

**Mayor's Office of Criminal Justice  
Testimony to the New York City Council  
Committee on Public Safety  
Oversight Hearing  
"Community Problem-Solving Courts"  
September 30, 2022**

Good morning, Chair Hanks, and members of the Committee on Public Safety. My name is Nora Daniel, and I am the Chief of Staff for the Mayor's Office of Criminal Justice. Thank you for the opportunity to testify about some of the public safety interventions that help to make our city safer. Our city's public safety continuum is broad and includes a number of programs and interventions that are specifically designed to promote public safety by providing the particular programs and services that help to keep people from entering or returning to jail or prison. The programs include alternatives to incarceration, re-entry services, and transitional housing, as well as community courts.

The Mayor's Office of Criminal Justice advises Mayor Adams on criminal justice and public safety policy and is the Mayor's representative to the courts, district attorneys, defenders, state criminal justice agencies, and other system actors. MOCJ moves our city forward by implementing Mayor Adams' vision for a safer city for all New Yorkers.

***Alternatives to Incarceration***

MOCJ's programs and services reinforce enhanced public safety, while maintaining fairness. In order to provide judges with meaningful options for accountability, alternatives to incarceration (ATIs) promote public safety without requiring an individual to spend time in custody. ATI programs are funded by MOCJ which allow non-profit organizations to deliver much needed services and support to participants while deterring them from serving a jail or prison sentence. These programs also lower the jail population and allow people to remain in their communities while increasing stability and well-being. Currently, MOCJ has \$32 million in contracts in FY 23 with 14 nonprofit organizations that run 24 ATI programs throughout New York City. ATI programs have the capacity to serve approximately 5,500 cases, as well as to provide additional behavioral health services to ATI participants and housing resources for women enrolled in ATI programs. Recently, the city has strengthened its ATI programs even further to provide additional supportive services to address participants' needs more fully. Today, these ATI programs provide a multitude of wraparound services such as counseling, job readiness training, mental health services, basic needs, housing assistance and more.

## ***Re-entry Services***

MOCJ has strengthened its re-entry programming to improve transition and release planning and services. The City has invested \$20 million into this programming, which builds upon the success of the Jails to Jobs re-entry services program that was launched in 2018. During incarceration in jail or prison, individuals work with transition coordinators to create discharge plans for when they are released, and also work with reentry mentors who help facilitate their reentry process on an individualized basis. The reentry mentors develop relationships with released individuals to encourage participation in relevant services and programs. The supports provided by this team of service providers include assistance locating temporary or permanent stable housing, mental healthcare, substance use treatment, counseling, paid transitional employment, job training, career certifications, and education assistance among other services depending on the specific needs of each returning individual. MOCJ is also contracting with Unite Us NYC, a web-based referral management platform and service directory that streamlines service referrals among providers to ensure that individuals are quickly connected with the right services to meet their needs. We anticipate that the case planning and coordination, combined with expanded service offerings and stronger relationships will help to ease the path to a stable life outside of DOC and DOCCS custody and reduce the likelihood of return. Additionally, in order to maximize safety during the public health emergency, MOCJ worked with agency and non-profit partners to stand up an entirely new set of services in under-enrolled hotels in NYC. Beginning in late March 2020, MOCJ worked with the New York City Office of Emergency Management and non-profit partners to provide emergency re-entry housing to clients leaving jail and prison. These hotels have been vital to maintaining safety as we transition out of the pandemic, and we are incredibly proud of the work done by MOCJ staff and our providers to ensure that those leaving custody had a safe, secure place to go. The emergency hotels program has provided a much-needed bridge to the full implementation of MOCJ's transitional housing program.

## ***Transitional Housing***

Transitional housing provides housing resources to individuals impacted by the criminal justice system. MOCJ is currently implementing and expanding its transitional housing program to 1,000 beds by the end of FY23. These programs provide participants a safe, supportive environment to live as they participate in services to reduce their likelihood of re-arrest and/or re-incarceration and stabilize their re-integration into their communities. The transitional housing program will be administered by five providers, who will offer necessary supports and services to a wide range of individuals with different need. The services available to transitional housing clients include public benefits enrollment,

education, family services, individual and group counseling, MetroCards, assistance with identifying appropriate permanent housing opportunities, and childcare services.

### ***Community Courts***

The Center for Court Innovation (CCI) operates Community Courts and Community Justice Centers with City funding. The Mayor's Office of Criminal Justice works in coordination with the Center for Court Innovation and the Office of Court Administration and community courts in efforts to provide quality services to individuals who were impacted by the criminal justice system as a way to reduce recidivism and the likelihood of future involvement in the criminal justice system. MOCJ funds the following through a contract with OCA: The Midtown Community Court, Red Hook Community Justice Center, Brownsville Community Justice Center, Bronx Youth Court, and Queens Community Justice Center – The Rockaways, which provide services including alternatives to incarceration, individual and group counseling, mentoring, education and employment support, and mental health and substance use treatment to individuals who encounter the criminal justice center. While MOCJ's role is primarily as a coordinating partner, we deeply value CCI's work, and believe that the programs provide a vital community-based avenue for the justice-involved.

Thank you for allowing me to discuss alternatives to incarceration, re-entry services, and transitional housing. I'm happy to answer any questions the committee has.

**Office of the District Attorney, Bronx County**

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**The Council of the City of New York  
Committee on Public Safety System**

**Oversight - Community Problem-Solving Courts**

**September 30, 2022**



*Pursuing Justice With Integrity*

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**Darcel D. Clark  
District Attorney**

Thank you, Chairperson Hanks and members of the Committee on Public Safety, for the opportunity to submit testimony on behalf of the Bronx County District Attorney's Office regarding its work in Community Problem-Solving Courts.

The Bronx does not have a Community Court. The Bronx does not have a Justice Center. The Bronx does, however, have one Supreme Court problem-solving court part, which handles all mental health, substance use disorder, other felony diversion cases and programs. We need more resources for the Bronx to fulfill the Office's mission to pursue justice with integrity, which means ensuring public safety by seeking punishment for certain crimes and realizing when punitive measures do not advance justice.

The problem-solving court in the Bronx is in the Judicial Diversion and Treatment part ("JDT") of the Bronx Criminal Supreme Court. Currently, JDT presides over approximately 160 pre and/or post plea felony mental cases, 100 substance abuse treatment cases, and 50 cases where defendants are being diverted to treatment and programming as a result of their gun possession indictments. One judge presides over all of these cases, but is also assigned other cases aside from JDT.

In the Bronx, we are experiencing an increase of indicted, often violent, mental health cases in JDT, with many defendants having co-occurring disorders. The cases are difficult to assess, monitor and resolve because of the individualized issues presented by each defendant. The cases require a tremendous amount of time and attention by all stakeholders, and the calendar calls take longer than other cases. JDT is overwhelmed with complicated, time consuming, and very different types of cases with defendants with varying needs. Additionally, the court part is resourced with

three case managers and one part-time psychologist to handle this case load. However, we often wait 5-6 weeks for our psychiatric evaluations, which are critical to resolving cases.

In comparison, Brooklyn and Manhattan - which both have Community Courts, in Red Hook and Midtown, respectively - have several problem-solving courts to handle specific types of cases. Moreover, we do not have a Justice Center in the Bronx - like the one in Brownsville or the spaces that are made available for programming in Red Hook and Midtown. Without either, the Bronx does not have space that is dedicated to providing rehabilitative services, such as assessments by social workers, educational and therapeutic programming, harm reduction services, restorative justice circles, and other affirmative programming, like yoga and art therapy.

The Office has made a request to the Office of Court Administration (“OCA”) for at least two problem-solving parts in Supreme Court, in order to separate the violence diversion cases from the mental health and substance use disorder cases. In addition, we need the human resources, such as psychologists and social workers, for assessments and program coordination. The request for two problem-solving parts in Supreme Court is to be able to adequately handle the current volume of cases that are assigned to the court part and then move towards expansion.

The Bronx District Attorney’s Office provides compassion and justice for victims and fairness to defendants. We need the resources to do just that – to best serve the people of the Bronx. Thank you.



**Testimony of Michael E. McMahon**  
**Richmond County District Attorney**  
**Office of the Richmond County District Attorney**  
**Before the New York City Council Committee on Public Safety**  
**Oversight: Community Problem-Solving Courts**  
**September 30, 2022**

**INTRODUCTION**

Good morning, Chair Hanks, and members of the Public Safety Committee. It is an honor and pleasure to appear before the City Council today. I hope your staffers and families are well and safe. I look forward to continuing our work to improve public safety.

On behalf of the Richmond County District Attorney’s Office (“RCDA”), we thank you for the opportunity to appear here this morning and to submit testimony regarding our borough’s problem-solving courts as well as our critical need for a fully realized Community Justice Center on Staten Island. However, before I go into the critical need we have for a Community Justice Center and how it would expand the person-centered, problem-solving court approaches in the heart of the community most impacted by crime and in a way that benefits more community members, I would like to first tell you about the existing problem-solving courts on Staten Island.

**I. STATEN ISLAND PROBLEM SOLVING COURTS**

Problem-Solving courts on Staten Island currently include the Heroin Overdose Prevention and Education (HOPE) program, Overdose Avoidance and Recovery (OAR) Court, Drug Treatment Court, Veterans’ Court, and Mental Health Court. In their dedicated missions, these specialized court parts offer individuals meaningful opportunities to avoid a path through conventional prosecution in favor of a more person-centered approach to addressing the root causes of crime. They offer engagement with trained professionals better attuned to the underlying catalysts behind certain criminal activities, such as substance use disorders, post-traumatic stress, and mental health diagnoses while maintaining accountability. In short, they make our criminal justice system more effective, efficient, and humane while ultimately making our communities

safer. Each day, I am grateful to the dedicated court staff, attorneys, and multidisciplinary teams of professionals who carry out this mission.

**Hope 1.0.** In 2017, RCDA launched the HOPE program. Created with the NYPD, public health advocates, multiple interdisciplinary city agencies, and the Staten Island community, HOPE is an innovative pre-arraignment diversion program that redirects low-level drug offenders to community-based health and treatment services instead of jail and prosecution.

