace of speech by the interviewer, and a host of other factors. Each of these is given special attention during the data collection phase so they are minimized as much as possible. We have no reason to believe there are any significant biases in the data collected for this research.

Telephone interviews were conducted March 18-25, 1998. The majority of calls were made Monday-Friday between 4 p.m. and 10 p.m., on Saturday between noon and 5 p.m. and on

Sunday between noon and 10 p.m. We also made calls on weekdays between 8 a.m. and 4 p.m. and on Saturday between 5 p.m. and 8 p.m. All interviews were completed on the Public Opinion Laboratory 20 station computer network utilizing Sawtooth's Ci3 CATI (computer aided telephone interviewing) system. This system assures all skip patterns are followed and allows true randomization of banks of questions.

The calls, resulting in 562 completed interviews, had the following dispositions:

DISPOSITIONS

No Answer	8848
Busy	1401
Answering Machine	7029
Refusal	1225*
Not in Quota	1928***
Disconnected	305
Not in Service	353
Breakoff	132**
Callback	1286
Complete	562

TOTAL DIALINGS: 23069

*Refusals were contacted two additional times. We converted about 20% of original refusals to completes or other dispositions.

**All breakoffs were called back up to 10 additional times. We converted about one-quarter to completes.

***These are people who reported they did not live in Midtown Manhattan.

Each interviewer was given a set of answers- "What the Respondent Might Like to Know"-to provide standard answers to any question raised by the people contacted for an interview. The majority of individuals contacted for this research were polite, according to our interviewers, and many seemed eager to participate.

Appendix 7.2
Midtown Community Court Telephone Survey

Appendix 7.2

Midtown Community Court Telephone Survey *Last updated 3-18-98*

Hello, this is (YOUR NAME) calling from Indiana University's Public Opinion Laboratory on behalf of the NY State Court System. We are talking to a cross-section of people in the Chelsea and Clinton neighborhoods of Manhattan about conditions in their communities and the value of local criminal justice programs. Your views will be used to help policy makers make informed decisions.

First, let's begin by saying that most of the questions have to do with your attitudes and opinions, and there are no right or wrong answers.

This interview is completely confidential; your name will never be associated with your answers. I promise I am not trying to sell anything and this interview will only take a few minutes.

Scr 1. Do you live in Midtown Manhattan, that is, north of 14th Street south of 59th Street, and west of 8th Avenue?

1. Yes (**CONTINUE**)
2. No (**TERMINATE**)
3. No Answer/Refuse (**TERMINATE**)

Scr 2. What are the nearest cross-streets to your residence? _____

999=No Answer/Refuse

Scr 3. Are you between the ages of (READ LIST)...

- | | |
|---------------------|-------|
| 1. 18-24 | 8.4 % |
| 2. 25-34 | 28.8 |
| 3. 35-44 | 21.9 |
| 4. 45-54 | 19.4 |
| 5. 55-64 | 7.7 |
| 6. 65+ | 13.0 |
| 7. No Answer/Refuse | .9 |

Scr 4. Record Gender (**BY OBSERVATION**)

- | | |
|-----------|--------|
| 1. Male | 55.3 % |
| 2. Female | 44.7 |

Section A: Quality of Life

2. How many years and months have you lived in Midtown Manhattan?

_____ Years _____ Months 999=No Answer/Refuse

0-2 yrs 20.1% 3-5 19.2% 6-10 12.8% 11-25 25.3% 26+ 20.6% 999 2.0%

3. On the whole, how do you feel about your neighborhood as a place to live? Are you very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied?

- | | |
|--------------------------|--------|
| 1. Very Satisfied | 52.5 % |
| 2. Somewhat Satisfied | 37.9 |
| 3. Somewhat Dissatisfied | 6.0 |
| 4. Very Dissatisfied | 2.1 |
| 5. Don't Know | 1.2 |
| 6. No Answer/Refuse | .2 |

4. In general, would you say that over the last year this area has become a better place to live, gotten worse or stayed about the same?

- | | |
|--------------------------|--------|
| 1. Has become better | 56.0 % |
| 2. Gotten Worse | 5.9 |
| 3. Stayed about the same | 35.8 |
| 4. Don't Know | 1.8 |
| 5. No Answer/Refuse | .5 |

5. Thinking about crime in your neighborhood, would you say you feel more safe, less safe or about the same as you did one year ago?

- | | |
|---------------------|--------|
| 1. More Safe | 27.8 % |
| 2. Less Safe | 5.2 |
| 3. About the same | 65.8 |
| 4. Don't Know | .9 |
| 5. No Answer/Refuse | .4 |

6. I am going to read you a list of concerns you may have about your neighborhood. After I read each one, please tell me whether you think it is a serious problem, a minor problem, or no problem at all. First,

6a. **Trash accumulating on streets and sidewalks.** Would you say this is a serious problem, a minor problem or no problem at all?

- | | |
|----------------------|--------|
| 1. Serious Problem | 24.0 % |
| 2. Minor Problem | 51.2 |
| 3. No Problem at all | 24.2 |
| 4. Don't Know | .5 |
| 5. No Answer/Refuse | |

Compared to one year ago, would you say this problem has gotten better, gotten worse, or stayed about the same?

- | | |
|--------------------------|--------|
| 1. Gotten Better | 15.1 % |
| 2. Gotten Worse | 13.3 |
| 3. Stayed about the same | 69.4 |
| 4. Don't Know | 1.6 |
| 5. No Answer/Refuse | .5 |

6b. **Graffiti.** Would you say this is a serious problem, a minor problem or no problem at all?

1. Serious Problem	9.1 %
2. Minor Problem	45.4
3. No Problem at all	41.5
4. Don't Know	3.9
5. No Answer/Refuse	.2

Compared to one year ago, would you say this problem has gotten better, gotten worse, or stayed about the same?

1. Gotten Better	22.8 %
2. Gotten Worse	3.9
3. Stayed about the same	67.4
4. Don't Know	5.0
5. No Answer/Refuse	.9

6c. **Panhandlers.** Would you say this is a serious problem, a minor problem or no problem at all?

1. Serious Problem	17.1 %
2. Minor Problem	52.7
3. No Problem at all	27.0
4. Don't Know	3.0
5. No Answer/Refuse	.2

Compared to one year ago, would you say this problem has gotten better, gotten worse, or stayed about the same?

1. Gotten Better	19.6 %
2. Gotten Worse	12.3
3. Stayed about the same	62.8
4. Don't Know	4.6
5. No Answer/Refuse	.7

6d. **People drinking in public.** Would you say this is a serious problem, a minor problem or no problem at all?

1. Serious Problem	12.6 %
2. Minor Problem	44.0
3. No Problem at all	41.5
4. Don't Know	2.0
5. No Answer/Refuse	0.0

Compared to one year ago, would you say this problem has gotten better, gotten worse, or stayed about the same?

1. Gotten Better	12.3 %
2. Gotten Worse	5.2
3. Stayed about the same	77.6
4. Don't Know	4.1
5. No Answer/Refuse	.9

6e. **Public drug use.** Would you say this is a serious problem, a minor problem or no problem at all?

1. Serious Problem	23.5 %
2. Minor Problem	32.6
3. No Problem at all	37.0
4. Don't Know	6.9
5. No Answer/Refuse	0.0

Compared to one year ago, would you say this problem has gotten better, gotten worse, or stayed about the same?

1. Gotten Better	16.0 %
2. Gotten Worse	6.4
3. Stayed about the same	68.1
4. Don't Know	8.7
5. No Answer/Refuse	.7

6f. **Street prostitution.** Would you say this is a serious problem, a minor problem or no problem at all?

1. Serious Problem	15.8 %
2. Minor Problem	27.0
3. No Problem at all	51.2
4. Don't Know	5.7
5. No Answer/Refuse	.2

Compared to one year ago, would you say this problem has gotten better, gotten worse, or stayed about the same?

1. Gotten Better	20.3 %
2. Gotten Worse	3.9
3. Stayed about the same	66.2
4. Don't Know	8.4
5. No Answer/Refuse	1.2

6g. **Unlicensed sidewalk vendors.** Would you say this is a serious problem, a minor problem or no problem at all?

1. Serious Problem	5.7 %
2. Minor Problem	26.2
3. No Problem at all	64.1
4. Don't Know	3.9
5. No Answer/Refuse	.2

Compared to one year ago, would you say this problem has gotten better, gotten worse, or stayed about the same?

1. Gotten Better	7.3 %
2. Gotten Worse	4.3
3. Stayed about the same	80.1
4. Don't Know	6.6
5. No Answer/Refuse	1.8

7. In the past year have you been verbally harassed in a public area in your neighborhood?

1. Yes	22.2 %
2. No	77.2
3. Don't Know	.5
4. No Answer/Refuse	0.0

8. In the past year, were you or a member of your household robbed or otherwise physically attacked in a public area in your neighborhood?

1. Yes	7.7 %
2. No	92.0
3. Don't Know	.4
4. No Answer/Refuse	0.0

9. How safe do you feel walking alone in your neighborhood after dark? Would you say you feel very safe, somewhat safe, somewhat unsafe or very unsafe?

1. Very Safe	39.5 %
2. Somewhat Safe	45.0
3. Somewhat Unsafe	10.5
4. Very Unsafe	3.0
5. Don't Know	1.6
6. No Answer/Refuse	.4

10. Are you a member of any community groups or neighborhood organizations?

1. Yes	15.3 %
2. No	84.5
3. Don't Know	.2
4. No Answer/Refuse	0.0

11. How often do you attend meetings of community groups or neighborhood organizations? Would you say often, sometimes, seldom or never?

- 1. Often 6.4 %
- 2. Sometimes 12.5
- 3. Seldom 21.7
- 4. Never 58.7
- 5. Don't Know .4
- 6. No Answer/Refuse .4

12. Not counting citywide papers such as the Times, the News, and the Post, how often do you read neighborhood newspapers or newsletters of local community organizations? Would you say often, sometimes, seldom or never?

- 1. Often 24.7 %
- 2. Sometimes 26.3
- 3. Seldom 25.4
- 4. Never 23.1
- 5. Don't Know .4
- 6. No Answer/Refuse 0.0

Section B: Relative Importance of Controlling Low Level crime

13. I am going to read a list of several issues which, over the years, have been of concern to the residents of Midtown Manhattan. For each, please tell me whether you feel the amount of money that is spent on each problem in your neighborhood is too much, just about the right amount, or too little. First... **(RANDOMIZE LIST)**

	Too much	About the right amount	Too little	Don't know	No Answer/Refuse
a. Street repair	5.9 %	41.5	43.2	8.9	.5
b. Improving public education	1.8	14.2	68.5	14.8	.7
c. Library services	2.0	35.1	42.7	19.4	.9
d. Garbage collection	1.8	58.0	29.2	10.3	.7
e. Fighting violent crime (e.g. assaults, robbery, etc.)	2.1	51.4	29.9	15.8	.7
f. Fighting low level crimes like street prostitution, vandalism, and illegal vending	8.2 (ask Q.14)	50.2 (skip to #16)	24.7 (ask Q.15)	16.0	.9

*****Since we will be using the term "low level crime" throughout the remainder of the interview, let me specify the crimes which we consider to be part of this category. These include: street prostitution, illegal vending, vandalism, minor drug possession, turnstile jumping, shoplifting, and disorderly conduct.**

If Q.13f is "too much," ask:

14. You said that we are spending "too much money" on low level crimes. In your opinion, do you think we should be spending a great deal less or only somewhat less on low level crime?

1. Great deal less	3.2 %
2. Somewhat less	3.6
3. Don't know	.9
4. No Answer/Refuse	.5
System	91.8

If Question 13f is "too little," ask:

15. You said that we are spending "too little money" on low level crimes. In your opinion, do you think we should be spending a great deal more or only somewhat more on low level crime?

1. Great deal more	6.6 %
2. Somewhat more	16.7
3. Don't Know	1.2
4. No Answer/Refuse	.2
System	75.3

16. In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?

1 Too harshly	5.3 %
2 Not harshly enough	45.2
3 About right	18.9
4 Don't Know	28.6
5 No Answer/Refuse	2.0

Section C: Contingent Valuation Scenarios

17. Have you heard of a local justice organization, the Midtown Community Court?

1. Yes	20.3 %
2. No (Skip to # 19)	79.2
3. Don't Know (Skip to # 19)	.5
3. No answer/Refuse (Skip to # 19)	0.0

18. How familiar are you with the activities of the Midtown Community Court? Would you say you are very familiar, somewhat familiar, or not at all familiar with the activities of the Midtown Community Court?

1. Very familiar	1.4 %
2. Somewhat familiar	9.8
3. Not at all familiar	8.9
4. Don't Know	.2
5. No answer/Refuse	0.0

19. Now I am going to read you a list of characteristics of the Midtown Court. On a scale of one to seven, with one being very important and seven being not at all important, please tell me how you would rate each characteristic:

19a. Offenders can receive treatment and social services for their personal health problems while serving their sentence, including psychological counseling and GED preparation.

1 Very Important	51.2 %
2	13.0
3	7.3
4	7.5
5	5.9
6	3.7
7 Not at all Important	5.9
8 Don't Know	4.6
9 No Answer/Refuse	.9

19b. Treatment and social services for offenders are provided in the court building itself.

1 Very Important	26.9 %
2	10.9
3	15.3
4	11.0
5	10.1
6	4.4
7 Not at all Important	10.5
8 Don't Know	10.0
9 No Answer/Refuse	.9

19c. Treatment and social services mandated by the Midtown Court usually begin on the same day that the offender is sentenced.

1 Very Important	44.0 %
2	13.7
3	11.6
4	6.8
5	6.4
6	2.7
7 Not at all Important	6.0
8 Don't Know	8.0
9 No Answer/Refuse	.9

19d. The Midtown Court has an advisory board made up of community members.

1 Very Important	44.0 %
2	16.0
3	12.3
4	6.9
5	5.5
6	2.3
7 Not at all Important	5.0
8 Don't Know	7.1
9 No Answer/Refuse	.9

19e. Offenders convicted at the Midtown Court perform community service work such as cleaning the streets and removing graffiti.

1 Very Important	47.0 %
2	16.5
3	11.0
4	6.8
5	5.2
6	2.3
7 Not at all Important	4.3
8 Don't Know	6.0
9 No Answer/Refuse	.9

19f. The Midtown Court is located in the area it serves.

1 Very Important	57.1 %
2	10.5
3	7.1
4	3.7
5	4.6
6	2.0
7 Not at all Important	5.9
8 Don't Know	8.5
9 No Answer/Refuse	.5

19g. The Midtown Court offers a way to informally mediate neighborhood disputes, such as a complaint about a noisy auto repair shop.