Individuals offered HOPE 1.0 must be eligible to receive a desk appearance ticket (“DAT”). Upon arrest, they are met at the precinct by a peer recovery coach who explains the program and provides them with a Naloxone kit and training on how to use it. They are then brought to or encouraged to go to a resource and recovery center in the next 7 days, where they are given an assessment and offered appropriate person-centered services to meet their needs. If the participant meaningfully engages in these services for 30 days, RCDA will decline to prosecute their case and the arrest record will be sealed; however, if they fail to engage meaningfully, their case will be docketed and charged as usual.

Developed for Staten Island and built on a powerful peer engagement-based model, the HOPE program is committed to reducing overdoses, improving health outcomes by exposing those in need to treatment options and supportive resources, including harm reduction services, Naloxone training, and distribution from a peer mentor, and improving public safety by reducing criminal activity. Since its inception, the HOPE initiative has been extraordinarily successful and has connected approximately one-thousand Staten Islanders to recovery services. In 2022, the White House and Office of the National Drug Control Policy cited the groundbreaking program as a model for the nation in combatting the opioid epidemic.

**HOPE 2.0** is a pre-plea, post-arraignment expansion of the original HOPE program that expands eligibility to include additional charges and individuals not given a desk appearance ticket (“DAT”). Defendants offered HOPE 2.0 are met at the courthouse by a peer recovery coach and brought to a resource and recovery center, where they may enroll in treatment or other supportive services. If a defendant meaningfully engages after 90 days, their case will be dismissed; however, if they fail to engage meaningfully, their case will return to an all-purpose court part and be prosecuted as usual. Defendants in HOPE 2.0 must also go to court and check in with a judge during these 90 days.

**OAR The Overdose Avoidance and Recovery (OAR) Court** is a pre-plea drug treatment diversion program focused on defendants who have a history of overdose or are currently in danger of overdose. Defendants offered OAR are screened by the Court’s drug court resource coordinator, who oversee their case and connect the defendant to treatment. Defendants graduate OAR and generally have their cases dismissed when they are deemed no longer at risk of overdose, according to an assessment used by the resource coordinator. Defendants in OAR must also regularly appear in court and check in with a judge.

**Staten Island Drug Treatment Court.** The mission of the Staten Island Drug Treatment Court is to rehabilitate substance-using offenders and improve their quality of life and that of the Staten Island community by breaking the cycle of crime associated with substance use. Through the mutual efforts of the judge, prosecutor, defense bar, and treatment providers, the Drug Treatment Court uses its authority to address the addiction of eligible offenders by seeking appropriate intervention, treatment, monitoring participants while in treatment, imposing graduated sanctions for non-compliance, granting rewards for compliance, and providing recognition to participants when they have successfully completed their programs. If participants are not compliant, they may be sentenced on the original charge they pleaded to.

**Richmond County Veterans Court (“RCV”)** is an alternative to jail and is designed to provide supportive services to veterans charged with misdemeanors or felonies. Offenders in RCV benefit from more frequent judicial supervision than defendants in other parts, as well as a consistent judge and staff in the court part, and they are paired with a peer mentor. Peer mentors are veterans who volunteer to work with defendants in RCV and help them with their treatment.

Defendants offered RCV must first be screened and found eligible by TASC and the VA and then accepted by the Judge and the Court’s resource coordinator. Once the Judge agrees with a case, they can accept a plea offer in RCV, which meets every third Thursday of the month. Participants are required to go to court and the VA and TASC. Cases in RCV generally last six months to one year and end in a dismissal, but other time lengths and dispositions can be negotiated. If defendants are non-compliant, they may be sentenced on the original charge they pleaded to. In sum, this is a true problem-solving court that helps eligible veterans get their lives back on track.

**Mental Health Court.** Staten Island’s Mental Health Court is a court-based diversion program for defendants with mental health issues who are charged with felony offenses. Defendants in MHC benefit from more frequent judicial supervision than defendants in other parts, as well as a consistent Judge and staff in the part. Defendants offered MHC must first be screened and found eligible by an EAC agency and then accepted by the Judge and resource coordinator. Once the Judge agrees with a case, they can take a plea in the MHC, which meets weekly. More importantly, those in Mental Health Court are diverted into treatment programs. Also, cases in MHC generally last one year and end in a misdemeanor, but other time lengths and dispositions can be negotiated. If defendants are not compliant, they may be sentenced on the original charge they pleaded to and can potentially face time in incarceration.

It is worth noting that after several years of advocacy, the Office of Court Administration agreed to work with us earlier this year to also establish a misdemeanor Mental Health Court part on Staten Island. Operating in its fledgling stages, this court part functions much like its felony counterpart, but the timeframe of cases is shorter and those who successfully graduate the program have their cases either reduced to a violation or dismissed. If defendants are not compliant, they may be sentenced on the original charge they pleaded to and can potentially face jail time.

My office has helped advocate for and plays an engaged and central role in the administration and functioning of these courts. That's because they work. Problem-solving courts help legitimize, strengthen, and build trust in our criminal justice system. And, they address the root causes of crime thereby reducing recidivism and ultimately make our community safer. Although you cannot put a price on a safer community, in the case of problem-solving courts, it is also true that they help reduce the overall cost of the criminal justice system on taxpayers. By reducing the heavy costs of incarceration, court, and economic and property damage caused with increase crime, these courts actually help save the City money in the long run.

It is because we have seen such success from our existing problem-solving courts that we urge the City to do everything in its power to help establish a community justice center on Staten Island.

## **II. STATEN ISLAND NEEDS AND DESERVES A COMMUNITY JUSTICE CENTER**

At their core, community justice centers improve public safety, reduce the use of incarceration, and enhance public trust in justice by involving communities in the process of “doing justice.” Community Justice Centers provide preventive, diversion, and treatment programs for justice-involved individuals in an accessible physical space to the community. Across four boroughs, the City has worked with the Center for Court Innovation (“CCI”) to implement and scale community justice centers to support residents, engage communities, address local problems, and improve public safety. There are currently locations in Midtown, Harlem, the South Bronx, Far Rockaway, Brownsville, and Red Hook. Notably, to date, Staten Island remains the only borough without a Community Justice Center. Manhattan and Brooklyn both have two!

A successful community justice center (CJC) model provides opportunity and access to vital services not only in response to crime but also as a preventative opportunity to work through conflict, educate our youth and communities, as well as build a sound and sustainable network of support to minimize recidivism and help cultivate lasting positive change. My team and I have witnessed and studied firsthand the success of the tailored CJC models in various locations throughout New York City. We have seen how these models have rehabilitated offenders, reduced recidivism, and brought the community into the criminal justice system in a positive way, rebuilding trust and legitimacy to our criminal justice system, which is paramount. We are convinced and determined that Staten Island must also have a full-fledged Community Justice Center and have worked tirelessly over the last few years to advance this goal.

## **RCDA and Staten Island Stakeholders Working with CCI to Achieve a Fully Realized Staten Island Community Justice Center**

I have been advocating for Staten Island to have a community justice center since I ran for District Attorney in 2015. Early into my tenure as DA, we began meeting with CCI to discuss how we could bolster support and services on Staten Island and bring a community justice to our borough. Along with former Borough President James Oddo, my team and I have visited Red Hook's Community Justice Center many times over the years and have brought with us various Staten Island stakeholders and leaders to build support and understanding of the missing gaps in our system and lay the groundwork for establishing such a site in Staten Island. We have also visited the Brownsville site.

As part of these efforts, in 2017-2018, BP Oddo and I formalized a Staten Island Community Task Force comprised of dozens of Staten Island leaders and stakeholders dedicated to making a Staten Island Justice Center a reality. These stakeholders include judges and court personnel, law enforcement officials, elected officials, health care professionals, educators, representatives from higher education, religious leaders, social service providers, and community leaders and activists. In January 2018, with funding provided from my office, CCI was directed by myself, the BP, and the Task Force to take the next crucial step of conducting a feasibility study of the concept of bringing a community justice center to Staten Island and if feasible, to prepare a strategic action plan that would offer a blueprint for us to achieve that goal.

CCI's feasibility study and strategic plan took a little over nine months to complete and consisted of stakeholder interviews, quantitative and qualitative data analysis, and community engagement. The feasibility study solicited the views of over 60 residents and leaders from each of the borough's regions (North Shore, Mid-Island, and South Shore) through in-depth interviews.

These interviews and meetings overwhelmingly documented a desire and need from the community for a reimagining of the justice system on Staten Island and specifically for a community justice center to help rebuild trust in communities most impacted by the criminal justice system.

An excerpt from CCI's published report reads:

**[Statement from one North Shore resident:]** *"You don't feel as if you're going to be treated fairly, especially if you're a person of color, going through the court system"... Stakeholders and community members consistently argued that there is a pressing need to reimagine the justice system on Staten Island. As one nonprofit leader argued "A community court would be great [here on Staten Island]. It would address some of the disparities in treatment and disparities in adjudication of cases. It would give people who don't have resources the ability to have these kinds of alternatives in ways that they don't have now when they go through the traditional criminal court system."*

During this process, we also heard adamantly from stakeholders and community members that a community justice center should serve all community members, not just people facing

criminal charges. Conversations with stakeholders and community members highlighted several services that a community justice center should provide, such as mental health, substance abuse treatment, job training/workforce readiness, reentry services, and youth programming.

To better understand the needs on Staten Island, the feasibility study also gathered and analyzed a wide array of quantitative data, working with the Office of Court Administration to collect arraignment and disposition data from the Staten Island Criminal Court. This data indicated that there are considerable opportunities to expand the use of community-based sentences. It also suggested gaps in services, including the need for more interventions targeting young people and dangerous drivers

The following year, CCI produced a report confirming and summarizing what my team and I already knew – Staten Islanders were primed and ready for a Community Justice Center. There was significant need for such a site in our community; buy-in and support from a wide-ranging array of Staten Islanders for this initiative; and more importantly, a prime location available to house this project in the community as well, the old vacant courthouse located on Targee Street.