1 Very Important	34.9 %
2	16.4
3	17.1
4	9.1
5	7.1
6	2.5
7 Not at all Important	5.9
8 Don't Know	6.2
9 No Answer/Refuse	.9

19h. After arrest, defendants spend a short time in custody before coming before a judge.

1 Very Important	33.8 %
2	13.0
3	13.9
4	10.1
5	7.1
6	4.3
7 Not at all Important	7.7
8 Don't Know	8.7
9 No Answer/Refuse	1.4

19i. Compliance with community service is rigorously monitored by the court.

1 Very Important	50.9 %
2	15.1
3	9.4
4	5.2
5	6.0
6	2.0
7 Not at all Important	3.4
8 Don't Know	7.5
9 No Answer/Refuse	.5

19j. Offenders who are arrested for low-level crimes in the Midtown area are likely to face the same judge.

1 Very Important	31.5 %
2	14.1
3	11.4
4	10.3
5	6.8
6	3.4
7 Not at all Important	9.6
8 Don't Know	11.4
9 No Answer/Refuse	1.6

19k. When imposing sentences, judges have information on the underlying problems of offenders and their previous compliance with community service sentences.

1 Very Important	50.4 %
2	14.8
3	10.9
4	5.7
5	4.6
6	2.3
7 Not at all Important	3.4
8 Don't Know	7.3
9 No Answer/Refuse	.7

20. Now I would like to ask you about the cost of handling a case at the Midtown Court in comparison to the regular court Downtown. The cost per case at the Midtown Court is about \$87 more than the cost per case at the regular court Downtown. This extra money supports unique features such as neighborhood-based community service projects, court-based social services, and close monitoring of offenders. Do you think the additional costs of the Midtown Court clearly exceed benefits, are equal to benefits, or are clearly exceeded by its benefits?

- | | |
|----------------------------------|--------|
| 1. Benefits clearly exceed cost | 18.9 % |
| 2. Benefits equal cost | 40.6 |
| 3. Costs clearly exceed benefits | 20.1 |
| 4. Don't Know | 19.2 |
| 5. No Answer/Refuse | 1.2 |

Section D: Willingness to Pay

Now I am going to ask you how much it is worth to you in dollars to fund a court like the Midtown Court. This information is important to officials planning the future of New York's court system.

AMOUNTS TO BE CHOSEN RANDOMLY EACH INTERVIEW

\$10 \$25 \$50 \$75 \$100

21. What additional amount of money would you (or your household) be willing to pay through taxes per year to provide services like those provided by the Midtown Court?

Would you be willing to pay \$_____ more per year?

- | | |
|-----------------------|--------|
| 1. Yes | 56.8 % |
| 2. No | 31.3 |
| 3. Don't Know/Depends | 9.4 |
| 4. No Answer/Refuse | 2.5 |

22. Suppose that instead of paying additional taxes it would be possible to take money which the City is currently spending on jails and probation and use it to fund the Midtown Court and other similar courts. Would you be willing to take \$_____ per year from the taxes you (or your household) are currently spending for jails and probation to fund the Midtown Court and other similar courts?

- | | |
|-----------------------|--------|
| 1. Yes | 65.5 % |
| 2. No | 23.1 |
| 3. Don't Know/Depends | 10.0 |
| 4. No Answer/Refuse | 1.4 |

Section E: Background Questions

And now I just have a few more questions to make sure that we speak with a random sample of all people in your area. Once again I'd like to remind you that this interview is completely confidential and your name will never be associated with your answers.

23. Do you have children under 18 who live with you?

- | | |
|---------------------|--------|
| 1. Yes | 11.7 % |
| 2. No | 87.9 |
| 3. No Answer/Refuse | .4 |

24. How many persons over 18 years of age (excluding yourself) live in your household?

- | | |
|-----------------------------|--------|
| 999=NO ANSWER/REFUSE | |
| 0 | 44.0 % |
| 1 | 41.5 |
| 2 | 9.4 |
| 3 | 2.3 |
| 4 | 1.2 |
| 5 | .2 |
| 7 | .2 |
| No Answer/Refuse | 1.2 |

25. Do you own or rent your home?

- | | |
|---------------------|--------|
| 1. Own | 18.5 % |
| 2. Rent | 78.8 |
| 3. No Answer/Refuse | 2.7 |

26. What is the highest level of education you have completed?

- | | |
|---|------|
| 1. Eighth grade or less | .4 % |
| 2. Less than high school | .9 |
| 3. High school graduate or equivalent | 14.6 |
| 4. Some college or associate degree | 18.9 |
| 5. College degree or some post college work | 44.0 |
| 6. Graduate or professional degree | 20.8 |
| 7. No answer/Refuse | .5 |

27. What is your marital status?

- | | |
|-------------------------------------|--------|
| 1. Married or living with a partner | 29.4 % |
| 2. Single | 52.0 |
| 3. Divorced/Separated | 11.2 |
| 4. Widowed | 5.5 |
| 5. No answer/Refuse | 2.0 |

28. What is your racial or ethnic identity?
- | | |
|---------------------------|--------|
| 1. Caucasian/White | 70.5 % |
| 2. African-American/Black | 5.9 |
| 3. Hispanic | 4.8 |
| 4. Asian/Pacific Islander | 5.3 |
| 5. Native-American | .2 |
| 6. Other | 6.4 |
| 7. No Answer/Refuse | 6.9 |

29. Last year before taxes, was your total combined household income less than 20 thousand dollars, between 20 and 40 thousand, 40-60, 60-80, 80-100 or more than 100 thousand dollars?

- | | |
|-----------------------------------|--------|
| 1. Less than 20 thousand dollars | 12.5 % |
| 2. \$20,000-\$40,000 | 28.1 |
| 3. \$40,001-\$60,000 | 15.3 |
| 4. \$60,001-\$80,000 | 10.9 |
| 5. \$80,001-\$100,00 | 7.3 |
| 6. More than 100 thousand dollars | 14.8 |
| 7. Don't Know | 2.7 |
| 8. No Answer/Refuse | 8.5 |

That was my last question. I would like to thank you for your time and cooperation, and remember, your opinion counts!

INTERVIEWER: RATE RESPONDENT ON EACH OF THE FOLLOWING:

<u>Facility with English</u>		
Good 1	Fair 2	Poor 3
<u>Cooperativeness</u>		
Good 1	Fair 2	Poor 3
<u>Interprets in the Interview</u>		
Good 1	Fair 2	Poor 3

PLEASE PRINT CLEARLY

THIS IS A BONA FIDE
INTERVIEW AND HAS
BEEN OBTAINED
ACCORDING TO QUOTA
AND ALL INTERVIEWER
SPECIFICATIONS.

INTERVIEWER INITIALS _____

Appendix 7.3
Information on which Chapter 7 figures are based.

**Table 7.3-1:
Residents' Perception of Quality of Life Issues**

	Serious Problem	Minor Problem	Not a Problem	Total	N =
Public Drug Use	25%	35%	40%	100%	523
Trash	24%	52%	24%	100%	559
Panhandlers	18%	54%	28%	100%	544
Street Prostitution	17%	29%	54%	100%	529
Public Drinking	13%	45%	42%	100%	551
Graffiti	10%	47%	43%	100%	539
Unlicensed Vending	6%	27%	67%	100%	539

**Table 7.3-2:
Residents' Perceptions of Problems in their Neighborhoods,
Compared to Last Year**

	Gotten Better	Stayed the Same	Gotten Worse	Total	N=
Graffiti	24%	72%	4%	100%	529
Street Prostitution	22%	73%	4%	100%	508
Panhandlers	21%	66%	13%	100%	551
Public Drug Use	18%	75%	8%	100%	509
Trash	16%	71%	14%	100%	550
Public Drinking	13%	82%	5%	100%	534
Unlicensed Vending	8%	87%	5%	100%	515

**Table 7.3-3:
Perceptions of Amount of Money Spent on Government Services**

	Too Little	Right Amount	Too Much	Total	N=
Education	81%	17%	2%	100%	475
Libraries	54%	44%	3%	100%	448
Street Repair	48%	46%	7%	100%	509
Violent Crime	36%	62%	2%	100%	469
Garbage	33%	65%	2%	100%	500
Low-level Crime	30%	60%	10%	100%	467

**Table 7.3-4:
Perceptions of Midtown Court's Characteristics**

	Very Important	2	3	4	5	6	Not Important	Total	N=
Location	63%	12%	8%	4%	5%	2%	7%	100%	511
Compliance	55%	16%	10%	6%	7%	2%	4%	100%	517
Underlying	55%	16%	12%	6%	5%	3%	4%	100%	517
Services	54%	14%	8%	8%	6%	4%	6%	100%	531
Community Service	50%	18%	12%	7%	6%	3%	5%	100%	523
Treatment Same Day	48%	15%	13%	7%	7%	3%	7%	100%	512
Advisory Board	48%	17%	13%	8%	6%	3%	5%	100%	517
Mediation	38%	18%	18%	10%	8%	3%	6%	100%	522
Short Time	38%	15%	15%	11%	8%	5%	9%	100%	505
Same Judge	36%	16%	13%	12%	8%	4%	11%	100%	489
On-Site	30%	12%	17%	12%	11%	5%	12%	100%	501

**Table 7.3-5:
Willingness to Pay Extra Taxes***

	Will Pay Extra	Will Not Pay Extra	Total	N=
\$10	80%	20%	100%	101
\$25	73%	27%	100%	103
\$50	55%	45%	100%	93
\$75	60%	40%	100%	97
\$100	52%	48%	100%	96

**Table 7.3-6:
Willingness to Pay Extra Taxes, Male***

	Will Pay Extra	Will Not Pay Extra	Total	N=
\$10	79%	21%	100%	57
\$25	70%	30%	100%	63
\$50	60%	40%	100%	50
\$75	59%	41%	100%	56
\$100	49%	51%	100%	53

**Table 7.3-7:
Willingness to Pay Extra Taxes, Female***

	Will Pay Extra	Will Not Pay Extra	Total	N=
\$10	82%	18%	100%	44
\$25	78%	22%	100%	45
\$50	49%	51%	100%	43
\$75	61%	39%	100%	41
\$100	56%	44%	100%	43

* The data on tables 7.3-5, 7.3-6, and 7.3-7 includes all cases with a valid response to the willingness to pay variable. Although the multivariate analysis in Appendix 7.4 relates a comparison between male and female respondents very similar to the one above, the results may differ because that analysis relies upon fewer cases.

Appendix 7.4
Description of Variables for Multivariate Analysis

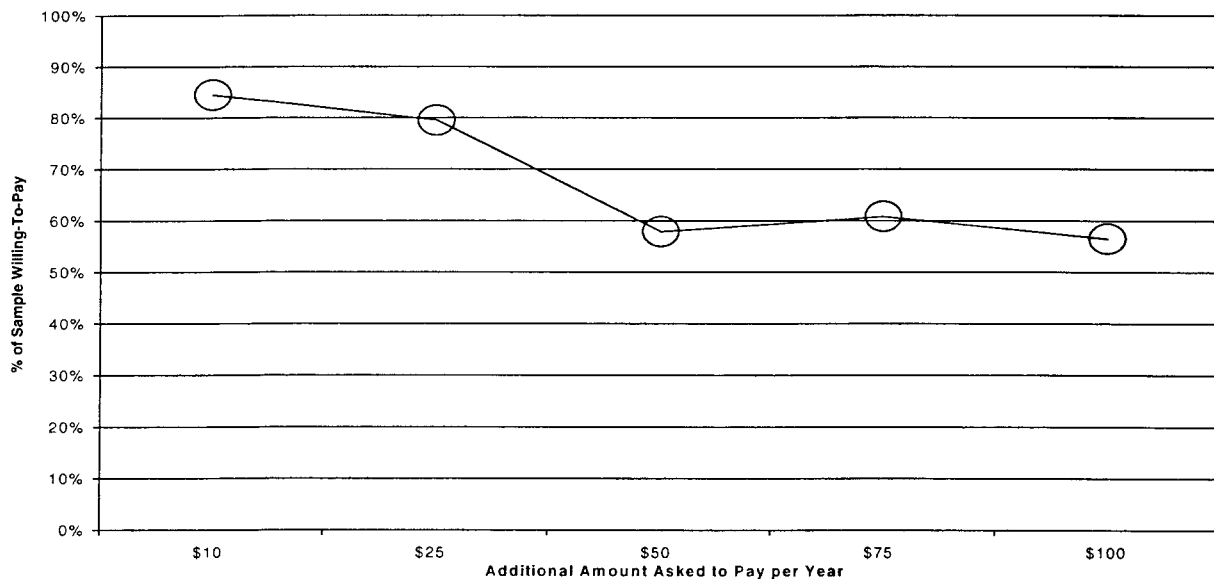
Appendix 7.4

Description of Variables for Multivariate Analysis

Independent Variables

Economic: Table 7.4-1 presents summary data for the independent variables used to test the economic hypothesis. Figure 7.4-1 shows the demand curve for courts with features similar to the Midtown Court, produced by plotting the percentage of respondents who were willing to pay by the amount they were asked to pay. The overall results are consistent with the Law of Demand in that willingness to pay declines as the amount that respondents were asked to pay increases. Thus, even though more than half of the respondents were willing to pay the amount asked of them (regardless of the size of the amount), the percentage who were willing to pay was conditioned by the amount they were asked to pay.¹

Figure 7.4-1: Percentage of Sample Willing-to-Pay for Midtown Court Model with Additional Taxation by Amount Asked to Pay



Our analysis discovered a significant interaction between willingness to pay and gender. Figures 7.4-2 and 7.4-3 (for males and females, respectively) show how willingness to pay varied by gender (sixty percent of the respondents were male) and amount asked to pay. The results for males are generally consistent with the Law of Demand (i.e., that demand for the

Figure 7.4-2: Percentage of Sample Willing-to-Pay for Midtown Court Model with Additional Taxation by Amount Asked to Pay, Males