### **Suitable Location for Staten Island Justice Center Identified**

Targee Street, which previously housed the Staten Island Criminal Court until 2015, is of the requisite size to house a community justice center (more than 25,000 sq. ft.) and is in an area with pressing public safety issues and social service needs. Although the building would require capital expenditures for renovations, because of its previous usage as a court, and as a vacant, city-owned building, a justice center could be implemented at this location without an extensive regulatory review. This community space could provide social services to the broader community and host community meetings and cultural events. It could also include a co-working office in which other community organizations, such as job training programs, could be based.

Stakeholders and community members and data analysis all indicate that a justice center could have significant impact on the North Shore, and in Stapleton in particular. While some stakeholders noted that 67 Targee Street's history as a place of punishment could be a barrier to it becoming a home for community justice. Most agreed that that this history could be overcome by redesigning the building and by turning it into a hub of justice and community programming. Some even observed that repurposing 67 Targee Street would be a powerful symbolic statement, a physical embodiment of the effort to change the narrative of criminal justice on Staten Island. As part of the initial needs assessment process conducted by CCI, eleven other potential locations, which had either been suggested by stakeholders or identified as vacant or underutilized city-owned properties, were reviewed. None of these properties had the same advantages as Targee Street.

### **Community Solutions Pilot Builds Programmatic Foundation For A Fully Realized Staten Island Community Justice Center**

In acknowledging that the process of planning and building/renovating a neighborhood-based community justice center typically takes many years, CCI has worked with my office and

other partners to take interim measures to bring community justice principles and practices to Staten Island on a pilot basis within the framework of the existing Criminal Court. In doing so, we have implemented a community solutions-like model through CCI, called the Staten Island Justice Center, as a springboard for programmatic development while we continue to plan, build, and launch the fully realized the physical Staten Island Community Justice Center.

The community solutions model seeks to integrate social services into the daily operation of criminal court. It expands the options available to judges to include substance abuse treatment, mental health services, job training, parenting education, and other services. People convicted of crimes are held accountable through supervision, monitoring, and restitution programs like community service.

Staten Island was well-positioned to launch a community solutions model as it was already home to a pre-trial supervised release program and select alternative sentencing options. Building on these court and behavioral health programming, CCI established a semi-court-based screening and referral center to provide judges with a broad array of supervision, social service, and community service options by:

1. Screening individuals for their risk to community safety and their social service needs.
2. Expanding the use supervised release as an alternative to money bail.
3. Offering on-site social services and linkages to community-based organizations to address underlying problems.
4. Expanding the use of community service to promote accountability; and
5. Providing compliance monitoring. Many of these services could be subsequently transitioned to the neighborhood-based community justice center.

I am happy to report that we have been quite successful in our efforts to leverage and expand existing programming and services and have built a solid foundation that will serve as a bridge to the creation of the community justice center. But there is a lot more that can be done to improve the overall system with a CJC. We can further scale our existing efforts by investing in residents, transforming public spaces, improving local faith in the justice system, and increasing opportunities for young people through neighborhood-based services, placekeeping, violence intervention and prevention, supportive healing programming, and providing access to legal services. Here are just some of the programs that could be enhanced and scaled with a fully realized CJC:

- Neighborhood Based Youth Mentorship Programming.
- Placekeeping and Neighborhood Safety Initiatives.
- Commercial Corridor Reinvigoration with Placekeeping and Community Connections.
- Violence Prevention through Youth Organizing to Save Our Streets (“YO S.O.S”) with Youth Action Institute.
- Restorative Justice Programs and Supportive Healing with the Youth Wellness Initiative.
- Increased Access to Justice: Housing Resource Center and Legal Hand model.

### **III. WHAT'S NEXT? ROADMAP TO A STATEN ISLAND COMMUNITY JUSTICE CENTER**

Today, stakeholders and community members remain enthusiastic about the prospect of having a community justice center to expand community-based services to the entire borough and are adamant that these services should not be restricted to only those facing criminal charges. Moreover, they recognize that it will proffer unprecedented opportunities to reduce incarceration, improve public safety, and enhance the relationships between communities and the justice system, as skeletal programming has already shown great promise in improving outcomes for defendants across the borough. There is no doubt in my mind that a full-scale Community Justice Center will not only reduce recidivism and overall crime numbers, but also provide a wide array of social services and improve the quality-of-life of Staten Islanders by offering a wide variety of initiatives and programs.

While we have taken several critical steps toward realizing a CJC, there is still much to do. Today I come before you to ask that you continue to support our efforts to make this goal a reality by supporting Staten Island in taking our next critical steps. These include:

1) Continuing to pilot and expand CCI's community solutions programming at the Staten Island Justice Center by providing additional funding to CCI's work on Staten Island;

2) Engaging the community in the project's participatory planning process through a needs survey (this has already generously been funded by the Council in FY23);

3) Developing an architectural vision for the community justice center through an interactive and community-driven collaborative process (this work has partially been funded in FY23); and

4) Developing a cost assessment and projection for renovations and secure the necessary capital funding to renovate the site on Targee Street.

### **IV. CONCLUSION**

I thank you for your time and consideration. I am happy to answer any questions you may have, and I look forward to working with this body and its members to achieve these goals and further our shared mission of a safer and more just New York for all.

Thank you.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

**Jumaane D. Williams**

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**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS  
TO THE NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC SAFETY  
SEPTEMBER 30, 2022**

Good afternoon,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Hanks and the members of the Committee on Public Safety for holding this hearing.

More than 20 years ago, the New York State Unified Court System began to establish problem-solving courts. Problem-solving courts take a more holistic approach to justice than a typical court and seek to understand and solve the underlying causes of crime. Problem-solving courts may serve one specific behavior, such as drug use or sex crimes, or a specific community, such as those who have unmet mental health needs. By providing targeted support and services rather than simply locking a person up, problem-solving courts can prevent people from engaging in future harmful and unlawful behavior.

Due to the COVID-19 pandemic, courts were temporarily closed, and some problem-solving courts have still not fully reopened. Just recently, a group of New York City and State elected officials wrote a letter requesting the full reopening of Midtown Community Court, which serves Hell's Kitchen, Times Square, Chelsea, and the Garment District.<sup>1</sup> Currently, this court is only open one day a week. As a result, those who would typically be arraigned at Midtown Community Court must go downtown to New York County Criminal Court. This means that those who must receive social services must travel back to midtown to participate in any programming they have been ordered to attend, rather than being arraigned and receiving services in one building.

I understand that there are challenges to fully reopening Midtown Community Court—particularly staffing shortages. It may be necessary to combine court parts or to gradually increase the number of days and hours that Midtown Community Court is open to reach a return to full operations. I look forward to working with the City Council and court administrators to establish a plan to reopen this and all other problem-solving courts in our city.

I also want to express my support for New York State bill S.2881B/A.8524, the Treatment Not Jail Act. This bill amends the Criminal Procedure Law to expand eligibility for treatment for court-involved individuals, and shifts the presumption from incarceration to community support. The Treatment Not Jail Act will ensure that New Yorkers with disabilities and other health-related challenges are provided an opportunity to obtain treatment and support in their

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<https://www.nysenate.gov/newsroom/articles/2022/brad-hoylman/local-elected-officials-request-reopening-midtown-community>

communities.

It is clear that the traditional punitive criminal legal system is not making us safer. I urge the city and the state to prioritize and support alternatives like problem-solving courts and the reforms outlined in the Treatment Not Jail Act.

Thank you.

## TESTIMONY OF:

**Yung-Mi Lee, Legal Director  
Criminal Defense Practice**

## BROOKLYN DEFENDER SERVICES

**Presented before New York City Council Committee on Public Safety**

**Oversight Hearing on Community Problem-Solving Courts**

**September 30, 2022**

My name is Yung-Mi Lee and I am the Legal Director of the Criminal Defense Practice at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. Thank you to the Committee on Public Safety and Chair Hanks for the opportunity to testify today about Brooklyn's problem solving and community courts.

BDS represents approximately 21,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields. BDS is fortunate to have the support of the City Council to supplement the services we provide as a public defender office in Brooklyn. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of people with legal system involvement, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

### **Problem Solving Courts**

In 2009, as part of the Rockefeller Drug Law Reforms, New York State passed the Judicial Diversion Program legislation. Under Criminal Procedure Law Article 216 (CPL 216), this legislation created a pathway for a small subset of people with substance use disorders to avoid

prison and potentially have their charges reduced or dismissed after engaging in a course of treatment. This treatment is monitored by specialized courts in every county in New York. Judicial diversion has successfully enabled thousands of individuals to minimize or avoid a criminal record while receiving the benefit of potentially lifesaving substance use treatment. Judicial diversion has also realized the saving of tax dollars, from both reductions in recidivism and the decreased costs per capita of treatment versus incarceration.

Many of the people we serve become eligible for support services only because of their interaction with the NYPD and the criminal legal system. With the support of the City Council, we are able to provide robust support services to people who may have avoided court involvement if they had access to services sooner, such as assistance navigating public assistance and affordable housing applications as well as access to quality long-term mental health care, substance use treatment, educational support, respite centers, or immigration assistance.

We are committed to continuing to provide these services to the people who come through our doors but urge the City to consider why it takes an arrest or investigation for a New Yorker to access meaningful assistance and humane support. We urge the City Council to work with the Mayor to begin to move funding away from surveillance and criminalization and toward community investment and community-based responses. This must include ongoing support for existing community-based providers, who can provide increased interim services to allow the City to reduce reliance on the criminal legal system and move toward evidence-based alternatives. We are committed to providing a bridge in services for people who continue to be impacted by the criminal legal, family regulation, and immigration systems as we work to shrink the scope of these systems and their impact on Black, Latine, and other New Yorkers of color.