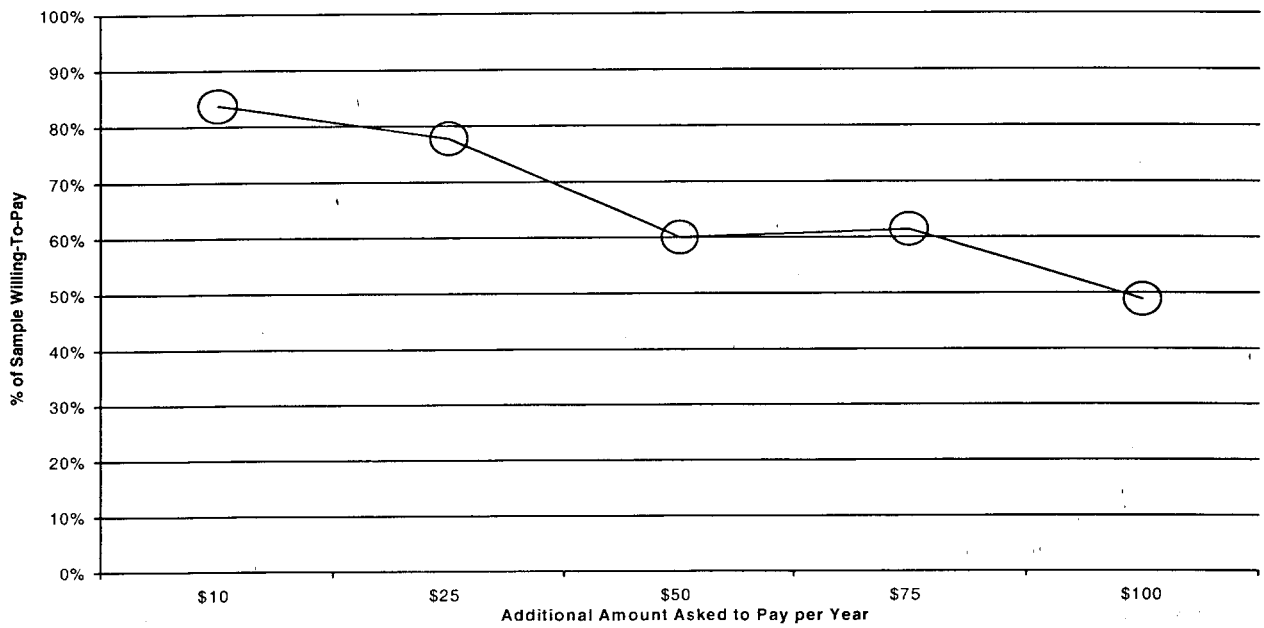
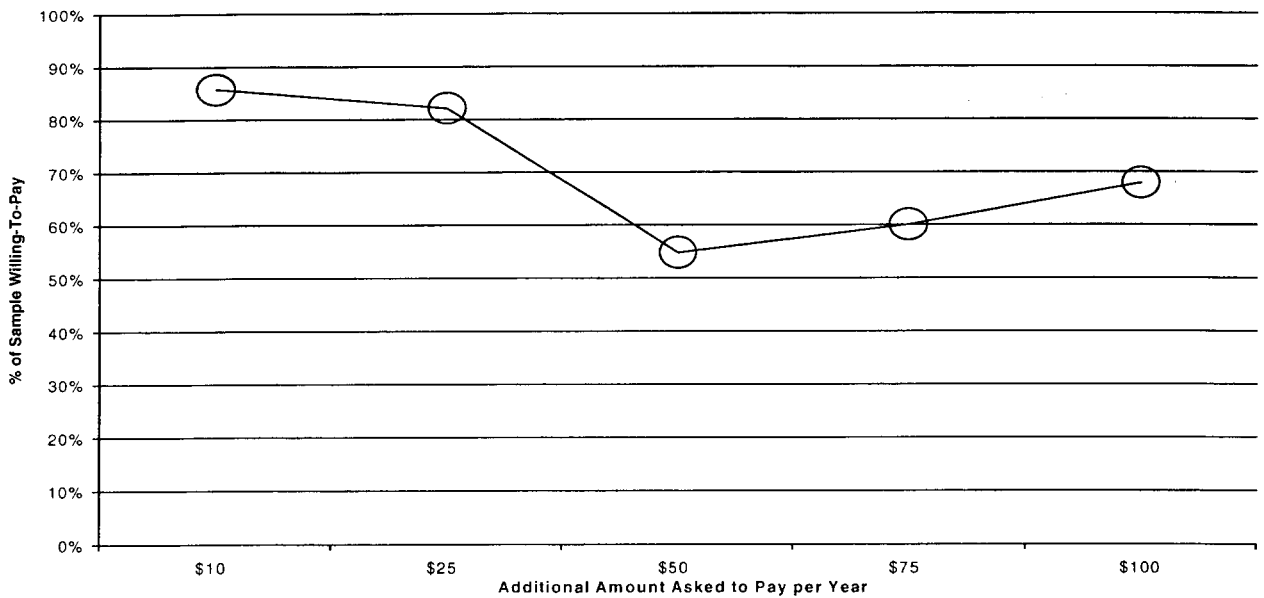


Figure 7.4-3: Percentage of Sample Willing-to-Pay for Midtown Court Model with Additional Taxation by Amount Asked to Pay, Females



¹ Figures 7.4-1, 7.4-2, and 7.4-3 are based only on those respondents included in the multivariate analysis. The relationship between income, gender, and amount asked to pay may differ from the findings included in Chapter 7, which are based on a larger proportion of the total sample.

service will decrease as the price for the service increases), though males asked to pay \$50 were very slightly more likely to pay than males asked to pay \$75. The results for females are less consistent with the Law of Demand since females asked to pay \$75 and \$100 were more likely to be willing to pay than females asked to pay \$50 and females asked to pay \$100 were more likely to pay than females asked to pay \$75.

As can be seen, income was coded as a dichotomous variable for the multivariate analysis, differentiating those earning more than \$20,000 (coded as “one”) from those earning that amount or less (coded as “zero”). Income was coded in this way because it was the most efficient way to describe the bivariate variation between income and willingness to pay. In other words, this coding of income captured the most variation between income and willingness to pay using the least number of parameters. The logistic regression models also incorporated an interaction term between Amount Asked to Pay and Gender, reflecting the previously described finding that the relationship between amount and willingness to pay was different for males and females. To examine the effect of this interaction on willingness to pay, it was necessary to introduce nine dichotomous independent variables², each of which corresponded to a unique combination of “gender” and “amount asked to pay”. The variable which corresponded to the particular combination of “gender” and “amount asked to pay” for each respondent was scored “one”, while the remaining eight variables were scored “zero”³. Thus, GEND1AMT(1) was scored one if the respondent was a male asked to pay \$25, and zero otherwise. The variables GEND1AMT(2) - GEND1AMT(9) would be scored zero for this respondent.

Similarly, GEND1AMT(5) was scored one if the respondent was a female asked to pay \$10 and zero otherwise. In this case, the variables GEND1AMT(1) - GEND1AMT(4) and GEND1AMT(6) - GEND1AMT(9) would all be scored zero.

Regression coefficients of dummy-coded independent variables require special interpretation. They represent the change in the dependent variable (in this case, the probability that a respondent will answer “yes” to the willingness to pay question) that occurs as a result of

² A tenth dichotomous variable is not needed because knowledge of a respondent's scores on the nine other variables determines the respondent's score on the tenth variable. For example, a respondent who has scored zero on the nine dichotomous variables by necessity must score one on the tenth dichotomous variable. The tenth variable is not needed because the information it contains is redundant.

a change in the dummy-variable relative to the change in the omitted dummy variable. For example, the regression coefficient associated with GEND1AMT(1) indicates the difference in the probability of willingness to pay between males asked to pay \$25 and the reference category, males asked to pay \$10, controlling for the influence of all the other independent variables.

Table 7.4-1 shows that about 88% of the sample had household incomes of \$20,000 or more while 12% had incomes of less than \$20,000. Though respondents with incomes of \$20,000 or more were significantly (Chi-square=5.15, $df = 1$, $p = .023$) more likely to be willing to pay than respondents earning less, the majority of both income groups were willing to pay (69% and 52%, respectively).

In summary, the majority of the sample was males earning more than \$20,000. While the majority of respondents were willing to pay, the probability of this occurring seems to be influenced by the respondent's gender in conjunction with the amount that he or she was asked to pay as well as their income.

Sociodemographic : Table 7.4-1 presents the variables used to test the sociodemographic hypothesis. When bivariate relationships between Age and willingness to pay and Race and willingness to pay were examined, it was determined that these variables would be most efficiently coded as dichotomies. Age was coded as "one" when the respondent was older than 24 years of age and "zero" otherwise. Race was coded as "one" when the respondent's racial or ethnic identity was indicated to be "White" and "zero" otherwise. Marital Status and Educational level were dummy coded with "Married or living with a partner" and "High school or less" serving as their respective reference categories.

Table 7.4-1 shows that 91% of the respondents were older than 24 years. Respondents older than 24 years were (borderline) significantly (Chi-square=2.91, $df = 1$, $p = .088$) more likely to be willing to pay than younger respondent, though the majority of both age groups were willing to pay (55% and 69%, respectively).

The racial distribution of the respondents was 76% white and 24% non-white, also shown in Table 7.4-1. Though there was a slight tendency for non-whites to be more

³ This process is referred to as "dummy-coding" the Gender by Amount Asked to Pay interaction.

willing to pay than whites (67% and 71%, respectively), the difference was not significant (Chi-square = .492, df = 1, $p = .483$).

The majority of the sample (53%) were single, with married (or living with a partner) and divorced/separated respondents, accounting for 36% and 12% of the sample, respectively (see Table 7.4-1). Though there was a slight tendency for married respondents to be more willing to pay than single or divorced/separated respondents, (70% vs. 67%, and 65%, respectively), the differences were not significant (Chi-square = .424, df = 2, $p = .809$).

Table 7.4-1 shows that the majority of the sample had some college or a college degree (64%), while another 21% had a graduate or professional degree and only 15% had a high school degree or less. Both the respondents with graduate or professional degrees and those with a high school degree or less were more likely to be willing to pay than respondents with some college or a college degree (75%, 72%, and 64% respectively) though the differences were not statistically significant (Chi-square=3.164, df = 2, $p = .164$).

Summarizing, most respondents were white and single, older than 24 years, with at least some college. Age seems to be weakly related to willingness to pay but race, marital status, and educational level are not.

Fear of Crime: Table 7.4-1 presents the variables used to test the fear-of-crime hypothesis. The variables which indicated whether the respondent had been verbally harassed (Harass1) or robbed or physically attacked (Robbed1) in their neighborhood were coded as dichotomies (one = Yes, zero = No). As the table shows, the other variables (Crime2, Dark1, and Lowlev1) were coded as three-point ordinal scales.

Table 7.4-1 shows that the majority of the respondents (66%) felt as safe as they did a year ago when they were interviewed, but 29% felt more safe while only 5% felt less safe. The majority of both those who felt their safety was unchanged and those who felt more safe (68% and 71%, respectively) were willing to pay while less than half of those who felt less safe (44%) were so inclined. These differences approached statistical significance (Chi-square=5.129, df = 2, $p = .077$).

The majority of the sample felt safe when walking alone in their neighborhood after dark (89%) but 10% felt unsafe while only three respondents took a neutral stance on this question. Differences between those feeling safe, those feeling unsafe, and those who were neutral on this issue were not significant (Chi-square=3.037, df = 2, $p = .219$).

Most of the respondents (66%) thought that the amount of money that was spent on fighting low-level crimes in their neighborhoods was about the right amount, followed by those who thought not enough was being spent (25%), and finally those who thought too much was being spent (9%). There was no difference between these groups with regards to their willingness to pay (Chi-square=.392, $df = 2$, $p = .822$).

Most of the respondents had not been verbally harassed in a public area in their neighborhood in the past year (76%). Those who had been harassed were significantly less likely to be willing to pay than respondents who had not been harassed, 59% vs. 71%, respectively (Chi-square = 4.384, $df = 2$, $p = .036$).

Only a small proportion of the sample (7%) had been robbed or otherwise physically attacked in a public area in their neighborhood in the past year. The few who had been robbed or attacked were slightly more likely to be willing to pay than respondents who had not (75% vs. 67%, respectively) but the difference was not statistically significant (Chi-square = .615, $df = 1$, $p = .433$).

To summarize, a large majority of the respondents felt as safe or safer in their neighborhoods than they did a year ago and also felt safe about walking in their neighborhood after dark. Two-thirds of the sample felt that enough money was currently being spent to fight low-level crime but a quarter of the sample thought not enough was being spent. Less than a quarter of the respondents had been verbally harassed in their neighborhood and even fewer (less than 10%) had been physically attacked or robbed. Generally then, fear of crime is not a major issue or problem for most of the respondents.

There was a slight tendency for respondents who felt safe in their neighborhoods to be more willing to pay than those who did not but the difference was not significant. Interestingly, respondents who had been verbally harassed were significantly less likely to be willing to pay than respondents who had not been harassed.

Community Attachment: Table 7.4-1 shows the variables used to test the community attachment hypothesis. All of these variables were coded as either ordinal scales (Feel1, Status1, and Outlook1) or continuous variables (LOS and PCOMP2).

PCOMP2 was a factor produced by a factor analysis conducted on the responses to four community-related questions:

10. Are you a member of any community groups or neighborhood organizations?

11. How often do you attend meetings of community groups or neighborhood organizations? Would you say often, sometimes, seldom or never?
12. Do you have children under 18 who live with you?
13. Do you own or rent your home?

Since Bartlett's test of sphericity indicated that we could reject the hypothesis that the correlation matrix was an identity matrix ($p = .000$) and the Kaiser -Meyer-Oklin measure of sampling adequacy was within acceptable range ($KMO = .512$), a factor analysis of these data was attempted. Two principal components with eigenvalues greater than one were extracted. After varimax rotation the following component matrix was produced:

Variable	Component	
	1	2
Member	.878	-.258
Often	.891	-.206
Own/rent	.316	.714
Kids	.244	.755

As can be seen, one principal component (PCOMP1) loaded primarily on the responses to questions 10 and 11 while the other (PCOMP2) loaded primarily on responses to questions 23 and 25. PCOMP1 was found to explain little variance in willingness to pay and was dropped from the analysis. PCOMP2 was retained and used in the logistic regression.

Status1 was the Neighborhood Problems Scale produced by summing the responses to seven questions related to neighborhood problems:

Would you say this is a serious problem, a minor problem or no problem at all?

- 6a. Trash accumulating on streets and sidewalks.
- 6b. Graffiti
- 6c. Panhandlers
- 6d. People drinking in public
- 6e. Public drug use
- 6f. Street prostitution
- 6g. Unlicensed sidewalk vendors

A response of (+1) indicated that it was a serious problem, a response of (0) indicated that it was considered a minor problem, while a response of (-1) indicated that it was no problem at all. Missing data was replaced by each respondent's average score for the items in the scale for which data were available. Thus, the higher the score for this scaled variable, the more serious problems the respondent recognized in their neighborhood. Chronbach's Alpha for this scale was .5207.

Outlook1, the Trend in Neighborhood Problems Scale, was the sum of the responses to eight questions related to perceived trends in neighborhood problems. Seven of the variables were with reference to the neighborhood problems listed above (6a – 6g). Those surveyed responded to the following question about these problems:

Compared to one year ago, would you say this problem has gotten better, gotten worse, or stayed about the same?

The responses to these questions were summed with the response to the following question to produce a score for this scale:

4. In general, would you say that over the last year this area has become a better place to live, gotten worse or stayed about the same?