## ***Mental Health Court***

BDS is proud to have played an important role in the creation of the Brooklyn Mental Health Court (MD-1) in 2002. The Brooklyn Mental Health Court works with people accused of crimes who have serious and persistent mental illnesses, linking them to long-term treatment as an alternative to incarceration. BDS continues to collaborate with this court to advocate for its expansion to meet the needs of more people, including people with intellectual disabilities and people who have prior criminal legal system involvement. Our Mental Health Representation Team is made up of specially trained attorneys and social workers who are experts in working with and for people who have been accused of a crime and who are living with serious mental illness or a developmental disability.

## ***Drug Courts***

Pressed by formerly incarcerated people, grassroots activism and legal experts to reverse skyrocketing incarceration rates for drug offenses, New York City became a pioneer in the creation of drug treatment courts in the early 1990's and remains one of the jurisdictions with the most developed post-arraignment diversion system. While these courts are part of the problematic drug prohibition model, they have helped reduce jail and prison admissions and sentences within that structure. A landmark report, *Better by Half: The New York City Story of Winning Large-Scale Decarceration While Increasing Public Safety*,<sup>1</sup> details and attempts to quantify the impact of these courts, including the Drug Treatment Alternative-to-Prison (DTAP) program, originally operated by the Brooklyn District Attorney's office and later replicated throughout the state. For example, "the proportion of felony drug cases that resulted in a prison sentence fell from 21 percent in 1997 to an all-time low of 11 percent in 2007."<sup>2</sup> Largely as a result of decreased drug arrests and an increase in diversion, the City jail population began to fall from its peak in 1991. State prisons followed suit in 1999 (72,899 in 1999 to 49,424 as of June 1, 2018), with the majority of the decline in admissions coming from New York City. It is important to remember that this decline was relative to the surging incarceration rates under the Rockefeller Drug Laws, during which the state prison population increased by a factor of seven. The decline has only been by about one-third since then.<sup>3</sup>

In Brooklyn, there are three specialized courts for people charged with drug offenses or who live with a substance use disorder: Screening Treatment & Enhancement Part (STEP), Brooklyn Treatment Court (BTC), and Misdemeanor Brooklyn Treatment Court (MBTC).

## ***I. Screening Treatment & Enhancement Part (STEP)***

STEP primarily handles non-drug, non-violent felony cases (such as grand larceny, unauthorized use of a credit card, burglary in the 3rd degree) for people who have substance use disorders. This court also accepts felony drug cases for so-called non-violent predicate felony offenders, or people who have one or more prior non-violent felony convictions in the last ten years. Based upon a clinical evaluation, a participant may receive intensive outpatient or residential treatment. Successful completion of the program results in a dismissal of the court case. Unsuccessful participants receive a jail sentence of up to one year if the person does not have a prior felony.

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<sup>1</sup> Judith A. Greene & Vincent Schiraldi, *Better by Half: the New York City Story of Winning Large-Scale Decarceration while Increasing Public Safety*, 29 Fed. Sentencing Reporter 22, 27 (2016), available at [https://sites.hks.harvard.edu/ocpa/cms/files/criminal-justice/research-publications/fsr2901\\_04\\_greeneschiraldi.pdf](https://sites.hks.harvard.edu/ocpa/cms/files/criminal-justice/research-publications/fsr2901_04_greeneschiraldi.pdf).

<sup>2</sup> *Id.*

<sup>3</sup> New York State Corrections and Community Supervision, DOCCS Fact Sheet, June 1, 2018, available at <http://www.doccs.ny.gov/FactSheets/PDF/currentfactsheet.pdf>.

STEP also handles Drug Treatment Alternative to Prison (DTAP) cases. DTAP was the first prosecution-led residential drug treatment diversion program in the country. The program diverts nonviolent felony drug offenders with a prior felony conviction to community-based residential treatment.<sup>4</sup> DTAP requires an upfront guilty plea to a felony charge that will ultimately be changed to a misdemeanor or an outright dismissal if the participant successfully completes the program. DTAP requires a longer residential treatment mandate – usually up to two years, but can be longer if the person doesn't have a place to live upon release. The mandate also requires six months of outpatient treatment with full-time employment and a stable residence. DTAP can be difficult for our clients to successfully complete because the mandates, i.e. long term residential treatment which often requires giving up stable housing and separation from family, and then obtaining both stable housing and full time employment after a long term residential stay, are difficult to accomplish. Oftentimes, participants hesitate to enter treatment in the first place knowing that relapses will result in jail sanctions, sometimes up to a week, which, again, leads to a disruption in treatment. Notably, DTAP mandates, which are set by the court, are not based on a clinical determination but are based solely on the participant's criminal record. If participants cannot complete the program, they are sentenced to prison time that varies based on their court case.

## ***II. Brooklyn Treatment Court***

Brooklyn Treatment Court (BTC) handles felony drug cases for defendants who do not have previous felony convictions (non-predicates). Eligibility for BTC is decided on a case-by-case basis by the prosecutor. However, if the prosecutor does not consent, the court has the capability of offering treatment through judicial diversion for some people, but not all, under the Drug Law Reform Act of 2009.

## ***III. Misdemeanor Brooklyn Treatment Court***

Misdemeanor Brooklyn Treatment Court (MBTC) is designed for people who repeatedly face criminal legal system involvement for low-level charges due to their substance use disorder. The court has recently evolved to be less punitive toward our clients. Participants now receive shorter treatment mandates and shorter jail sentences for those who are unable to successfully complete the program due to ambivalence about treatment or an unwillingness or inability to adhere to treatment mandates. Prior to these shortened mandates and jail alternatives, court administrators, the judiciary, treatment staff, prosecutors and defense attorneys found that defendants were

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<sup>4</sup> Prosecutors may also, at their discretion, allow people to participate in DTAP who are charged with or have previous convictions for technically violent felonies, if the underlying conduct of the violent felony was not actually violent and no one was injured. A common example of this is burglary in the 2<sup>nd</sup> Degree when somebody steals a package from an empty foyer in a residential building.

avoiding this option, preferring to take a plea to the underlying misdemeanor with a sentence of time served (or even short jail sentences). Those who complete the treatment program get a full dismissal of their case.

## *Veterans Treatment Court*

Brooklyn's Veterans Treatment Court opened in 2009 and has been expanding its services and incorporating more and more veterans into its eligible pool of participants ever since. The two specialized court parts that work with veterans or people with military experience who have been accused of a crime. The Felony Veterans Treatment Court accepts people charged with a felony who have a substance use disorder and whose alleged offense is connected to their status as a veteran. The Misdemeanor Veterans Treatment Court accepts people with any level of military experience who have a substance use disorder and have been charged with a misdemeanor offense. The current paradigm requires that someone have both military experience and a substance use disorder. We are hopeful that the Brooklyn courts will follow the example of other veterans courts in the state and expand to include all people with military experience.

Veterans are arrested at a higher rate than the those without military experience<sup>5</sup> and many of the veterans we represent live with mental illness and/or substance use disorders as a result of their military career. The most prevalent diagnoses involve post-traumatic stress disorder (PTSD) and traumatic brain injuries (TBI). It is our strong belief that special consideration of veterans' experiences must be integrated into any court proceedings, in order to offer tailored solutions that meet the unique needs of this population and minimize the chances that veterans will be incarcerated. In our experience, Veterans Treatment Court provides critical avenues for healing and recovery to individuals who require evidence-based treatment interventions in the community. This specialized focus is extremely helpful in reducing the long-term collateral consequences of a conviction, such as limited employment and educational options, loss of housing, deportation and loss of familial relationships. The targeted intervention of the Veterans Court also increases the likelihood of successful reintegration of veterans into community life, improves our clients' long-term treatment options, increases treatment compliance once the case is completed and reduces the chances of re-arrest.

## *Red Hook Community Justice Center*

The Red Hook Community Justice Center handles cases for misdemeanor and low level offenses in the Red Hook neighborhood. This Court is primarily a diversion court, where people who are arrested for offenses like shoplifting or drug possession are automatically arraigned in the Red

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<sup>5</sup> Council on Criminal Justice, From Service through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System, August 2022, Available online at <https://counciloncj.org/vjc-preliminary-assessment/>

Hook court, as opposed to being brought to central booking in downtown Brooklyn. This is beneficial because the court focuses on the treatment needs of the same community it serves and provides opportunities for its participants to be released back into that community with easily accessible services in an effort to stem the cycle of rearrest.

## **Recommendations**

Problem solving courts are a critical resource for diverting people out of the criminal legal system, decreasing the city's reliance on mass incarceration and ensuring access to needed treatment services. We respectfully offer the following suggestions to strengthen problem solving courts and improve outcomes for New Yorkers involved in the criminal legal system.

### **1. Reduce barriers to treatment**

All of the Brooklyn treatment courts refer participants to “outside” or “contract” substance use or mental health treatment programs. Most of these programs also serve people who have no court mandate and who do not have criminal justice involvement. However, the overall quality of these programs varies and there are many barriers to acceptance and entry. For example, some programs cannot take participants who have a diagnosed mental illness while some are better equipped to treat people with dual diagnoses. Almost all programs require that participants have medical insurance, usually through Medicaid, making participation nearly impossible for undocumented participants who do not qualify for public health insurance and must pay out of pocket. Additionally, while there are many treatment providers in New York City, existing treatment courts often use the same small number of providers and are unwilling to accept new or different providers.

Many substance use and mental health treatment programs require partial hospitalization, inpatient, or full day programming, which means that participants are at risk of losing their job, source of income, and housing. Moreover, New York City has limited residential treatment bed capacity, which can result in wait times of a few weeks or more. Sometimes, if the person is incarcerated, the longer waiting periods discourage them from choosing the treatment program option because it could mean longer time in jail. There is an extreme shortage of treatment beds in most treatment facilities our clients need to go to from jail. This results in longer stays in dangerous and overcrowded jail facilities that are unable to meet their clinical needs than our other clients face.<sup>6</sup> Many clients give up on treatment solely because they have to wait in jail for a treatment bed. Also, for these clients, the delays often result in their mental health conditions

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<sup>6</sup> Jake Offenhartz, City Ordered to Pay Rikers Detainees who were Denied Medical Appointments, *Gothamist*, August 10, 2022, Available at <https://gothamist.com/news/city-ordered-to-pay-rikers-detainees-who-were-denied-medical-appointments?betaRedirect=true>

deteriorating. On a number of occasions, BDS clients have lost opportunities for placement in a program because they became too symptomatic due to their extended stay in jail while waiting for the program bed.