A response of (+1) indicated that, during the last year, the problem got better, a response of (0) indicated that it stayed about the same, while a response of (-1) indicated that it got worse.

Missing data was replaced by each respondent's average score for the items in the scale for which data were available. Thus, the higher the score for this scaled variable, the more pessimistic the respondent's assessment of change in neighborhood problems over time.

Chronbach's Alpha for this scale was .6898.

A very large majority of the respondents (93%) felt satisfied with their neighborhood as a place to live and satisfaction with the neighborhood was not related to willingness to pay (Chi-square=1.758, $df = 2$, $p = .415$). The average length of residence (LOS) in Midtown was 13.3 years with a range of less than a year to 77 years. LOS correlated only weakly (Pearson's $r = .083$, $p = .115$) with willingness to pay and the positive correlation indicated a slight tendency for willingness to pay to increase as length of residence in Midtown increased.

The factor score PCOMP2, which loaded primarily on whether the respondent was a homeowner and whether there were children present in the home, had almost no correlation (Pearson's $r = .003$, $p = .952$) with willingness to pay. The composite neighborhood problems scale Status1 and the outlook on neighborhood problems scale Outlook1 also had very small correlations with willingness to pay (Pearson's $r = -.062$, $p = .236$ and Pearson's $r = .057$, $p = .275$, respectively). The average score for Status1 was negative (-1.8) indicating that most respondents minimized the importance of the neighborhood problems about which they were queried (trash, graffiti, panhandlers, public drinking, public drug use, street prostitution, and

unlicensed street vendors). The average score for Outlook1 was positive (1.3), indicating that most respondents felt those problems had gotten better over the last year.

Innovative Features of Midtown Court: Table 7.4-1 presents the presents summary data for the independent variables used to test the innovative features of the Midtown Court hypothesis. All of these variables were coded as ordinal scales.

Generally, most of the respondents felt positive to very positive about the features of the Midtown Court. With a range of (+1), indicating that the respondent felt that the feature was important, to (-1), indicating that the respondent felt that the feature was not important, five of the features had average scores greater than (.6). **These were, in order of increasing score, informal neighborhood mediation [Mediate1], offenders receive treatment and social services [Service1], services begin on the same day as sentencing [Begin1], offenders perform community service [Perform1], and Midtown Court located in the area it serves [Located1]. Three features had average scores greater than .7 (in order of increasing score, community advisory board [Board1], compliance with community service monitored [Monitor1], and judge has information on offenders underlying problems [Underly1]). Only three features had average scores less than .6 (in order of increasing score, treatment and social services provided in the court building [Treat1], defendants spend a short time in custody before seeing a judge [Custody1], and returning offenders face same judge [Samejud1]). Of these, only one had an average rating of less than (.5), Samejud1 at (.47).**

Features related to accountability had the highest average scores followed by features related to community-basedness, with features related to treatment having the lowest average scores. When asked whether the additional cost of handling a case at Midtown Court as opposed to the Downtown court (\$87 more per case) was worth the unique benefits of the Midtown Court, the majority of respondents (58.4%) thought that the costs equal the benefits. An additional 21.2% thought that the costs exceeded the benefits and a nearly equal percentage (20.4%) thought that the costs exceeded the benefits. Together, these results suggest a strong public sentiment in favor of courts like the Midtown Court and the innovations it brings to the justice system, considering that almost 80% of the respondents thought that the benefits of the Midtown Court equaled or exceeded the additional costs.

Several of the variables measuring attitudes toward the innovative features of the Midtown Court had significant correlations with willingness to pay. Among the accountability features, Monitor1 (compliance with community service monitored) had a significant correlation (Pearson's $r = .170$, $p = .001$). None of the community-basedness features were significantly correlated with willingness to pay. Two features related to treatment were significantly correlated with willingness to pay, Treat1 (treatment and social services provided in the court building) and Service1 (offenders receive treatment and social services), Pearson's $r = .125$ ($p = .017$) and $.114$ ($p = .029$), respectively.

In summary, the respondents were very favorable inclined toward almost every innovative feature of the Midtown Court and overwhelmingly thought that its benefits equaled or exceeded its additional case processing costs. Attitudes toward three of the innovative features of the Midtown Court (compliance with community service monitored, treatment and social services provided in the court building, and offenders receive treatment and social services), had significant correlations with willingness to pay.

Steps were taken to deal with missing data for several of the independent variables. These are discussed in Appendix 7.6.

Table 7.4-1
Independent Variables Used in Multivariate Analysis

Economic Independent Variables

<u>Variable</u>	<u>Survey Question</u>	<u>Levels</u>	<u>N</u>	<u>%</u>
Income1	29. Last year before taxes, was your total combined household income less than 20 thousand dollars, between 20 and 40 thousand, 40-60, 60-80, 80-100 or more than 100 thousand dollars?	0= Less than 20 thousand dollars	42	11.6
		1= 20 thousand dollars or more	321	88.4
Gend1Amt	Interaction between respondent's gender and the amount asked to pay(\$10, \$25, \$50, \$75, or \$100). 21. What additional amount of money would you (or your household) be willing to pay through taxes per year to provide services like those provided by the Midtown Court? Would you be willing to pay \$_____ more per year?	MaleX\$10	43	11.8
		MaleX\$25	45	12.4
		MaleX\$50	45	12.4
		MaleX\$75	44	12.1
		MaleX\$100	41	11.3
		FemaleX\$10	28	7.7
		FemaleX\$25	28	7.7
		FemaleX\$50	31	8.5
		FemaleX\$75	30	8.3
		FemaleX\$100	28	7.7

Sociodemographic Independent Variables

<u>Variable</u>	<u>Survey Question</u>	<u>Levels</u>	<u>N</u>	<u>%</u>
Age1	Scr 3. Are you between the ages of (READ LIST)...	0= 24 years of age or younger	33	9.1
		1= older than 24 years of age	330	90.9
Race1	28. What is your racial or ethnic identity?	0=Nonwhite	89	24.5
		1=White	274	75.5
Marital Status	27. What is your marital status?	1=Married or living with a partner	129	35.5
		2=Single	191	52.6
		3=Divorced/ Separated	43	11.8
Level1	26. What is the highest level of education you have completed?	1=High School or less	53	14.6
		2=Some College/ College Degree	233	64.2
		3=Graduate or Professional Degree	77	21.2

Fear of Crime Variables

<u>Variable</u>	<u>Survey Question</u>	<u>Levels</u>	<u>N</u>	<u>%</u>
Crime2	5. Thinking about crime in your neighborhood, would you say you feel more safe, less safe or about the same as you did one year ago?	(+1)=More safe 0=About as safe (-1)=Less safe	105 240 18	28.9 66.1 5
Dark1	9. How safe do you feel walking alone in your neighborhood after dark? Would you say you feel very safe, somewhat safe, somewhat unsafe or very unsafe?	(+1)=Safe 0=Neutral (-1)=Unsafe	323 3 37	89 0.8 10.2
Lowlev1	13f. Please tell me whether you feel the amount of money that is spent on fighting low level crimes like street prostitution, vandalism, and illegal vending in your neighborhood is too much, just about the right amount, or too little.	(+1)=Too much 0=About the right amount (-1)=Too Little	32 240 91	8.8 66.1 25.1
Harass1	7. In the past year have you been verbally harassed in a public area in your neighborhood?	0=No 1=Yes	276 87	76 24
Robbed1	8. In the past year, were you or a member of your household robbed or otherwise physically attacked in a public area in your neighborhood?	0=No 1=Yes	339 24	93.4 6.6

Community Attachment Independent Variables

<u>Variable</u>	<u>Survey Question</u>	<u>Levels</u>	<u>N</u>	<u>%</u>
Feel1	3. On the whole, how do you feel about your neighborhood as a place to live? Are you very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied?	(+1)=Satisfied (0)=Neutral (-1)=Dissatisfied	339 3 21	93.4 0.8 5.8

<u>Variable</u>	<u>Survey Question</u>	<u>Range</u>	<u>N</u>	<u>Mean</u>	<u>Standard Deviation</u>
LOS	2. How many years and months have you lived in Midtown Manhattan?	77 -08	363	13.34	14.38
PCOMP2	Factor score loading principally on the responses to the questions about whether the respondent owned or rented their home and whether they had children present in the home	1.88 - (-2.99)	363	-0.11	0.98
Status1	Neighborhood problems scale	6.0 - (-7.0)	363	(-1.75)	2.5
Outlook1	Trend in neighborhood problems scale	8.0 - (-5.0)	363	1.29	2.2

Innovative Features of Midtown Court Independent Variables

<u>Variable</u>	<u>Survey Question</u> <u>Treatment</u>	<u>Range</u> ¹	<u>N</u>	<u>Mean</u>	<u>Standard</u> <u>Deviation</u>
Service1	19a. Offenders can receive treatment and social services for their personal health problems while serving their sentence, including psychological counseling and GED preparation.	(+1.0) - (-1.0)	363	0.62	0.72
Treat1	19b. Treatment and social services for offenders are provided in the court building itself.	(+1.0) - (-1.0)	363	0.35	0.86
Begin1	19c. Treatment and social services mandated by the Midtown Court usually begin on the same day that the offender is sentenced.	(+1.0) - (-1.0)	363	0.62	0.72
Community-basedness					
Board1	19d. The Midtown Court has an advisory board made up of community members.	(+1.0) - (-1.0)	363	0.7	0.65
Perform1	19e. Offenders convicted at the Midtown Court perform community service work such as cleaning the streets and removing graffiti.	(+1.0) - (-1.0)	363	0.68	0.67
Located1	19f. The Midtown Court is located in the area it serves.	(+1.0) - (-1.0)	363	0.69	0.68
Mediate1	19g. The Midtown Court offers a way to informally mediate neighborhood disputes, such as a complaint about a noisy auto repair shop.	(+1.0) - (-1.0)	363	0.61	0.72
Accountability					
Custody1	19h. After arrest, defendants spend a short time in custody before coming before a judge.	(+1.0) - (-1.0)	363	0.51	0.78
Monitor1	19i. Compliance with community service is rigorously monitored by the court.	(+1.0) - (-1.0)	363	0.73	0.63
Samejud1	19j. Offenders who are arrested for low-level crimes in the Midtown area are likely to face the same judge.	(+1.0) - (-1.0)	363	0.47	0.8
Underly1	19k. When imposing sentences, judges have information on the underlying problems of offenders and their previous compliance with community service sentences.	(+1.0) - (-1.0)	363	0.77	0.57

<u>Variable</u>	<u>Survey Question</u>	<u>Levels</u>	<u>N</u>	<u>%</u>
Feel1	20. Now I would like to ask you about the cost of handling a case at the Midtown Court in comparison to the regular court Downtown. The cost per case at the Midtown Court is about \$87 more than the cost per case at the regular court Downtown. This extra money supports unique features such as neighborhood-based community service projects, court-based social services, and close monitoring of offenders. Do you think the additional costs of the Midtown Court clearly exceed benefits, are equal to benefits, or are clearly exceeded by its benefits?	(+1)=Benefits Exceed Costs	77	21.2
		(0)=Costs equal benefits	212	58.4
		(-1)=Costs exceed benefits	74	20.4

1. (+1) indicated that the respondent considered the feature to be important while (-1) indicated that the respondent considered it to be unimportant.

Appendix 7.5
Multivariate Analysis of Willingness to Pay

Appendix 7.5

Multivariate Analysis of Willingness to Pay

The model. The descriptive overview of survey responses presented in the previous section shows that people are generally supportive of the programs and procedures used in the Midtown Court. The results don't, however, provide a means to assess the relative importance of factors like income, perceptions of neighborhood conditions, and views on the innovative features of the Midtown Court on an individual's willingness to pay. People may value improved case processing, more treatment options, and enhanced accountability *in the abstract*, but this support is not unconditional. When a respondent considered the additional sacrifice (in dollars) required to provide these benefits, their actual decision about willingness to pay may be tempered by their income and the amount of money they are asked to contribute. To help disentangle how varying perceptions, motivations, and background characteristics influence a person's views on the benefits of the Midtown Court, a multivariate statistical technique is needed. Such a multivariate analysis is necessary to simultaneously control for the influence of the large number of factors (called *independent variables*) possibly effecting willingness to pay (called the *outcome* or *dependent variable*). This statistical approach enables us to discern the unique contributions of the individual independent variables in explaining willingness to pay.

The statistical technique used in the present study is logistic regression, appropriate for use with a dichotomous dependent variable. The dependent variable, willingness to pay, is dichotomous since it has only two possible values, "one" when the respondent replied "yes" to the willingness to pay question¹ and "zero" when the respondent replied "no". Of the 363 respondents whose data were used in the multivariate analysis, 246 (67.8%) were willing to pay the amount that was asked of them, while 117 (32.3%) declined to pay.

¹ 21. What additional amount of money would you (or your household) be willing to pay through taxes per year to provide services like those provided by the Midtown Court? Would you be willing to pay \$_____ more per year? One of five possible amounts (\$10, \$25, \$50, \$75, or \$100) was selected by a random assignment process and incorporated into the willingness to pay question. The amount was chosen randomly to insure that the influence of this critical variable on willingness to pay could be assessed independently of the influence of the other independent variables.

To better understand what influences an individual's decision about willingness to pay, we draw on the five categories of variables displayed in Table 7.5-1. Precise definitions and frequencies of each variable are listed in Table 7.5-1, and the latter contains detailed descriptions of each variable. The interpretation of each independent variable is fairly straightforward with the possible exception of Gend1Amt in the economic group and PCOMP2, Status1, and Outlook1 in the community attachment group.

Exploratory data analysis showed that the relationship between Amount Asked to Pay (one of five random amounts: \$10, \$25, \$50, \$75, or \$100) and willingness to pay varied by gender. To examine the effects of this difference between men and women, nine variables were included in the model that correspond to each unique combination of "gender" and "amount asked to pay".² The variable which corresponded to the particular combination of "gender" and "amount asked to pay" for each respondent was scored "one", while the remaining eight variables were scored "zero".³ Therefore, on Table 7.5-2, GEND1AMT(1) was scored one if the respondent was a male asked to pay \$25, and zero otherwise. The variables GEND1AMT(2) - GEND1AMT(9) would be scored zero for this respondent.

In developing measures of community attachment, three scales were developed that combine the responses from two or more separate interview questions. The first focused on community integration (PCOMP2), the second on neighborhood problems (Status1), and the third on the trend in neighborhood problems (Outlook1). The specific interview questions and the techniques used to develop the scales are discussed in Appendix 7.5.

The results. Table 7.5- 2 shows the results of the "fully-specified" logistic regression model that includes all of the independent variables. The quality of the model can be judged by examining the statistical "fit" to the variation in the dependent variable,

² A tenth dichotomous variable is not needed because knowledge of a respondent's scores on the nine other variables determines the respondent's score on the tenth variable. For example, a respondent who has scored zero on the nine dichotomous variables by necessity must score one on the tenth dichotomous variable. The tenth variable is not needed because the information it contains is redundant.

³ This process is referred to as "dummy-coding" the Gender by Amount Asked to Pay interaction.

Table 7.5-1

1. Economic variables
 - 1.1 Income
 - 1.2 Amount of money asked to pay

2. Sociodemographic variables
 - 2.1 Age
 - 2.2 Race
 - 2.3 Gender
 - 2.4 Marital status
 - 2.5 Educational level

3. Fear of Crime
 - 3.1 Does respondent feel neighborhood has become more or less safe with regards to crime in the last year?
 - 3.2 Does respondent feel safe walking in neighborhood after dark?
 - 3.3 Is respondent satisfied with the amount of money spent to fight low-level crime in their neighborhood?
 - 3.4 Has respondent been verbally harassed in public area in neighborhood during last year?
 - 3.5 Has respondent or member of respondent's household been robbed or physically attacked in a public area in neighborhood in past year?

4. Community Attachment variables
 - 4.1 Respondent's satisfaction with neighborhood as a place to live
 - 4.2 Length of residence in Midtown neighborhood
 - 4.3 Presence of children in household
 - 4.4 Whether respondent owns or rents home
 - 4.5 Respondent's score on neighborhood problems scale based on views of the relative importance of Trash; Graffiti; Panhandlers; Public drinking; Public drug use; Street prostitution; Unlicensed public vendors
 - 4.6 Respondent's score on scale measuring perception of change in neighborhood problems during last year

5. Innovative Features of the Midtown Court
 - 5.1 Treatment
 - 5.1.1 Offenders receive treatment & social services
 - 5.1.2 Services provided in court building
 - 5.1.3 Services begin on same day as sentencing
 - 5.2 Community orientation
 - 5.2.1 Community Advisory Board
 - 5.2.2 Offenders perform community service
 - 5.2.3 Midtown Court located in service area
 - 5.2.4 Neighborhood mediation
 - 5.3 Accountability
 - 5.3.1 Post-arrest, short time in custody before seeing a judge
 - 5.3.2 Compliance with community service monitored
 - 5.3.3 Same judge if return to Midtown Court
 - 5.3.4 Information on previous compliance/problems supplied to judge

in this case willingness to pay. In other words, we seek a model that is able to improve on chance in predicting the respondent's answer to the willingness to pay question. The fully-specified model as well as the reduced model discussed later were able to provide a statistically significant "goodness of fit" to willingness to pay⁴.

The fully-specified model examined the effect of 38 explanatory factors (independent variables), plus the regression constant. Only five of these factors were significant ($p < .05$).⁵ Because logit is a nonlinear estimation method, coefficients are more difficult to interpret than those in linear regression.⁶ In Table 7.5-2, the *sign* of the coefficient represents the direction of the effect and the larger the coefficient the larger the effect.⁷

The results of the logistic regression suggest that willingness to pay is primarily influenced by three factors: income, amount asked to pay, and gender (amount asked to pay and gender are examined interactively). None of the sociodemographic (outside of gender), fear of crime, community attachment, or innovative features of the Midtown Court variables were found to have a significant independent influence on willingness to pay. Turning to Tables 7.5-3 and 7.5-4 we see:

⁴As an example of how to interpret models' 'goodness of fit', the primary measures of 'goodness of fit' are displayed at the bottom of Table 7.5-4. The most frequently used indicator in logit is called the '-2 log likelihood'. Based on this measure, the model is significant. In this case, the -2 log likelihood is a Chi-square variate with 38 degrees of freedom (because there are 38 explanatory variables in this model). It is the analog of the F-statistic in linear regression and tests the hypothesis that all of the coefficients are equal to zero. A value of 388.747 meets the standard of significance, thereby leading to a rejection of the null hypothesis, and indicates that the model fits the data well. A second measure of fit, the percentage of cases correctly predicted by the model, shows that the model correctly predicted 74 percent of all cases. This outcome is compared to the 'null hypothesis', which predicts the most frequent outcome in all cases; in the model, the 'null hypothesis' is little better than a coin toss, because 68 percent of the respondents were willing to pay. Additional analysis (not shown in the output) shows that the model is more successful in predicting cases that were willing to pay (91%) than cases that were not (39%), with both exceeding the null hypothesis.

⁵ The effect of a variable is said to be 'statistically significant' if it is larger (or smaller) than would be expected by chance alone.

⁶ In logit regression, the impact of a particular independent variable (e.g., income) on the probability that a specified outcome will occur (e.g., answering "yes" to the willingness to pay question) is not constant, but depends on all the relevant independent variables in concert. See, for example, Aldrich and Nelson (1984).

⁷ Even though the interpretation of the *magnitude* of a coefficient is not clear-cut, the standardized coefficient (shown in the column labeled 'EXP(B)' in the output) does provide an estimate of the relative impact of each factor

- Collectively and individually, the economic independent variables primarily explain the willingness to pay decision. Both the respondents income (whether they earned an income equal to or more than \$20,000 or less than this amount) and the interaction between “gender” and “amount asked to pay” were significant.
- There is no evidence that the Sociodemographic independent variables collectively or individually were significantly related to willingness to pay decision. However, Educational Level (Level1) had a non-zero partial correlation with the willingness to pay decision and approached significance at the ten percent level ($p = .1072$).⁸
- There is no evidence that the Fear of Crime independent variables collectively or individually were significantly related to willingness to pay decision.
- There is no evidence that the Community Attachment independent variables collectively or individually were significantly related to willingness to pay decision although LOS had a non-zero partial correlation with the willingness to pay decision and was significant at the ten percent level ($p = .0935$).
- There is no evidence that the Innovative Features of the Midtown Court independent variables collectively or individually were significantly related to willingness to pay decision although the “short time in custody” (Custody1) and “compliance with community service is rigorously monitored” (Monitor1) features had non-zero partial correlations with the willingness to pay decision and were significant at the eight percent level ($p = .0748$, in both cases).

Specification of the Reduced Logistic Regression Model

Since a number of factors approached statistical significance and had non-zero partial correlations with the willingness to pay decision, a revised regression model was constructed. This model incorporated the Economic independent variables (Income1 and Gend1amt) as well as LOS, Custody1, and Monitor1 (the other independent variables with non-zero partial correlations with the willingness to pay decision and significance levels of $(p < .10)$). The rest of the independent variables were dropped from this revised model. The results of this new model are shown in Table 7.5-4 where it can be seen that the two economic variables, LOS, and Monitor1 produced regression coefficients that were significantly different from zero.

⁸ The partial correlation's indicate the strength of the association between an independent variable and the dependent variable, controlling for the influence of all the other independent variables on the dependent variable. They range in size from (+1) which indicates a perfect, direct relationship to (-1) which indicates a perfect inverse relationship between the two variables.

A goodness of fit test was conducted comparing the fit of the reduced regression model with the fit produced by the fully specified model, the results of which are shown in Table 7.5-3. These results show that there is no difference in the fit to the variation in the willingness to pay variable provided by the reduced model (which used four explanatory factors) and the fully specified model (which used 38 explanatory factors). By the principle of "Occam's Razor"⁹, the reduced model is preferred for explaining the variation in the willingness to pay variable. Additional goodness of fit tests (the results of which are not reported here) confirmed that none of the independent variables in the reduced model could be eliminated without a significant deterioration in the ability of the model to explain variation in the willingness to pay decision.

Interpretation of Final Reduced Model

The reduced model correctly classified 26.5% of the "No" responses and 93.1% of the "Yes" responses to willingness to pay question, yielding a total of 71.6 % correctly classified responses. This is a modest but statistically significant improvement over chance (68%).

In the reduced model, Income1 was positively related to the willingness to pay decision, indicating that respondents with incomes of \$20,000 or more were more likely to respond "yes" to the willingness to pay question than respondents with incomes of less than or equal to \$20,000. To calculate how much greater the probability of responding "yes" to the willingness to pay question was for respondents earning more than \$20,000 compared to respondents earning this amount or less, the "derivative from the mean"¹⁰ was calculated. Table 7.5-5 shows the derivatives from the mean for the independent variables included in the reduced model. It can be seen that respondents

⁹ The principal of Occam's Razor maintains that, all things being equal, simpler explanations of phenomenon are preferred over more complicated explanations.

¹⁰ The derivative from mean is calculated by first setting independent variables other than income at their mean level (in this case Gend1amt, LOS, and Monitor1), setting Income1 equal to one, and then calculating the probability that the respondents were willing to pay. This corresponds to the probability that respondents earning more than \$20,000 annually were willing to pay. Then, the value of Income1 was set equal to (0) and the probability of being willing to pay was recalculated (once again setting all other independent variables to their mean level). This corresponds to the probability that respondents earning \$20,000 or less were willing to pay. The difference between these two probabilities was the "derivative from mean" for Income1 and represented the difference in the probability that respondents earning more than \$20,000 compared to respondents earning \$20,000 or less would be willing to pay.

earning more than \$20,000 are 21% more likely to be willing to pay than respondents earning \$20,000 or less, all other things being equal.

Table 7.5-5 shows that five of the dummy variables constructed to represent the interaction between gender and the amount asked to pay were significant.¹¹ Note that all of the regression coefficients save one (females asked to pay \$10) were negative. This result occurred because males asked to pay \$10 were more likely to be willing to pay than any of the other categories except females asked to pay \$10 (the latter category being the most likely to be willing to pay of all the groups). Table 7.5- 9 shows that males asked to pay \$50 and males asked to pay \$75 were about 30% less likely to be willing to pay than males asked to pay \$10, while males asked to pay \$100 were 37% less likely, all other things being equal. Also, females asked to pay \$50 and females asked to pay \$75 were 33% and 28%, respectively, less likely to be willing to pay than males asked to pay \$10, all other things being equal.

Monitor1 (compliance with community service is rigorously monitored by the court.) was the single innovative feature of the Midtown Court found to have a significant influence on the willingness to pay decision. Custody1, the other innovative feature in the reduced model, had a non-significant regression coefficient. Table 7.5- 4 shows that Monitor1 had a positive regression coefficient. This result indicates that respondents who felt that this feature was important were more likely to be willing to pay than respondents who felt this feature was unimportant. Table 7.5- 5 shows that respondents who felt rigorous monitoring of compliance with community service by the court was important were 28% more likely to be willing to pay than respondents who felt that this feature was unimportant.

LOS was also positively related to the willingness to pay decision, indicating that the longer respondents had been in residence in Midtown, the greater the likelihood of their responding "yes" to the willingness to pay question. As an illustration of the impact of LOS on the willingness to pay decision, Table 7.5- 5 compares the willingness to pay probabilities for residents with a LOS equal to the average for those responding "Yes" to the willingness to pay question (14.2 years) with those with a LOS equal to the

¹¹ Thus, the probability of being willing to pay for the combinations of "gender" and "amount asked to pay" represented by these dummy variables was significantly different from the probability associated with the reference category (males asked to pay \$10).

average for those responding “no” (11.6 years), fixing the values of all the other variables. It can be seen that the longer LOS increased the probability of a respondent being willingness to pay by only 1%, reflecting the modest influence of this variable on the willingness to pay decision.

**Table 7.5-2:
Logit Coefficients - Fully Specified Model**

Category	Variable	Description	Estimated Coefficient	Standard Error	Wald Sig	Partial Correlation	Exp(B)
Dependent Variable	WILL	Willingness to pay amount asked					
Economic	INCOME1(1)	Income>=\$20,000?	0.9419	0.4318	0.0292	0.0777	2.5649
	GEND1AMT	Interaction between Gender and Amount asked to Pay			0.0034	0.1207	
	GEND1AMT(1)	MalesX \$25	-0.4237	0.6007	0.4806	0	0.6546
	GEND1AMT(2)	MalesX \$50	-1.5982	0.5677	0.0049	-0.1139	0.2023
	GEND1AMT(3)	MalesX \$75	-1.3965	0.5666	0.0137	-0.0945	0.2475
	GEND1AMT(4)	MalesX \$100	-1.6256	0.5735	0.0046	-0.115	0.1968
	GEND1AMT(5)	FemalesX \$10	0.427	0.7659	0.5772	0	1.5326
	GEND1AMT(6)	FemalesX \$25	-0.0557	0.6947	0.936	0	0.9458
	GEND1AMT(7)	FemalesX \$50	-1.6404	0.6142	0.0076	-0.1061	0.1939
	GEND1AMT(8)	FemalesX \$75	-1.046	0.6259	0.0947	-0.0417	0.3513
	GEND1AMT(9)	FemalesX \$100	-0.7607	0.6309	0.2279	0	0.4673
Socio-demographic	AGE1(1)	Older than 24 years of age?	0.1249	0.4806	0.7949	0	1.1331
	RACE1(1)	Is your racial or ethnic identity White?	-0.4175	0.3322	0.2088	0	0.6587
	MARITAL	Marital Status			0.6407	0	
	MARITAL(1)	Single	0.1559	0.319	0.6251	0	1.1687
	MARITAL(2)	Divorced/ Separated	-0.2562	0.4641	0.5808	0	0.774
	LEVEL1	Highest Level of Education			0.1072	0.0319	
	LEVEL1(1)	Some College/College Degree	-0.6746	0.4151	0.1041	-0.0375	0.5094
	LEVEL1(2)	Graduate or Professional Degree	-0.1266	0.5073	0.8028	0	0.881
Fear of Crime	CRIME2	Feel more safe, less safe or about the same as one year ago?	0.3504	0.2721	0.1979	0	1.4196
	DARK1	Feel safe walking alone in your neighborhood after dark?	0.2126	0.225	0.3445	0	1.2369
	LOWLEV1	Amount of money spent fighting low level crimes too much, just about the right amount, or too little?	0.1548	0.2486	0.5335	0	1.1674