More funding for such programs could increase capacity and reduce waiting periods and increase participation. Rather than relying solely on residential programs which are oftentimes not clinically necessary and do not necessarily prepare individuals for independent living, courts should, instead, rely on clinically based recommendations. As such, for those with mental health needs, funding for more supportive housing is critical. An increase in overall funding and expansion of programs must come with program oversight to ensure that programs are actually addressing the need, including mental health needs, providing culturally competent services, serving unique populations or otherwise expanding options for people who need treatment.

## **2. Employ harm reduction models**

All of the drug treatment courts have contributed to positive case outcomes for individual BDS clients, but in general many BDS attorneys are skeptical of STEP and BTC, and in some cases even MBTC. All of the treatment courts allow for relapses and recurring relapses, but our clients face increasingly harsher sanctions with each additional relapse. Additionally, our clients often face harsh punishments, including harsh jail sanctions for low level drug arrests while in these programs. This is particularly problematic because of the disparate treatment between arrests for drug possession and sanctions for drug use. Treatment courts and ATI (Alternative to incarceration) programs are tolerant of drug use relapse, yet almost universally incarcerate or expel participants when they are arrested for possessing the same drugs they tested positive for using. Obviously, for a person to use drugs, that person had to at some point possess the drugs. This model multiplies the punitive nature of our current criminal legal system model for addressing drug use. Additionally, programs almost universally disallow the use of medicated assisted treatment, which is a widely-accepted harm reduction method. Finally, we are concerned about privacy for program participants because providers routinely skirt HIPAA privacy protections when disclosing information to the court when providers should only make disclosures related to program enrollment and compliance.

Our clients often find these coercive treatment regimens and inconsistent punishment schemes to be less effective than voluntary alternatives that do not involve such sanctions. In order to serve more people in need of treatment, ensure greater engagement and successful completion, we recommend non-jail alternatives that address relapse prevention, including the use of medicated assisted treatment, and greater privacy for program participants.

### **3. Increase access to permanent, affordable housing**

People with criminal legal system involvement face additional barriers to accessing housing. For people who are living with serious mental illness, substance use disorder, or court mandated to receive services, homeless or housing insecure creates additional barriers to access treatment. People experiencing homelessness may have difficulties connecting to providers, affording treatment or medication, or accessing transportation to appointments. The Mayor has instructed NYPD to remove people experiencing homelessness from the subway, while simultaneously divesting from the Department of Homeless Services.<sup>7</sup>

In the midst of the COVID-19 pandemic, as the city worked to decarcerate and we fought to get clients out of jail, MOCJ opened several hotels to provide emergency transitional housing to people leaving jail.<sup>8</sup> This safe, stable housing addressed an unmet need that began far before the pandemic began. Jail populations have risen to pre-pandemic levels. They are overcrowded and deadly. This setting has proven to be life-changing for many of the people we serve. . In lieu of loud, chaotic and often violent congregate shelters, people have private rooms in clean, comfortable buildings where they are treated with dignity and respect. Recently, it has been reported that the MOCJ reentry hotels will close by the end of the year, with the first hotel closing tomorrow, October 1, 2022. We urge the city and this Council to baseline funding in the city budget for permanent emergency reentry housing. This critical resource must be maintained as a part of a continuum of housing options for New Yorkers. We urge the City to concurrently work to expand access to supportive housing for people with SMI or substance use disorders, as well as ensure access to affordable housing for all.<sup>9</sup>

### **4. Pass a resolution in support of the Treatment Not Jail Act (S2881B/A8524A)**

Over the past few years, the New York State Legislature has championed and won historic legislative change in the criminal legal system—including bail and discovery reform. We call on the City Council to follow their lead and pass a resolution calling on the legislature to pass and the governor to sign the Treatment Not Jail Act (S2881B - Ramos/A8524A - Forrest).

The Treatment Not Jail Act (TNJ) will substantially expand access to judicial diversion and create tangible steps toward ending the criminalization of mental health and cognitive

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<sup>7</sup> David Brand, Mayor's Budget Plan Cuts \$615M from Homeless Services, as Subway Crackdowns Intensified, *City Limits*, (February 18, 2022), <https://citylimits.org/2022/02/18/mayors-budget-plan-cuts-615m-from-homeless-services-as-subway-crackdown-intensifies/>

<sup>8</sup> Ilyssa Daly, 'I Feel Human Again' – At Three Hotels, Formerly Incarcerated New Yorkers get the Support They Need, *Queens Daily Eagle*, (October 12, 2022), <https://queenseagle.com/all/i-feel-human-again-at-three-nyc-hotels-formerly-incarcerated-get-help-with-reentry>.

<sup>9</sup>

impairments in New York. TNJ will create parity in the court system for vulnerable populations who need support and opportunity, and promote public safety by opening avenues of appropriate, individualized treatment where currently the default is incarceration. TNJ will:

- Create equitable access to judicial diversion by making the current judicial diversion law inclusive of people with mental health challenges and neurological, intellectual, and other disabilities.
- Allow New Yorkers to access treatment regardless of where they live. Currently, some counties will not allow people to participate in treatment court unless they are a county resident. TNJ will enable people to engage in treatment court within their county of residence, regardless of where the offense with which they are charged took place.
- Provide due process protection by ensuring that judicial diversion participants are not jailed without due process by requiring there be some substantiation of violations of judicial diversion conditions.
- End automatic exclusions based on level of charge. Currently, some people are excluded from participating in judicial diversion because of the section of the Penal Law with which they are charged regardless of their personal circumstances and background. TNJ will expand access to judicial diversion to people accused of any criminal offense. Research shows that diversion programs promote public safety, and that the nature of the charge does not impact treatment outcomes. TNJ will provide judges with the discretion to give people appearing before them individual consideration.
- Increase likelihood of success by embracing a clinical rather than punitive approach. TNJ will allow individuals to participate in treatment court without requiring them to plead guilty to access treatment. Judges will be trained in the best practices for mental health treatment within the judicial system. These practices will be grounded in providing support for participants and guided by treatment providers' individualized recommendations rather than over relying on punitive sanctions. TNJ will promote collaboration between participants and treatment providers, offering participants the best chance of achieving their treatment goals.

The number of people living with or having experienced mental health issues is at an all-time high, and jails and prisons have become the de facto mental health facilities across New York State. Treatment Not Jail seeks to put an end to this untenable condition and to redirect people out of jails and the criminal legal system and into evidence-based treatment programs that can offer the medical care and support they need.

## **Conclusion**

Brooklyn has some of the best problem solving courts in the state and New York is a leader in the creation and use of drug, mental health, and other treatment courts. Our experience has shown that these courts can provide non-jail alternatives for those wrapped up in the criminal justice system because of substance use disorders and serious mental illness. However, more access is needed for these courts, and the city can help by increasing funding for more programs, more providers, and more beds. But these programs must be flexible, utilize harm reduction models, and increase privacy protections for its participants. New York City must also urge the state to take action by passing the Treatment not Jail bill and ensure equitable access to judicial diversion for all New Yorkers, regardless of where they live and despite the unique challenges that accompany their disabilities. Lastly, while problem solving courts can be a successful method to provide services for our community members *after* they have been arrested, we ask the Council to continue to address the problems in our communities that create the risk of criminal justice involvement in the first place, such as lack of stable housing, access to gainful employment and access to substance use and mental health care.

BDS is grateful to the Committee on Public Safety for holding this important hearing. Thank you for your time and consideration of our comments. If you have any additional questions, please contact me at [ylee@bds.org](mailto:ylee@bds.org).



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Research. Development. Justice. Reform.

Courtney Bryan. Director

**Center for Court Innovation  
New York City Council  
Committee on Public Safety  
September 30, 2022**

Good morning, Chair Hanks and esteemed members of the Public Safety Committee. Since its inception, the Center for Court Innovation (the Center) has supported the vision embraced by Council of a fair, effective, and humane justice system by building public safety through sustainable community-driven solutions. The Center's longstanding partnership with Council over the past twenty-five years has helped bring this vision to life through evidence-based programming. This work spans the entire justice continuum and strengthens communities and systems. In each instance, our aim is to provide a meaningful and proportionate response, to treat all people in our programs with dignity and respect, to prioritize public safety, and to produce much-needed cost savings for the City.

The Center's programs operate within both courts and communities and are guided by a common set of principles outlined below. These principles provide a common foundation for the Center's expansive breadth of work, while offering a flexible framework to meet a spectrum of needs across systems and communities.<sup>1</sup>

- *Co-Create Justice.* The Center's community justice programs recognize that communities are partners in defining and creating justice and community members should have a voice in planning and creating programming. Community justice programs build relationships and actively listen to their communities to identify, prioritize, and solve local problems throughout the life of an initiative.
- *Advance Equity.* The Center is committed to equity and combatting racism. Our programs seek to end the justice system's disproportionate impact on Black, Indigenous, People of Color (BIPOC) populations, as well as other marginalized populations such as the transgender community, by emphasizing community investment, prevention, "upstream" diversion, and policies and practices that eliminate or reduce the collateral consequences of conviction.
- *Put People First.* The Center humanizes the justice system by centering the needs of the individuals and the communities they serve. Rather than focusing on case processing time, the number of cases closed, or the value of fines collected, community justice

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<sup>1</sup>These principles are included in a forthcoming publication from the Center, and reflect an evolution informed by the Center's expanded work in recent years within the communities most impacted by crime and the justice system. Earlier formulations of guiding principles can be found at <https://www.courtinnovation.org/articles/problem-solving-principles>.

measures success by its ability to help people lead healthy, fulfilled lives, and promote community safety, resiliency, and well-being.