<u>Category</u>	<u>Variable</u>	<u>Description</u>	<u>Estimated Coefficient</u>	<u>Standard Error</u>	<u>Wald Sig</u>	<u>Partial Correlation</u>	<u>Exp(B)</u>
	ROBBED1(1)	Robbed or physically attacked in past year?	0.5817	0.5784	0.3146	0	1.7891
Community Attachment	FEEL1	How do you feel about your neighborhood as a place to live?	-0.2394	0.2968	0.4199	0	0.7871
	LOS	Time in residence in Midtown	0.0185	0.011	0.0935	0.0422	1.0187
	PCOMP2	Factor score loading on whether the respondent owned or rented their home and whether they had children present in the home	0.1374	0.1495	0.3582	0	1.1472
	STATUS1	Neighborhood problems scale	-0.0417	0.0567	0.4624	0	0.9592
	OUTLOOK1	Trend in neighborhood problems scale	0.0236	0.0652	0.7175	0	1.0239
Innovative Features of the Midtown Court							
Treatment	SERVICE1	Offenders receive treatment and social services	0.2219	0.2052	0.2794	0	1.2485
	TREAT1	Services provided in the court building.	-0.1335	0.1672	0.4247	0	0.875
	BEGIN1	Services begin on the same day offender is sentenced.	0.2215	0.218	0.3097	0	1.2479
Community-basedness	BOARD1	Midtown Court has a community advisory board.	0.2325	0.2458	0.3443	0	1.2618
	PERFORM1	Offenders convicted at Midtown Court perform community service work.	0.0415	0.2356	0.8603	0	1.0423
	LOCATED1	Midtown Court is located in the area it serves.	-0.1086	0.2447	0.657	0	0.8971
	MEDIATE1	Midtown Court offers community mediation services	-0.0951	0.2055	0.6436	0	0.9093
Accountability	CUSTODY1	Defendants spend a short time in custody before coming before a judge.	-0.3368	0.189	0.0748	-0.0507	0.7141

<u>Category</u>	<u>Variable</u>	<u>Description</u>	<u>Estimated Coefficient</u>	<u>Standard Error</u>	<u>Wald Sig</u>	<u>Partial Correlation</u>	<u>Exp(B)</u>
	MONITOR1	Compliance with community service is monitored.	0.4637	0.2602	0.0748	0.0507	1.5899
	SAMEJUD1	Offenders who are re-arrested for low-level crimes are likely to face the same judge.	0.1532	0.1742	0.3791	0	1.1656
Innovative Features of the Midtown Court	UNDERLY1	When sentencing, judges have information on the underlying problems of offenders and their previous compliance with community service sentences.	-0.1087	0.279	0.6968	0	0.897
	CASECOS1	Additional costs of the Midtown Court clearly exceed benefits, are equal to benefits, or are clearly exceeded by its benefits?	0.2344	0.2065	0.2563	0	1.2642
	<u>Constant</u>		<u>0.7797</u>	<u>0.9034</u>	<u>0.3881</u>		

Number of Observations	363
-2 X LLR	388.747
Percentage Predicted Correctly	74%
Percentage Predicted Null	68%

**Table 7.5-3:
Results of Goodness of Fit Tests**

Variable Category Dropped from Fully Specified Model	Variables	Change in χ^2 LLR	df	Chi-Square Significance Level
Community Attachment	LOS	5.073	9	0.5
	Factor Score (Kids, Own/rent)			
	Problems Scale Score			
	Outlook on problems scale score			
	Satisfied with x neighborhood as place to live? (3)			
Sociodemographic	Age	7.294	4	0.2
	Race			
	Marital Status:(27)			
	Educational Level:(26)			
	Verbally Harassed: (7)*			
	Attacked: (8)			
	Safe after Dark: (9)			
	Amt. Spent on Low-Level Crime:(13)			
Economic	Income1	32.065	2	0.001
	GenderXAmt			
Features of Midtown Court	Post-arrest, short time in custody:(19h)	16.671	12	0.2
	Compliance w/ comm. ser. monitored:(19i)			
	Face same judge:(19j)			
	Info on previous compliance/problems:(19k)			
	Advisory Board:(19d)			
	Offenders perform community service:(19e)			
	Midtown Court located in service area:(19f)			
	Mediation:(19g)			
	Offenders receive trmnt. & soc. service:(19a)			
	Services provided in court bldg.:(19b)			
	Services begin on same day as sent.:(19c)			
	Benefits =,<,> Costs: (20)*			
All variables except the variables in the Reduced Model	Income1	21.413	25	0.75
	GenderXAmt			
	Compliance w/ comm. ser. monitored:(19i)			

**Table 7.5-4:
Logit Coefficients - Reduced Model**

Category	Variable	Description	Estimated Coefficient	Standard Error	Wald Sig	Partial Correlation	Exp(B)
Dependent Variable	WILL	Willingness to pay amount asked					
Economic	INCOME1(1)	Income>=\$20,000?	0.8685	0.369	0.0185	0.0882	2.3858
	GEND1AMT	Interaction between Gender and Amount asked to Pay			0.0046	0.1127	
	GEND1AMT(1)	MalesX \$25	-0.4782	0.5631	0.3958	0	0.6199
	GEND1AMT(2)	MalesX \$50	-1.3791	0.5281	0.009	-0.1028	0.2518
	GEND1AMT(3)	MalesX \$75	-1.294	0.532	0.015	-0.0926	0.2742
	GEND1AMT(4)	MalesX \$100	-1.6823	0.5329	0.0016	-0.1321	0.1859
	GEND1AMT(5)	FemalesX \$10	0.1115	0.696	0.8727	0	1.118
	GEND1AMT(6)	FemalesX \$25	-0.1469	0.6562	0.8229	0	0.8634
	GEND1AMT(7)	FemalesX \$50	-1.5483	0.5641	0.0061	-0.1101	0.2126
	GEND1AMT(8)	FemalesX \$75	-1.3342	0.5764	0.0206	-0.0858	0.2634
	GEND1AMT(9)	FemalesX \$100	-0.9432	0.5924	0.1114	-0.0342	0.3894
Community Attachment	LOS	Time in residence in Midtown	0.0187	0.0094	0.0475	0.065	1.0189
Innovative Features of the Midtown Court							
Accountability	CUSTODY1	Defendants spend a short time in custody before coming before a judge.	-0.2249	0.1699	0.1856	0	0.7986
	MONITOR1	Compliance with community service is rigorously monitored.	0.6098	0.195	0.0018	0.1306	1.84
	Constant		0.3995	0.5513	0.4687		

Number of Observations 363
-2 X LLR 410.16
Percentage Predicted Correctly 72%
Percentage Predicted Null 68%

**Table 7.5-5:
Derivatives from the Mean**

<u>Variable</u>	<u>Definition</u>	<u>Probabilities</u>			<u>Derivative from the Mean</u>
Monitor1	19i. Compliance with community service is rigorously monitored by the court.	Important	Neutral	Unimportant	
		0.6753	0.5306	0.3805	0.2948
Income1	29. Last year before taxes, was your total combined household income less than 20 thousand dollars, between 20 and 40 thousand, 40-60, 60-80, 80-100 or more than 100 thousand dollars?	0= Less than 20 thousand dollars	1= 20 thousand dollars or more		
		0.6611	0.4500		0.2111
		Responding "Yes" to WTP Question			
Gend1amt(10)	Male X \$10	0.8119			NA
Gend1amt(1)	Male X \$25	0.7280			-0.0839 ³
Gend1amt(2)	Male X \$50 ²	0.5209			-0.291 ³
Gend1amt(3)	Male X \$75 ²	0.5421			-0.2698 ³
Gend1amt(4)	Male X \$100 ²	0.4453			-0.3666 ³
Gend1amt(5)	Female X \$10	0.8284			0.0165 ³
Gend1amt(6)	Female X \$25	0.7885			-0.0234 ³
Gend1amt(7)	Female X \$50 ²	0.4786			-0.3333 ³
Gend1amt(8)	Female X \$75 ²	0.5321			-0.2798 ³
Gend1amt(9)	Female X \$100	0.6270			-0.1849 ³
	1. Comparing Important to Unimportant				
	2. Significantly different compared to males asked to pay \$10				
	3. Compared to males asked to pay \$10				
LOS	2. How many years and months have you lived in Midtown Manhattan?	LOS=11.6 ⁴	LOS=14.2 ⁵		
		0.6306	0.6419		0.0113
	4. Average LOS for those not willing to pay.				
	5. Average LOS for those willing to pay.				

Appendix 7.6
Missing Data Procedures

Appendix 7.6

Missing Data Procedures

Steps were taken to deal with missing data for several of the independent variables. In the case of Casecos1 (Do the benefits of the MCC equal the costs?), the "Don't Know" responses were recoded as "Benefits equal Costs". Similarly, the "Don't Know" responses to Lowlev1 (Is respondent satisfied with the amount of money spent to fight low-level crime?) were recoded as "About the right amount". In the case of these two variables, it was felt that the "Don't Know" responses indicated that the respondent did not feel especially strongly either favorably or negatively about the issue and thus their response was consistent with a neutral stance on the issue.

Three other sets of variables were identified as promising candidates for missing value substitution. They were identified on the basis that each of these sets displayed a moderate to high degree of internal consistency in their response patterns (as measured by Chronbach's alpha) and that the majority of the respondents were missing only one or two values for the variables in each set. A moderate to high degree of internal consistency among the variables in a given set suggests that one might reasonably "impute" values for missing scores on the basis of available (i.e., non-missing) scores.

One set consisted of the responses to the seven queries about the importance of neighborhood problems that were summed to form a unitary neighborhood problems scale (Status1), as described earlier. Chronbach's alpha for this scale was .5207, indicating a moderate degree of consistency among the component scores. An investigation into the pattern of missing values for the component variables showed that 84.4% of the respondents who provided a response to the WTP question had no missing scores and that an additional 10.9 % were missing only one score for the seven component variables. Thus, fully 95.3% of the respondents were missing no more than one score for the seven component variables of the neighborhood problems scale. Given the moderate degree of internal consistency among the scores of the component variables and the relatively small amount of missing data, missing values of the component variables for each respondent were replaced by their average score calculated from the component variables that were not missing scores. This approach to imputing the values of missing data is known as "mean imputation" (Little and Rubin, 1987).

A second set of variables consisted of the responses to the eight component variables of the perceived trends in neighborhood problems scale (Outlook1), described previously. This scale indicated a relatively high degree of internal consistency (Chronbach's Alpha = .6898). An investigation into the pattern of missing values for the component variables showed that 78.2% of the respondents who provided a response to the WTP question had no missing scores, an additional 13.3 % were missing only one score for the eight component variables, and an additional 3.8% were missing only two scores. Thus, fully 95.3% of the respondents were missing no more than two scores for the seven component variables of the neighborhood problems scale. Given the high degree of internal consistency among the scores of the component variables and the relatively small amount of missing data, missing values in the component variables for each respondent were replaced by the average score of the component variables that were not missing scores.

The final set of variables identified for missing values substitution consisted of the responses to the queries about the 11 features of the MCC. Though not accumulated into a single scale value as with the two previous sets of variables, Chronbach's Alpha was nonetheless calculated for this set of variables to gauge the extent of internal consistency among the responses. A moderate or high degree of internal consistency would suggest that the strategy for imputing missing values employed with the previous two sets of variables could be used with this set. Chronbach's Alpha was calculated to be .8331, indicating a very high degree of internal consistency. An investigation into the pattern of missing values for these variables showed that 75.6% of the respondents who provided a response to the WTP question had no missing scores, an additional 11.5 % were missing only one score for the eleven variables, and an additional 4.8% were missing only two scores. Thus, fully 91.9 % of the respondents were missing no more than two scores for the eleven variables inquiring about features of the MCC and 95.2% were missing no more than five scores. Thus, as with the other two sets of variables, missing values in the court features variables were replaced by their average score, calculated for each respondent from the scores of the variables that were not missing scores.

Appendix 8.1
Midtown Community Court Cost Centers for Fiscal Years 94-96

Appendix 8.1

Midtown Community Court Cost Centers for Fiscal Years 94-96

Cost Center	Funding Source	Costs, FY 94	Costs, FY 95	Costs, FY 96
Court Personnel ¹				
Courtroom ²				
Judge	NY State Unified Court System	\$103,800	\$103,800	\$103,800
Clerk of the Court ³	NY State Unified Court System	\$869,500	\$878,229	\$884,994
Deputy Clerks (4) ³	NY State Unified Court System	\$0	\$0	\$0
Court Officers (12) ³	NY State Unified Court System	\$0	\$0	\$0
Location Pay	NY State Unified Court System	\$16,128	\$16,128	\$16,896
Courtroom Personnel Overtime	NY State Unified Court System	\$225,000	\$236,596	\$250,000
Employee Fringe Benefit Cost ⁴	NY State Unified Court System	\$267,658	\$270,058	\$271,918
Resource Coordinator ⁵	FCNY	\$35,000	\$36,750	\$38,588
Administration ⁶				
Court Coordinator	FCNY	\$95,000	\$99,750	\$104,738
Operations Coordinator	Federal / FCNY	\$45,000	\$47,250	\$49,613
Administrator/Facilities Manager	FCNY	\$32,000	\$33,600	\$35,280
Community Affairs Officer	FCNY	\$30,000	\$31,500	\$33,075
Receptionist	Federal	-	-	\$20,000
Support ⁷				
Technology Network Manager	Federal / FCNY	\$32,000	\$33,600	\$35,280
Director of Research	FCNY	\$36,000	\$37,800	\$39,690
Research Assistant	FCNY	\$12,060	\$12,663	\$13,296
Custodian	FCNY	\$28,000	\$29,400	\$30,870
Part-time Maintenance	FCNY	\$10,963	\$11,511	\$12,087
Part-time Maintenance	FCNY	\$12,908	\$13,553	\$14,231
Clinical Unit ⁸				
Clinical Director	Federal	\$45,000	\$47,250	\$49,613
Counselor	Federal	\$19,042	\$19,994	\$20,994
Counselor	Federal	\$7,709	\$8,094	\$8,499
Employment Specialist	Federal	\$6,439	\$6,761	\$7,099
Intake Counselor	Federal	\$25,000	\$26,250	\$27,563
Community Service ⁹				
Community Service Coordinator	Federal	\$32,000	\$33,600	\$35,280
Asst. Community Service Coordinator	FCNY	\$12,073	\$12,677	\$13,310
Community Service Supervisor	FCNY	\$22,000	\$23,100	\$24,255
Mailhouse Supervisor	FCNY	\$20,000	\$21,000	\$22,050
Employee Fringe Benefit Cost ¹⁰	FCNY	\$184,204	\$193,414	\$209,685
Court Personnel Subtotal:		\$2,224,484	\$2,284,329	\$2,372,702
Consultants ¹¹				
Clinical Unit: Drug Counselor	Federal	\$29,491	\$30,966	\$32,514
Clinical Unit: Drug Counselor	Federal	\$20,000	\$21,000	\$22,050
Community Service: Supervisor	Private	\$4,300	\$4,515	\$4,741
Computer: Software development	FCNY / NYC	\$75,088	\$78,842	\$82,785
Consultants Subtotal		\$128,879	\$135,323	\$142,089
Equipment ¹²				
Supplies and Computer Software	FCNY / NYC	\$10,949	\$10,949	\$10,949
Other Technological Equipment	FCNY / NYC	\$4,658	\$4,658	\$4,658
Other Office Equipment	FCNY / NYC	\$18,891	\$18,891	\$18,891
Equipment Subtotal:		\$34,498	\$34,498	\$34,498
Capital Costs ¹³				
Renovations	NYC	\$123,918	\$123,918	\$123,918
Computer Start-up Costs	FCNY / NYC	\$55,120	\$55,120	\$55,120
Software Upgrade	Federal Grant / SJL	-	\$22,804	\$22,804
Building Space Costs	NYC	\$12,000	\$12,000	\$12,000
Capital Cost Subtotal		\$191,038	\$213,842	\$213,842
Other Overhead Costs ¹⁴				
Telephone	-	\$67,881	\$67,881	\$50,000
Insurance	-	\$20,210	\$20,210	\$20,210
Energy	-	\$43,762	\$43,762	\$35,000
Printing	-	\$4,378	\$4,378	\$4,378
Office and Janitorial Supplies	-	\$65,288	\$50,288	\$50,288
Client Food	Federal	\$15,113	\$15,113	\$15,113
Client Transportation	Federal	\$9,598	\$9,598	\$9,598
Miscellaneous	-	\$13,195	\$13,195	\$13,195
Repairs/building maintenance	NYC	\$60,694	\$60,694	\$40,000
Community Service Supplies	-	\$33,878	\$29,439	\$25,000
Other Overhead Costs Subtotal		\$333,997	\$314,558	\$262,782
Total of All Cost Centers		\$2,912,896	\$2,982,550	\$3,025,913

Footnotes

¹ Figures for all 'Court Personnel' expenditures funded by Federal Grants and by the Fund for the City of New York (FCNY) are based on an April 10, 1995 memorandum prepared by Eric Lee of FCNY at the request of the program evaluators (See appendix 8.3). The memorandum contained values for expenditures actually incurred in the first year of the demonstration period, which are reported in the table (fiscal year 1994). Estimates used in the table for the two subsequent years were determined by applying the average pay increase for Federal and FCNY funded employees (five percent) to each relevant line item. Although total funding from these sources remained fixed for the demonstration period, annual pay increases were made possible through reductions in 'Other Overhead Costs' expenditures (Telephone Conversation with Eric Lee, February 14, 2000).