- *Prioritize Community-Based Solutions.* The Center places emphasis on community solutions over traditional responses, like incarceration, probation, and fines, leveraging community resources and assets to promote healthier outcomes for individuals and the community.
- *Promote Accountability.* The Center promotes individual and system accountability by ensuring everyone has equal access to justice, court processes are transparent and procedurally just, and individuals receive sentences that are proportionate to the offense, minimize harm, and promote well-being. By promoting mutual accountability, community courts improve public trust and confidence in the justice system.
- *Model Innovation.* The Center creates programs that serve as models by monitoring emerging issues and research, identifying problems and appropriate solutions, and piloting new programs to test new ideas before they're implemented by larger systems.

Through the models described below, the Center collaborates with system actors and with communities to advance public safety as well as sustainable, measurable change. Please see on the following page an overview of the Center's current programming and footprint across New York City.

The **Center for Court Innovation** is a non-profit organization that seeks to transform the policies and practices of the justice system to make it fair, effective, and humane. The Center operates the following sites throughout New York City.

■ Family     
 ■ Criminal     
 ■ Community Development     
 ■ Civil/Housing

Click on the name of any program to learn more.

**STATEN ISLAND**

- 1. Staten Island Justice Center

**MANHATTAN**

- 2. Harlem Community Justice Center
- 3. Headquarters
- 4. Manhattan Justice Opportunities
- 5. Midtown Community Court

**MULTI-BOROUGH**

- 6. Legal Hand (Bronx, Brooklyn, Queens)

**BRONX**

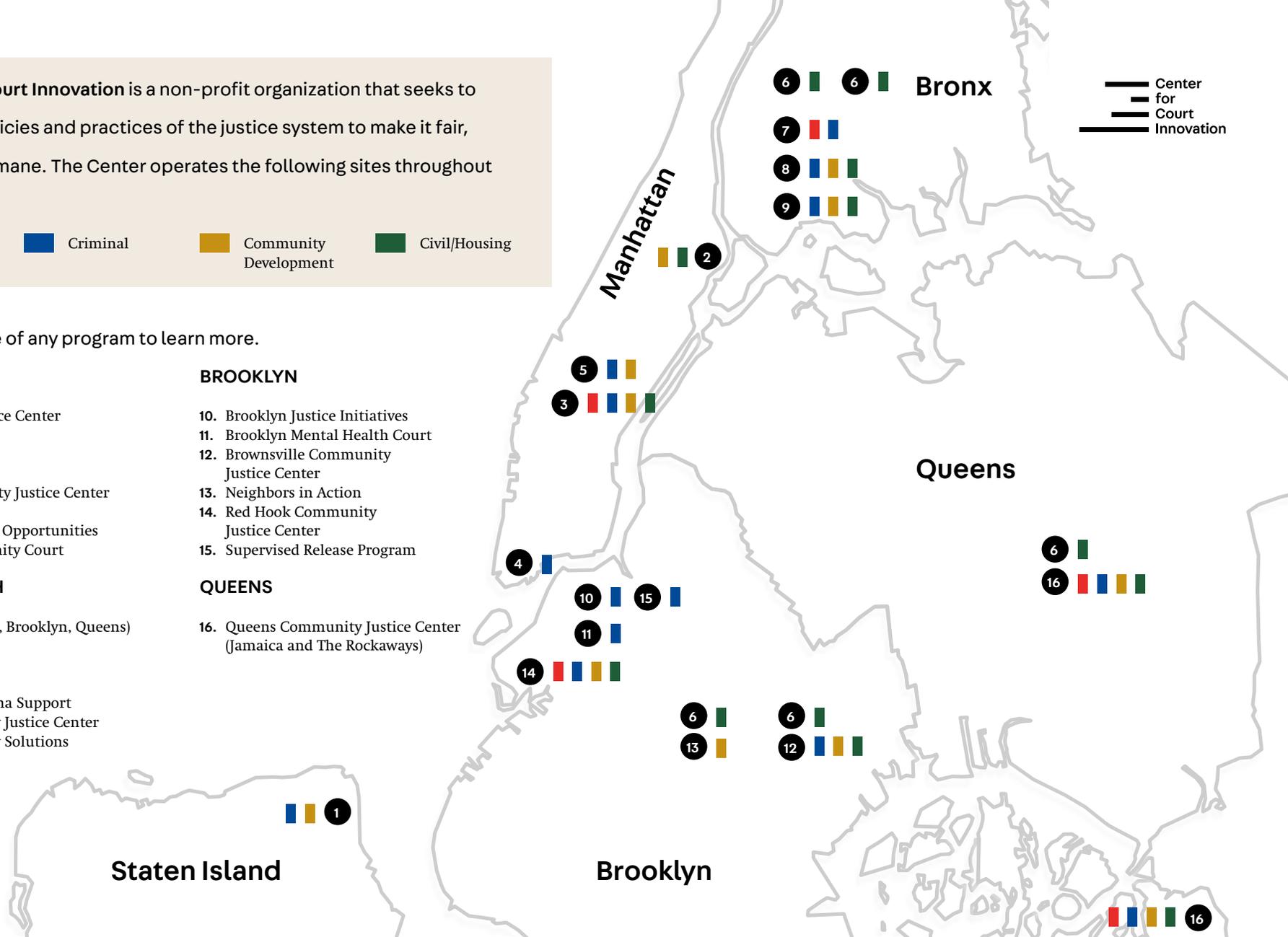
- 7. Bronx Child Trauma Support
- 8. Bronx Community Justice Center
- 9. Bronx Community Solutions

**BROOKLYN**

- 10. Brooklyn Justice Initiatives
- 11. Brooklyn Mental Health Court
- 12. Brownsville Community Justice Center
- 13. Neighbors in Action
- 14. Red Hook Community Justice Center
- 15. Supervised Release Program

**QUEENS**

- 16. Queens Community Justice Center (Jamaica and The Rockaways)



**Citywide**

<span style="color: green;">■</span> Access to Justice	<span style="color: gold;">■</span> <span style="color: green;">■</span> Neighborhood Safety Initiatives	<span style="color: gold;">■</span> RISE Project
<span style="color: blue;">■</span> Alternatives to Incarceration	<span style="color: red;">■</span> Parent Support Program	<span style="color: red;">■</span> Strong Starts Court Initiative
<span style="color: blue;">■</span> Driver Accountability Program	<span style="color: blue;">■</span> Project Reset	<span style="color: gold;">■</span> Youth Action Institute
<span style="color: red;">■</span> <span style="color: blue;">■</span> Gender and Family Justice	<span style="color: blue;">■</span> <span style="color: gold;">■</span> Restorative Justice Practices	<span style="color: blue;">■</span> <span style="color: gold;">■</span> Youth Impact

**For More Information**  
 Shane Correia  
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## 1. Problem-Solving Courts

Problem-solving justice seeks to go beyond processing cases to solve the problems that bring people to court. Problem-solving courts, such as the Center's community, treatment, and mental health courts, offer a collaborative framework in addressing the underlying conditions that impact public safety and forge new approaches to difficult cases where social, human, and legal problems intersect. The Center's earliest models of justice reform were in the form of problem-solving courts, including launching the Midtown Community Court in 1993, and subsequently developing New York City's first drug court, the Brooklyn Treatment Court, New York's first mental health court, the Brooklyn Mental Health Court, and the state's first domestic violence court, the Brooklyn Felony Domestic Violence Court.

### Brooklyn Mental Health Court

The Brooklyn Mental Health Court, based in Brooklyn Supreme Court, launched in 2002 as the first mental health court in New York City. BMHC seeks to craft meaningful responses to participants, including those with felony charges, who have mental illness. Addressing both treatment needs and the public safety concerns of the community, the court links defendants with serious and persistent mental illness (such as schizophrenia and bipolar disorder), who would ordinarily be jail- or- prison- bound, to long-term community-based treatment an alternative to incarceration. Cases are referred by judges, defense attorneys, and the Kings County District Attorney's office.

The Brooklyn Mental Health Court recognizes that every path to recovery is different, and treatment plans are tailored to address individual needs. The goal is to address not only the acute symptoms of mental illness but to reduce the impairments to a person's daily activities and their ability to fulfill other major life functions. Interventions aim to help participants develop the skills needed to live successfully in the community and avoid future justice system involvement. As substance use is common among this population, both mental health and addictions are screened for simultaneously, and integrated treatment is recommended when appropriate.

Over 1,200 participants have satisfied program requirements and graduated. Active participants boast a 74 percent compliance rate and are 46 percent less likely to be re-arrested while in Brooklyn Mental Health Court than those in a comparison group. In addition, court participants see a 46 percent reduction in the likelihood of a rearrest and a 29 percent reduction in the likelihood of a re-conviction versus a comparison group.<sup>2</sup>

These outcomes prompted the Center to expand diversion and alternatives-to-incarceration options across the justice system, including for those facing felony charges. The Center's Felony Alternatives-to-Incarceration courts in Manhattan and Brooklyn, operating out of Manhattan Justice Opportunities and Brooklyn Justice Initiatives, offer the opportunity to resolve a case without a jail or prison sentence for people who don't qualify for other specialized courts like drug diversion or mental health courts.

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<sup>2</sup>Rossmann, S.B., J. Buck Willison, K. Mallik Kane, K. Kim, S. Debus-Sherrill & P.M. Downey (2012, July). *Criminal Justice Interventions for Offenders with Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn, New York*. New York, NY: Center for Court Innovation.  
<https://www.courtinnovation.org/publications/criminal-justice-interventions-offenders-mental-illness-evaluation-mental-health>

## **Manhattan Felony Alternative-to-Incarceration Court**

Launched in 2019, the Manhattan Felony Alternative-to-Incarceration Court—an initiative of New York County Supreme Court—expands on the principles of specialized drug and mental health courts to create alternatives-to-incarceration for all types of felony cases including violent offenses. The court is among the first all-purpose felony alternative courts in the country. The Center’s Manhattan Justice Opportunities partners with the Felony Alternative-to-Incarceration Court to realize its vision of reducing the harms caused by incarceration and supporting people to address the issues that often underly their contact with the justice system.