² Data for 'Courtroom' personnel were obtained from Mike Manjani of Midtown Community Court. See Appendix 8.5.

³ The data included in the Clerk of Court line item include total expenditures for the salaries of the Clerk of Court, four Deputy Clerks, and twelve Court Officers. The data were only available in this form and could not be accurately broken down for the separate line items.

⁴ The 'Employee Fringe Benefit Cost' for Unified Court System employees is calculated at 27.5 percent.

⁵ These figures were determined as described in Footnote 1.

⁶ With the exception of the Receptionist, data for 'Administration' were determined as described in Footnote 1. The Receptionist position was not created until the third year of the demonstration period. Funding for that position was made available by reductions in 'Other Overhead Costs' expenditures (Telephone Conversation with Eric Lee, February 14, 2000).

⁷ These figures were determined as described in Footnote 1.

⁸ These figures were determined as described in Footnote 1.

⁹ These figures were determined as described in Footnote 1.

¹⁰ The 'Employee Fringe Benefit Cost' line item only applies to Federally funded and FCNY funded positions. The relevant rate is 33.0 percent.

¹¹ The data for 'Consultants' in the first year of operation were also provided in the memorandum from Eric Lee (See Footnote 1) and estimates for subsequent years were determined by applying the average pay increase (5%) to each line item.

¹² 'Equipment Costs' are recurring costs, including maintenance and regular replacement purchases. The data for these costs for the first year of the demonstration period were provided in the memorandum from Eric Lee (See Footnote 1). Subsequent years were estimated by assuming that costs remained constant from year to year.

¹³ 'Capital Costs' include one-time expenditures that provide benefits well into the future and costs attributable to the use of building space. The original data for renovations and the computer start-up costs were provided in the memorandum from Eric Lee (See Footnote 1). For the original data for the software upgrade, see Lawrence P. Webster & Barbara Kelly, Midtown Community Court's Analytic Judicial Desktop: An Independent Assessment, Williamsburg, National Center for State Courts, 1996. See Appendix 8.8 for a description of the methodology by which these costs were prorated over time. The Building Space Costs were determined by valuing a pre-existing lease for the space that is now occupied by the court. The space was rented to a theatre company at 1,000 dollars per month.

¹⁴ All of the data for the first year of the demonstration period are from the Eric Lee memorandum of actual expenditures. Subsequent years were determined either by estimates from Eric Lee (Telephone Conversation with Eric Lee, February 14, 2000) or by assuming that costs remained constant from year to year.

Appendix 8.2
Sources of Support

Appendix 8.2

Sources of Support

GOVERNMENT SUPPORT

The Mayor's Office of the Criminal Justice Coordinator
New York City Economic Development Corporation
National Institute of Justice
State Justice Institute
Center for Substance Abuse Treatment

FOUNDATION AND CORPORATE SUPPORT

Times Square Business Improvement District The Shubert Foundation, Inc.
The New York Times Company Foundation, Inc. New York Telephone
The Rockefeller Foundation Booth Ferris Foundation
Anonymous J. P. Morgan Charitable Trust Port Authority of New York and New Jersey
The League of American Theaters and Producers, Inc. The New York Community Trust
Fund for the City of New York Capital Cities/ABC Foundation, Inc.
Lazard Freres, & Co. Time Warner, Inc. William S. Paley Foundation, Inc.
Primerica Foundation The Chase Manhattan Foundation
Loews Foundation Louise and Sydney Frank Foundation, Inc. Ply Gem Industries Inc.
Rudin Management Company Inc., The Mnuchin Foundation
Bear Stearns & Co., Inc., Rosalie K. Stahl Charitable Turst
Arthur Andersen LLP Percy Douglas Estée Lauder Companies

Davis Brody & Associates York Hunter Construction, Inc. Pentagram Design, Inc.
Digital Equipment Corporation Cravath Swaine & Moore

PARTICIPATING ORGANIZATIONS

CASES Clinton Housing Development Corporation Criminal Justice Agency
Department of Parks & Recreation Fashion Center Business Improvement District
42nd Street Development Project Foundation for Research on Sexually Transmitted Diseases
Horticultural Society Human Resources Administration Judson Memorial Church
Manhattan Bowery Corporation McBurney YMCA MTA Connections
New York City Board of Education New York City Department of Health
New York City Police Department New York City Transit Police Department
Osborne Association Paul and Lisa Program Port Authority Police Department
Safe Space Samaritan Village St. Luke's Lutheran Church
The Columbia, Fordham and Yshiva Schools of Social Work The Salvation Army
Times Square Business Improvement District
Vera Institute of Justice Victim Services WE CAN

COMMUNITY ADVISORY COMMITTEE

Jan Beitzer Gretchen Dykstra Barbara Feldt Timonhy Gay
Timothy Massad Alice Olson Brendan Sexton John Wright

M I D T O W N C O M M U N I T Y

C O U R T

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Appendix 8.3
Additional Expenditures Per Arraignment, 1996

Appendix 8.3

Additional Expenditures Per Arraignment, 1996

Cost Center	Funding Source	Total Costs	Add-on Cost Estimates	
			High	Low
Court Personnel				
Courtroom				
Judge	NY State Unified Court System	\$103,800		
Clerk of the Court	NY State Unified Court System	\$884,994	\$442,497	\$221,249
Deputy Clerks (4)	NY State Unified Court System	\$0	\$0	\$0
Court Officers (12)	NY State Unified Court System	\$0	\$0	\$0
Location Pay	NY State Unified Court System	\$16,896	\$8,448	\$4,224
Overtime for Courtroom Personnel	NY State Unified Court System	\$250,000	\$125,000	\$62,500
Employee Fringe Benefit Cost	NY State Unified Court System	\$271,918	\$135,959	\$67,980
Resource Coordinator	FCNY	\$38,588	\$38,588	\$38,588
Administration				
Court Coordinator	FCNY	\$104,738	\$104,738	\$104,738
Operations Coordinator	Federal / FCNY	\$49,613	\$49,613	\$49,613
Administrator/Facilities Manager	FCNY	\$35,280	\$35,280	\$35,280
Community Affairs Officer	FCNY	\$33,075	\$33,075	\$33,075
Receptionist	Federal	\$20,000	\$20,000	\$20,000
Support				
Technology Network Manager	Federal / FCNY	\$35,280	\$35,280	\$35,280
Director of Research	FCNY	\$39,690	\$39,690	\$39,690
Research Assistant	FCNY	\$13,296	\$13,296	\$13,296
Custodian	FCNY	\$30,870	\$30,870	\$30,870
Part-time Maintenance	FCNY	\$12,087	\$12,087	\$12,087
Part-time Maintenance	FCNY	\$14,231	\$14,231	\$14,231
Clinical Unit				
Clinical Director	Federal	\$49,613	\$49,613	\$49,613
Counselor	Federal	\$20,994	\$20,994	\$20,994
Counselor	Federal	\$8,499	\$8,499	\$8,499
Employment Specialist	Federal	\$7,099	\$7,099	\$7,099
Intake Counselor	Federal	\$27,563	\$27,563	\$27,563
Community Service				
Community Service Coordinator	Federal	\$35,280	\$35,280	\$35,280
Asst. Community Service Coordinator	FCNY	\$13,310	\$13,310	\$13,310
Community Service Supervisor	FCNY	\$24,255	\$24,255	\$24,255
Mailhouse Supervisor	FCNY	\$22,050	\$22,050	\$22,050
Employee Fringe Benefit Cost	FCNY	\$209,685	\$209,685	\$209,685
Court Personnel Subtotal:		\$2,372,702	\$1,556,998	\$1,201,046
Consultants				
Clinical Unit: Drug Counselor	Federal	\$32,514	\$32,514	\$32,514
Clinical Unit: Drug Counselor	Federal	\$22,050	\$22,050	\$22,050
Community Service: Supervisor	Private	\$4,741	\$4,741	\$4,741
Computer: Software development	FCNY / NYC	\$82,785	\$82,785	\$82,785
Consultants Subtotal		\$142,089	\$142,089	\$142,089
Equipment				
Supplies and Computer Software	FCNY / NYC	\$10,949	\$10,949	\$10,949
Other Technological Equipment	FCNY / NYC	\$4,658	\$4,658	\$4,658
Other Office Equipment	FCNY / NYC	\$18,891	\$18,891	\$18,891
Equipment Subtotal:		\$34,498	\$34,498	\$34,498
Capital Costs				
Renovations	~	\$123,918	\$123,918	\$123,918
Computer Start-up Costs	FCNY / NYC	\$55,120	\$55,120	\$55,120
Software Upgrade	Federal Grant / SJI	\$22,804	\$22,804	\$22,804
Building Space Costs	NYC	\$12,000	\$12,000	\$12,000
Capital Cost Subtotal		\$213,842	\$213,842	\$213,842
Other Overhead Costs				
Telephone	~	\$50,000	\$50,000	\$50,000
Insurance	~	\$20,210	\$20,210	\$20,210
Energy	~	\$35,000	\$35,000	\$35,000
Printing	~	\$4,378	\$4,378	\$4,378
Office and Janitorial Supplies	~	\$50,288	\$50,288	\$50,288
Client Food	Federal	\$15,113	\$15,113	\$15,113
Client Transportation	Federal	\$9,598	\$9,598	\$9,598
Miscellaneous	~	\$13,195	\$13,195	\$13,195
Repairs/building maintenance	NYC	\$40,000	\$40,000	\$40,000
Community Service Supplies	~	\$25,000	\$25,000	\$25,000
Other Overhead Costs Subtotal		\$262,782	\$262,782	\$262,782
Total of All Cost Centers		\$3,025,913	\$2,210,209	\$1,854,257
Costs per Arraignment		\$205.61	\$150.18	\$125.99

Methodology

The table in this appendix provides a range of possible values for the measurable add-on costs per arraignment at Midtown Community Court in 1996, the third year of the demonstration period. High and low estimates were derived from data taken from Appendix 8.1 (a description of the sources of the data can be found therein).

In the first two years of the demonstration period, an estimated 20,803 cases were arraigned at Midtown, while 14,717 cases were arraigned in 1996 alone. This trend indicates the existence of inefficiencies during the first two years commonly associated with new organizations. Therefore, 1996, the year in which caseload approached predicted levels, was chosen as the most appropriate year for use in determining the actual additional cost per arraignment in an established court.

Some costs are clearly discernable as add-on costs attributable to the innovative aspects of Midtown Community Court. These include the resource coordinator, administrative staff, support staff, clinical unit, community service, fringe benefits associated with those staff, and consultants. Other costs are less clearly a result of the innovative features of Midtown and are more accurately characterized as add-on costs attributable to the lost economies of scale associated with the central location. These include equipment, capital costs, other overhead costs, and a portion of the traditional courtroom staff.

For both high and low estimates all of the equipment, capital costs, and other overhead costs are included in the add-on costs. The difference between the high and low estimates results from the varying assumptions about the percentage of the courtroom staff attributable to add-on costs. The high estimate assumes that fifty percent of the courtroom staff expenditures are attributable to add-on costs, while the low estimate assumes a twenty-five percent rate.

While the actual value of measurable add-on costs is probably between the two estimates provided, the data is presented in full to allow court planners and those following the progress of the Midtown project to calculate a cost estimate based on his or her point of view.

Appendix 8.4
Personnel Expenditure Data¹

Appendix 8.4

Personnel Expenditure Data¹

OPERATING COSTS YEAR 1 (10/93 - 9/94)

OPERATIONS PERSONNEL

Coordinator	95,000
Operations Coordinator	45,000
Community Affairs Administrator	30,000
Administrator	32,000
Clinical Director	45,000
Counselor	19,042
Counselor	7,709
Employment Specialist (P/T)	6,439
Resource Coordinator	35,000
Community Service Coordinator	32,000
Asst. Comm. Serv. Coordinator	12,073
Intake Counselor	25,000
Community Service Supervisor	22,000
Mailhouse Supervisor	20,000
Custodian	28,000
Part-time Maintenance	10,963
Part-time Maintenance	12,908
Subtotal	478,134

Fringe	.033	159,362
Personnel Total		637,496

CONSULTANTS

Samaritan Village (Drug Counselor)	29,491
Osborne Assn. (Drug Counselor)	20,000
Horticultural Soc. (Comm. Svc. Supervisor)	4,300
Consultant Total	53,791

OTPS

Office and Janitorial Supplies	65,288
Printing	4,378
Office Equipment	18,891
Energy	43,762
Telephone	67,881
Insurance	20,210
Repairs/building Maintenance	60,694
Community Service Supplies	33,878
Client Travel	9,598
Client Food	15,113
Miscellaneous	13,195
OTPS Subtotal	352,888

OPERATIONS RESEARCH PERSONNEL

Director of Research	36,000
Research Assistant (P/T)	12,060
Fringe	16,018
Research Personnel Total	64,078

TECHNOLOGY PERSONNEL

Network Manager	32,000
Fringe	10,666
Technology Personnel Total	42,666

SOFTWARE DEVELOPMENT CONSULTANTS

Computer Consultant (2)	75,088
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TECHNOLOGY OTPS

Supplies and Software	10,949
Equipment	4,658
OTPS Subtotal	15,607

TECHNOLOGY TOTAL	133,361
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Overhead	74,497
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GRAND TOTAL	1,316,111
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PERSONNEL: SALARIES & FRINGE²

PERSONNEL

Operations

Coordinator	95,000
Operations Coordinator	45,000
Community Affairs	30,000
Administrator	32,000
Network Manager	32,000
Clinical Director	45,000
Counselor	38,000
Counselor	35,000
Employment Specialist (P/T)	7,000
Resource Coordinator	35,000
Community Service Coordinator	32,000
Asst. Comm. Serv. Coordinator	18,000
Intake Counselor	26,000
Community Service Supervisor	24,600
Mailhouse Supervisor	20,000
Custodian	28,500
Part-time Maintenance	11,000
Part-time Maintenance	13,000

Research

Director of Research	60,000
Research Assistant (P/T)	12,000
Research Assistant (P/T)	12,000
Subtotal	567,100

Fringe*	0.33	189,014
Personnel Total		756,114

*Fringe costs are detailed separately.