Manhattan Justice Opportunities staff conduct independent assessments of the court’s prospective participants and develop individualized plans for services to address mental health and substance use issues, as well as education, housing, and employment needs. Once participants formally enter the court, Manhattan Justice Opportunities social workers connect them to an extensive network of service providers across New York City. Manhattan Justice Opportunities provides ongoing case management until participant complete their mandate. In 2021, participants were mandated to an average of 18 months with the program, and 75 percent with closed cases completed their mandate.

## **Brooklyn Young Adult Court**

The Brooklyn Young Adult Court (also known as the Brooklyn Young Adult Initiative) sits within Brooklyn Criminal Court and operates as a partnership between the Kings County District Attorney’s (KCDA) Office, the NYS Unified Court System, and the Center for Court Innovation’s Brooklyn Justice Initiatives. The court takes nearly all misdemeanor cases in Brooklyn for 16- to 24-year-olds whose cases were not disposed at arraignment. The KCDA worked closely with the Center to develop the Young Adult Initiative, which includes dedicated staffing (i.e., judge, prosecutors, defense attorneys, resource coordinator, and clinical staff); case conferencing; referrals to on-site and community-based clinical programming; and court-based compliance reporting. In addition, the Center for Court Innovation created and provided training on procedural justice principles, risk-need-responsivity theory, and adolescent brain development for initiative personnel. The Center’s Brooklyn Justice Initiatives developed a range of programming (e.g., employment readiness, conflict resolution workshops) as alternatives to criminal conviction and jail.

In an evaluation conducted by the Center, 95 percent of Young Adult Initiative participants attended and completed the sessions required to satisfy their court mandate.<sup>3</sup> The high program compliance rate suggests the Young Adult Initiative participants are completing their mandate without being “set up to fail”—a noted critique of alternative sentencing and diversion programs with arduous fulfillment requirements. Young Adult Initiative participants received fewer criminal convictions on misdemeanor charges than the matched comparison group. Young Adult Initiative participants were less likely to receive jail sentences than the comparison group (2% v. 13%), reducing the direct and collateral harms arising from criminal conviction and confinement, which can affect employment, housing, higher education, and other benefit applications. Within the Brooklyn Young Adult Initiative sample, program completers

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<sup>3</sup>Dalve, K. & T. Pooler (2019, September). *The Brooklyn Young Adult Initiative: Perceptions and Impacts of a New Approach to Young Adult Justice*. New York, NY: Center for Court Innovation.  
<https://www.courtinnovation.org/publications/BYA-perceptions-and-impact-report>

had a relatively lower incidence of re-arrest when compared to the small group of non-completers (44% v. 70% at one-year post arraignment).

Other examples of the Center’s New York City-based problem-solving court model include: the **Overdose Avoidance and Recovery (“OAR”) Court**, which operates in the Bronx, Manhattan and Brooklyn; and most recently, the Center partnered with the New York State Unified Court System in 2022 to launch **Misdemeanor Mental Health Courts in Brooklyn and Manhattan**.

Drawing upon the Center’s success implementing problem-solving courts in New York City, we offer a range of customized training and technical assistance plans and publications for jurisdictions interested in applying problem-solving justice principles in centralized courthouses. Our strategic planning process is flexible and can be adjusted to fit the needs of state court systems, state problem-solving court associations, or other organizations. The basic components of the process include a planning committee of key stakeholder agencies, a thorough needs assessment, an on-site strategic planning workshop, a documented strategic plan, and ongoing support.

## **2. Community Courts**

A community court is a type of problem-solving court that focuses on a specific geographic community. Sometimes called a Community Justice Center, this model includes a functioning courtroom. Working in collaboration with residents and other stakeholders, community courts seek to reduce systemic harms and improve public safety and well-being by providing services and opportunities to justice-involved individuals and the community at large.

The Center’s community courts and community justice centers handle thousands of cases per year, offering services and community-based alternatives to jail and fines. Staffed by teams of social workers, case managers, resource coordinators, peer navigators, and more, the Center’s community courts provide meaningful early diversion, pretrial supervised release, and pre-plea or post-disposition sentencing options. This allows us to use an arrest as a window of opportunity to change the direction of an individual’s life and avoid unnecessary incarceration. The Center operates three community courts within New York City: the Midtown Community Court, the Harlem Community Justice Center, and the Red Hook Community Justice Center.

### **Midtown Community Court**

The Center created the Midtown Community Court, the nation’s first community court, in 1993. The court addressed the high number of low-level crimes and violations in the Times Square/Hell’s Kitchen neighborhoods. Then and today, the Midtown Community Court works with people in the neighborhood to tailor creative responses to local concerns and provide alternatives to fines and jail as a response to low-level crime. Since 1993, the Center has brought community courts to other New York City neighborhoods and jurisdictions around the world that are interested in reinvigorating public trust in justice, reducing the use of incarceration, and adopting data-driven solutions that bring down crime and recidivism.

The Midtown Community Court responds creatively to low-level offending, seeking sentences that are restorative to the victim, defendant, and community. The court’s on-site social services clinic and fatherhood and workforce development program are open to everyone—court participants as well as community members. An independent evaluation documented reductions

in both crime and the use of jail in the area covered by the court. The court works with local organizations to help keep individuals from entering the justice system in the first place. For example, Community First—created in partnership with several community-based groups—meets the needs of vulnerable individuals experiencing trauma, mental health issues, and/or substance use disorders who have ended up on the streets. The initiative focuses on prevention and providing support *before* individuals have contact with police or the justice system.

### **Red Hook Community Justice Center**

The success and proven impact of the Midtown Community Court laid the groundwork for the Center's second community court, the Red Hook Community Justice Center. Opened in 2000, the Red Hook Community Justice Center was the first of its kind in the world—a multijurisdictional community court that hears criminal, family, and housing court cases with one judge in one courtroom. In addition to reducing barriers for residents of this isolated community, this approach acknowledges the reality of how these legal systems intersect and impact the lives of so many vulnerable community members and allows for a more coordinated and holistic approach to addressing their problems.

Throughout the planning process and beyond, residents were offered opportunities for input on key decisions such as the location of the Justice Center, the types of resources it would offer, and what its priorities should be. For example, residents felt strongly that all services offered through the Justice Center should be available to everyone in the community, not just those who had a case before the court. This ultimately became a defining feature of the Justice Center—all onsite services are available on a walk-in basis to anyone, regardless of court involvement. By bringing resources to an underserved community and making them accessible to everyone, the Justice Center functions as a true community hub, rather than just a courthouse. It was for this reason that residents felt that it was better to call it a justice center, rather than a court.

Programming at the Justice Center has varied over the years, depending on community need, priorities, funding, and other factors. Core services have included counseling, case management, housing assistance, Peacemaking (community-based conflict mediation), victim services, GED classes, youth development programs, and more. By placing these services on-site and making them available to all, the Justice Center reduces barriers to engagement. A client who is arrested and in crisis can meet with an on-site clinician, receive an assessment, and be offered needed services and reassurance, all within hours of arrest. Moreover, the clinician can recommend appropriate next steps to the court, enabling the court to craft individualized responses that prioritize services and support rather than jail and fines.

Just as important as the resources offered within the Justice Center, is the work done outside of its walls. Justice Center staff maintain a regular presence in the neighborhood through outreach efforts, community meetings, events, and other forms of engagement that ensure the staff are accessible, knowledgeable, and integrated into the community. In addition, partnerships with local businesses, schools, community-based organizations, and local government agencies have been a critical part of the Justice Center's success and credibility within the community.

A study conducted by the National Center for State Courts, highlighted the success of Red Hook's approach, providing that it is indeed possible to reduce the use of incarceration

while making our communities safer—and while improving public trust in justice.<sup>4</sup> The study compared outcomes for Red Hook defendants to defendants with comparable charges who went through the downtown courthouse. It found that the Justice Center reduced the use of jail by 35 percent as compared to the downtown court; it also found that the Justice Center had reduced recidivism for adult defendants by 10 percent and for juveniles by 20 percent. Further analysis indicated that these differences were sustained well beyond the primary two-year follow-up period. These outcomes also reflected a notable cost savings associated with the Justice Center: after factoring the upfront costs of operating the Justice Center, savings outweighed program costs by a factor of nearly 2 to 1.

Based on interviews with residents, community leaders, and defendants, the evaluation found that the Justice Center is perceived not as an outpost of city government, but as a homegrown community institution.

Throughout their history, community courts have served as models for the broader justice system, piloting innovative new ideas and exporting them to other courts. The Center’s active and ongoing collection and analysis of data—measuring outcomes and process, costs and benefits—are crucial tools for evaluating the effectiveness of operations and encouraging continuous improvement. In 2021, the Center published *Building the Research Base: An Evaluation Blueprint for Community Courts*, which provides specific data elements and performance measures for community court practitioners to analyze.<sup>5</sup>

### **Harlem Community Justice Center**

The Harlem Community Justice Center is a neighborhood-based community court committed to bridging the gap between the court and community to achieve fairness and systematic equity in housing, community health, and access to justice. The Justice Center includes a Housing Court and Housing Help Center.

Through the Help Center, our staff assist some of Harlem’s most vulnerable residents in private and public housing who need help navigating the courts and public housing system. The Help Center provides information, workshops in partnership with legal service providers, and referrals for legal and financial assistance to residents with cases in Housing Court or who reside in the Harlem community. In 2019, the Help Center served over 2,000 residents, helping many avoid eviction. The Center’s work has greatly improved the perception of fairness experienced by those in Harlem’s Housing Court; nearly nine out of ten Help Center participants report improved perceptions of fairness.