CAPITAL COSTS FY '93 & FY '94

Construction	1,378,604
Signage/Art	14,201
Furnishings	78,023
Telephone	35,445
Alarm	4,450
Computer Hardware	186,624
Cabling	32,134
Software	165,554
Office Equipment	2,313

CAPITAL COSTS TOTAL 1,897,349

FRINGE & OVERHEAD DETAIL

FRINGE

Pension	11.80%
FICA	6.86%
Unemployment Insurance	1.04%
Long and Short Term Disability	0.85%
Workers Compensation	0.29%
Health Insurance (Hospitalization, Major Medical and Dental)	14.39%
Total	35.23%

Actual Cost 33.33%

The fringe rate for the Court is capped at 33.33%

OVERHEAD

Office of Fiscal, personnel & Administrative Management	3.54%
General Management, Office of the President	2.08%
Accounting/Audit Services	0.23%
Legal Fees	0.03%
Insurance	0.06%
Supplies/Software	0.06%

Total 6.00%

Footnotes

1. This is the expenditure data made available to the authors by FCNY.
2. "Personnel: Salaries & Fringe" and 'Operating Costs Year 1' show the designated salaries for each position and the actual expenditures, respectively. Therefore, line-items appearing under both sections headings may differ.

Appendix 8.5
New York City Criminal Court: Day Arraignment Part

Appendix 8.5

New York City Criminal Court: Day Arraignment Part

I. Personal Service				
#	Title	Salary Grade	Annual Salary	Total Cost
1.00	Criminal Court Judge	OS	\$125,600	\$125,600
1.00	Law Assistant: Trial Part*	JG-23	\$45,627	\$45,627
0.25	Law Stenographer*	JG-14	\$27,742	\$6,935
1.50	Court Reporter	JG-24	\$48,180	\$72,270
1.50	Senior Court Clerk	JG-23	\$40,241	\$61,442
0.75	Court Interpreter	JG-16	\$31,122	\$23,342
1.00	Court Assistant*	JG-16	\$31,122	\$31,122
1.00	Principal Office Assistant*	JG-12	\$24,631	\$24,631
2.30	Senior Office Assistant*	JG-9	\$19,500	\$44,850
5.00	Court Officer	JG-16	\$31,122	\$155,610
1.00	Court Officer Sgt.	JG-17	\$32,928	\$32,928
16.30				\$624,357
	Overtime			\$5,000
	Location Pay			\$12,592
	Total Personal Service			\$641,949
	Fringe (27.14%)			\$174,225
II. Non-Personal Service				
	Ongoing NPS Cost	\$3000 per position		48,900
	Uniform allowance & Sup.	\$999 (6 Security Officers)		5,994
	Total Non-Personal Service			54,894
	Total Personal, Non-Personal Service & Fringe			871,068
III. Start Up Costs				
	Legal Reference Materials,/			\$10,000
	Equipment Judge and Personal Staff			\$10,560
	Court Support	1.5	\$2,052	\$3,078
		5.8	\$2,052	\$11,902
		6	\$106	\$636
	Personal computers and printers /Network			
	One per employee	8	\$3,000	\$24,000
	Total Start Up Cost			\$60,176
	Grand Total Costs			\$931,244

* Denotes positions that do not exist at Midtown Community Court
Source: Office of Court Administration

Appendix 8.6

Salary Expenditures for New York State Unified Court System Employees

Appendix 8.6

Salary Expenditures for New York State Unified Court System Employees

<u>1994</u>	<u>Total</u>	<u>Courtroom Staff</u>
Judicial Salaries	\$103,800.00	\$103,800.00
Non Judicial Salaries*	869,500.00	434,750.00
Location Pay	16,128.00	8,064.00
Overtime	225,000.00	112,500.00
Fringe (27.5%)	<u>267,657.50</u>	<u>148,101.00</u>
TOTAL	\$1,482,085.50	\$807,215.00
<u>1995</u>	<u>Total</u>	<u>Courtroom Staff</u>
Judicial Salaries	\$103,800.00	\$103,800.00
Non Judicial Salaries*	878,229.00	439,114.50
Location Pay	16,128.00	8,064.00
Overtime	236,596.00	118,298.00
Fringe (27.5%)	<u>270,057.98</u>	<u>149,301.49</u>
TOTAL	\$1,504,810.98	\$818,577.99
<u>1996</u>	<u>Total</u>	<u>Courtroom Staff</u>
Judicial Salaries	\$103,800.00	\$103,800.00
Non Judicial Salaries*	884,994.00	442,497.00
Location Pay	16,896.00	8,448.00
Overtime	250,000.00	125,000.00
Fringe (27.5%)	<u>271,918.35</u>	<u>150,231.68</u>
TOTAL	\$1,527,608.35	\$829,976.68

*50% of non Judicial Midtown staff (11) out of 22 operate in courtroom functions. The balance provide supervisory, back office, and security related services.

Source: Office of the Administrative Judge, New York City Criminal Court.

Appendix 8.7
The Analytical Judicial Desktop

Appendix 8.7

The Analytical Judicial Desktop

A. Background of the project

The Descriptive Judicial Desktop, the *first phase* of information technology development, was designed to help judges make decisions about alternative sentencing, impose sanctions and terms, and then track individual cases to completion. Its features include an integrated visual display of electronic arrest and complaint information from the police and prosecutor, an electronic rap sheet with criminal history information, data from the defendant's pre-arraignment (initial assessment) interview, and disposition recommendations from the court's resource coordinator. Icons for relevant documents, notes, and prior Midtown Community Court records provide additional information. The Analytic Judicial Desktop is the second generation of this technology.

The Analytic Judicial Desktop is the second generation of this technology. The Midtown Community Court submitted an application, "Building an Analytic Judicial Desktop," to the State Justice Institute on May 18, 1994. The application requested \$149,512 for an eighteen month period to begin October 1, 1994 and end March 31, 1996. A major system reengineering of the court's application and the state court system's criminal records application ("DCRIMS") in the fourth quarter of 1995 and the first quarter of 1996 caused programming delays. The court requested and received an extension of the project to September 30, 1996.

B. Goals and Objectives

The goals of the Analytic Judicial Desktop, as stated in the application, are 1) to improve the quality of judicial decision-making by bringing new information to the judge, and 2) to improve the court's responsiveness to the needs and concerns of defendants, the community, and related justice agencies. To accomplish these goals, four distinct components were to be developed and implemented:

A compliance prediction module (later renamed, *risk assessment tool*) that uses data based on prior compliance with alternative sanctions to help the judge make informed sentencing decisions.

A customized mapping module to demonstrate where offenses are occurring, provide analysis on locations of arrests, and provide specific tracking of individual offenders.

Electronic linkages with justice and service agencies to provide current information about a defendant's criminal justice status.

A direct connection with police to share case dispositions and aggregate information on sentencing and compliance.

Source:

Lawrence Webster and Barbara Kelly, Midtown Community Court's Analytical Judicial Desktop: An Independent Assessment, Williamsburg, NCSC, 1996, p.12.

Appendix 8.8
Holding Cell Staff Scheduling

Appendix 8.8

Holding Cell Staff Scheduling

Monday – Friday: Day shift (6:30am to 6:00pm)

- 8 police officers
- 1 sergeant
- 1 civilian

Sunday – Thursday: Evening (3:00pm to 12:00am)

- 2 police officers

Sunday – Friday: Morning (12:00pm to 7:00am)

- 2 police officers
- 2 police assistants (they are their employees, but they work in Midtown North's holding cells for this tour)

Source:

Michele Sviridoff, Memorandum of October 13, 1999.

Note: A subsequent clarification indicated that each of these positions does not necessarily represent a full-time equivalency.

Appendix 8.9
Valuation of Start-up Costs Prorated Over Time

Appendix 8.9

Valuation of Start-up Costs Prorated Over Time

Start-up costs for the court, shown in Table 1, include one-time purchases from which the court benefits well into the future. Therefore, in order to allocate these costs appropriately, these costs (\$1,545,170) have been divided equally across their respective useful life spans.

Table 1: Total Start-up Cost

Construction/Renovations	\$1,378,604
Signage/Art	\$14,201
Furnishings	\$78,023
Telephone	\$35,445
Alarm	\$4,450
Cabling	\$32,134
Office Equipment	\$2,313
Total Start-up cost (minus computers)	\$1,545,170

To prorate these costs across time, the following assumptions were made:

1. The average life span of the purchases is 25 years.
2. The city's next best alternative use of the money would have a rate of return roughly equivalent to the rate at which it borrows money (i.e. the rate of return on a municipal bond).

Life-Span

The life-span was estimated considering the nature of the items purchased. Considerations included knowledge of periodic renovation schedules, cyclical changes in preferences for décor, and technological change. Although the predicted life spans of each line item listed in Table 1 would probably vary from one to the next, twenty-five is a reasonable estimate of the average useful life-span of these items. Because of the uncertainty here, alternative life-span estimates of twenty and thirty years are used to obtain a high and a low estimate of the prorated annual costs to show how such variation would affect the outcome.

Opportunity Costs of Expenditures

Because this money presumably could have been used for other city projects (or at least to pay off existing city debt), an accurate estimation of the costs must include the opportunity cost of the money spent on this project. The opportunity costs include the start-up cost itself and any rate of return benefit that would have accrued consequent to its alternative use. The money may have been spent on other projects or it may have

gone to relieve municipal debt. Where the money is spent to alleviate municipal debt, the calculation is not complicated because statistics regarding debt costs are readily available. An estimate could be achieved by calculating the savings to the city had its debt been reduced by the amount of the expenditure.

The opportunity cost to city debt is a reasonable measure of the overall opportunity cost because it mirrors the opportunity cost to other projects assuming that city officials are rational and that they have some perception of the benefits of city projects. City officials borrow money based on the idea that the project funded by the loan would yield annual benefits at least as great as the costs of the loan (i.e. the annual interest rate on the loan). Similarly, city officials must feel that the loan is the least cost method of attaining the money. For example, taking money from a project earning a rate of return smaller than that of the loan would more cost effective. Because the city borrows money to fund projects, the marginal rate of return (perceived by municipal decision-makers) for existing and new projects must be at least as great as the rate of interest paid on municipal debt.

Likewise, the marginal rate of return for city projects is not likely to be substantially greater than the rate of interest paid on city debt. Existing or proposed projects with much greater benefits would have, most likely, attained funding adequate to take advantage of these great benefits until the marginal rate of return approached the cost of funding (the cost of money). Given limitations to the availability of money from the lending markets or otherwise, the funding available probably does not allow the rate of return on city projects to reach the cost of the loan. However, the cost of money for New York City is still a reasonable estimate of the marginal benefit of a city project.

Cost Estimates

Most recently, the city of New York has borrowed money at an annual rate of return of 6.13% by issuing a long-term bond. This is the cost of money to the city of New York. Because the city borrows money at many different rates based on the bond type, the duration of the bond, and short-term fluctuations in the bond market, we must account for variations in this measure. Table 2 accounts for possible variation by showing the affect of raising or lowering this measure by 0.5% in the high and low estimates of the annual costs.

Table 2 displays three estimates for the annual burden of the prorated start-up costs – a high, a middle, and a low estimate. The middle estimate uses the reasonable general estimate of the life span of the start-up expenditures and the bond rate noted above to establish a total cost. The total cost is the sum of the start-up costs and the opportunity costs. The total is divided evenly over the twenty-five year period to get the annual burden of prorated start-up costs. The high estimate is derived by varying the life span downward by five years and varying the annual rate of return upward by 0.5%. Both changes increase the annual burden, resulting in the high estimate. The low estimate is derived by varying the life span upward by five years and varying the annual rate of return downward by five years. The middle estimate is the estimate reported in the table in Appendix 8.1.

Table 2: Estimated Annual Burden of Prorated Start-up Costs

	<u>High</u>	<u>Middle</u>	<u>Low</u>
Expected life of start-up purchases (years) =	20	25	30
Annual Rate of Return =	6.63%	6.13%	5.63%
Start-up Costs =	\$1,545,170	\$1,545,170	\$1,545,170
Benefit derived from alternative uses of money =	\$1,112,347	\$1,337,397	\$1,517,798
Total Cost =	\$2,657,517	\$2,882,567	\$3,062,968
Total cost per year spread out over 25 years =	\$132,876	\$115,303	\$102,099

Computer start-up costs were prorated separately because the expected useful life span is much shorter given the pace at which the technology becomes obsolete. Both the software and the hardware costs are listed in table 3. The methodology applied to the long-term start-up costs above is used to estimate the annual prorated start-up cost in Table 4. With the benefit of hindsight, we know that the computer system has already been in use for six years and MCC officials predict that this system will meet their needs for at least two more years. Again, varying the life span upward and varying the annual rate of return downward derives a low estimate. However, because of the unlikely possibility that the life span will be less than eight years, the high estimate only varies the rate of return. Also, the middle estimate is the estimate reported in the table in Appendix 8.1.

Table 3: Total Computer Start-up Cost

Computer Hardware	\$186,624
Computer Software	\$165,554
	\$352,178

Table 4: Estimated Annual Burden of Prorated Computer Start-up Costs

	<u>High</u>	<u>Middle</u>	<u>Low</u>
Life Span =	8	8	10
Annual Rate of Return = 7%	6.63%	6.13%	5.63%
Start-up Cost =	\$352,178	\$352,178	\$352,178
Benefit derived from alternative uses of money =	\$83,989	\$77,551	\$92,908
Total Cost =	\$436,167	\$429,729	\$445,086
Total cost per year spread out over life span =	\$54,521	\$53,716	\$44,509

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