### **3. Community Justice Principles Applied in the Centralized Courts**

One of the most promising outgrowths of the community justice movement has been the widespread application of community justice principles, brought to scale, in traditional courts. In these centralized court programs, court stakeholders work in collaboration with a community-

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<sup>4</sup>Lee, C.G., F. Cheesman, D. Rottman, R. Swaner, S. Lambson, M. Rempel & R. Curtis (2012, November). *A Comprehensive Evaluation of the Red Hook Community Justice Center*. Williamsburg VA: National Center for State Courts. <https://www.courtinnovation.org/publications/community-court-grows-brooklyn-comprehensive-evaluation-red-hook-community-justice>

<sup>5</sup>Center for Court Innovation. (2020, October). *Building the Research Base: An Evaluation Blueprint for Community Courts*. <https://www.courtinnovation.org/publications/building-research-base-evaluation-blueprint-community-courts>

based organization, such as the Center for Court Innovation, which is contracted to conduct assessments to help determine participant needs, connect them with services, and monitor and report compliance to the court. Bronx Community Solutions, Brooklyn Justice Initiatives, and Manhattan Justice Opportunities provide three notable examples of that model within New York City. These programs operate out of centralized courthouses but share a number of features with community courts. For example, they take a problem-solving approach and provide a range of interventions such as early diversion, alternatives to detention, or alternatives-to-incarceration. These centralized court programs also require a significant amount of planning, communication, and collaboration across agencies in order to be successful.

Much like a community court model, these centralized court programs are staffed by onsite teams of social workers, case managers, and other trained staff who offer assessments, service delivery, and referrals. These services might include mental health and drug treatment, job training, social services, community services, and restorative justice options. In the examples cited above, the programs have been provided with space in offices or converted courtrooms, to have presence and easy access to participants and courtrooms. Clients can meet with the program staff often before they leave the courtroom, and walk to the office where they will receive their services as well as information and referrals on opportunities in their community.

Centralized court programs may also engage with their surrounding community outside of the courthouse. For example, Bronx Community Solutions and Brooklyn Justice Initiatives each opened community offices to make their services more accessible to both mandated and voluntary participants. The leadership and staff from these programs attend local community board meetings, host community events and service projects, and convene advisory boards in order to expand their presence and give community voice.

Despite these commonalities in principles and practice, the centralized court programs remain distinct from court parts in community justice centers and community courts in a few notable ways. First, these programs are integrated into traditional courtrooms and spaces. They serve the entire centralized courthouse, seeing a wide range of participants referred from any number of courtrooms, judges, prosecutors, or defense attorneys throughout the building. Community courts, in contrast, work on a much smaller scale, focusing on a more discrete set of cases or participants from an identified geographic community. In addition, community courts depend upon the collaboration of a small but dedicated team of stakeholders who interact with one another on a regular basis and work toward a common set of goals. Similarly, these centralized programs differ from other problem-solving courts in that the problem-solving court parts typically include a designated judge, prosecutor(s), and defense attorney(s) who work in a self-contained courtroom with a shared set of practices, values and principles that foster collaboration and problem-solving in that court.

### **Bronx Community Solutions**

Located in the centralized criminal courthouse on 161<sup>st</sup> street, Bronx Community Solutions is a team of social service providers, compliance monitors, community service supervisors, restorative justice facilitators, and others who seek to improve the quality of justice in the Bronx and offer judges and attorneys meaningful alternatives to bail, fines, jail sentences, and court appearances.

Based on a Center-conducted evaluation (publication forthcoming), Bronx Community Solutions participants were no more likely to be re-arrested or convicted on a future violent felony arrest than the comparison group. One year out, 94 percent of Bronx Community Solutions participants had not been re-arrested on a new violent felony offense (and 99 percent had not been convicted of one). This suggests that this alternative sentencing program can offer sentences that avoid the documented harms of jail, without an increased risk to public safety.

Overall, this analysis shows the goal to reduce reliance on short-term jail sentences was largely successful. Less than one percent of Bronx Community Solutions study participants received jail sentences, while the comparison group was sentenced to jail in approximately 16 percent of cases. This is an important step forward, as the literature shows even short-term carceral sanctions can have negative consequences on employment, benefits, housing, and relationships, and can have long-lasting negative impacts on both mental and physical health.

### **Manhattan Justice Opportunities**

Manhattan Justice Opportunities provides community-based diversion and sentencing options to reduce the use of incarceration and criminal convictions for people charged with both low-level offenses and felonies. Social workers and case managers strive to make each case an opportunity to positively alter the direction of a person's life, connecting participants with social services to address the underlying issues that often fuel involvement with the justice system.

Manhattan Justice Opportunities' work spans both Criminal and Supreme Courts in Manhattan. In criminal court, they function much like Bronx Community Solutions, accepting referrals on lower-level cases from court parts and judges throughout the criminal courthouse. In Supreme Court, Manhattan Justice Opportunities partners with the Manhattan Felony Alternative-to-Incarceration Court described above.

### **Brooklyn Justice Initiatives**

Brooklyn Justice Initiatives started in 2013 as a small pilot seeking to build on the success of the Red Hook Community Justice Center. Today it has over 109 staff members at the main courthouse in downtown Brooklyn at 120 Schermerhorn as well as other community offices, working to change the landscape of Brooklyn Criminal and Supreme Court. Brooklyn Justice Initiatives operates our pre-arraignment diversion program known as Project Reset and offers a wide range of alternatives-to-incarceration for misdemeanor and felony cases. Brooklyn Justice Initiatives is also the Supervised Release provider for the borough, working with nearly 3,000 new participants last year to provide them with supervision and resources in order to ensure their return to court and help them address any other needs.

The Center runs Supervised Release in Brooklyn and Staten Island and has played an instrumental role in the success of the program, proving that releasing more people from pre-trial detention does not compromise public safety.<sup>6</sup> Data has shown that Supervised Release is as effective as cash bail at preventing failure to appear in court without recourse to the documented harms of incarceration. Cumulatively since 2016, 87 percent of participants never missed a

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<sup>6</sup>Hahn, J. (2016, February). *An Experiment in Bail Reform: Examining the Impact of the Brooklyn Supervised Release Program*. New York, NY: Center for Court Innovation.  
<https://www.courtinnovation.org/publications/experiment-bail-reform-examining-impact-brooklyn-supervised-release-program>

single court date while enrolled. Court attendance remains high following major bail reforms in January 2020 which made all cases eligible for the program, with 91 percent of scheduled court dates attended.<sup>7</sup> Each month during 2021, only around 1 percent of Supervised Release participants were rearrested for a violent felony, and on average, 93 percent were not rearrested at all.<sup>8</sup>

#### **4. Pre-Arrest Diversion**

In recent years, a critical and growing part of the Center's work has been an effort to develop proportionate responses that shrink the footprint of the justice system and minimize its harms. This has led to the launch of several early diversion programs which seek to provide offramps to individuals even further upstream than traditional system responses have allowed for. Two such examples are below.

##### **Bronx HOPE**

Bronx Heroin Overdose Prevention and Education (HOPE), an initiative of Bronx Community Solutions, addresses substance use issues with a harm reduction model at the precinct level. By giving clients the option of accessing community services instead of appearing in court, Bronx HOPE gives Bronx residents the opportunity for rehabilitation and connection to community rather than jail or options that don't address the underlying issues.

The process begins when an individual is issued a Desk Appearance Ticket from the New York Police Department. The NYPD will forward this ticket to the Bronx District Attorney's Office, which will review the individual for eligibility. Individuals who receive a ticket for drug possession will have the option to participate in the HOPE program. If an individual is eligible, they will be met at the precinct after their arrest by a peer mentor, who explains the program, provides a Naloxone kit and overdose prevention education; and connects the individual to Bronx HOPE case managers. If an individual chooses to participate, they must meet with a Bronx HOPE case manager within seven days of their arrest. Case managers then conduct an assessment and work with the individual to develop an individualized plan of care; help identify services that address an individual's needs; and provide support in the completion of services.

Bronx HOPE demonstrates that eligible cases are more likely to engage in programming with peer presence at the precinct. In 2021, Bronx HOPE had a contact rate of 79 percent for dispatched cases. Of those cases that were dispatched, 84 percent completed their services, thereby preventing the need for those participants to appear in court and face criminal charges.

##### **Project Reset**

Much like Bronx HOPE, Project Reset offers participants the option to avoid court and a criminal record by completing community-based programming. The Center operates Project Reset for adults ages 18 and older in Manhattan, Queens, Staten Island, Brooklyn, and the Bronx with support from the Mayor's Office of Criminal Justice, New York City Council, District

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<sup>7</sup>Center for Court Innovation, New York City Criminal Justice Agency & CASES. (2021, October). *Supervised Release: A Proven Alternative to Bail*. New York, NY. <https://www.courtinnovation.org/publications/supervised-release-five-years-later>

<sup>8</sup>NYC Mayor's Office on Criminal Justice. (2021, December). *How many people with open criminal cases are re-arrested?* New York, NY. <https://criminaljustice.cityofnewyork.us/wp-content/uploads/2021/12/Pretrial-Docketed-Rearrest-Contextual-Overview-December-2021-Update.pdf>

Attorneys' offices, and the New York City Police Department. Police alert individuals arrested for low-level offenses that they may be eligible for Project Reset. Prosecutors then review each case. Those with eligible charges are offered the opportunity to engage in programming rather than going to court. Individuals may consult with a defense attorney at any time.

Participants complete an intake interview with program staff and engage in two-to-four hours of programming. Participants who successfully complete this intervention never set foot in a courtroom and don't get a criminal record. Instead, the local district attorney's office declines to prosecute their case and the arrest record is sealed. Project Reset programming varies by borough and the participant's age. Participants are offered interventions such as group workshops, restorative justice circles, arts programming, or individual counseling sessions. Through these interventions, participants gain a better understanding of the criminal justice system, personal accountability, and knowledge of the resources available to them in the community. All participants are offered voluntary referrals to social services, such as counseling, job training, or substance abuse treatment.

Since 2015, Project Reset has helped more than 5,324 participants avoid court and the consequences of a criminal record. As of 2021, the program has a 98 percent completion rate.<sup>9</sup> An evaluation of 16- and 17-year-old Project Reset participants in Manhattan found they were significantly less likely than defendants in a comparison group to be convicted of a new crime within one year.<sup>10</sup> It also documented improved case processing times and case outcomes, as well as positive perceptions of the program. More than 95 percent of participants said they had made the right decision by entering the program and that they would recommend Project Reset to someone in a similar situation.

## **5. Variations on the Community Justice Model**

The guiding principles of community justice are broad and flexible—they can be implemented in countless ways. This malleability is one of the strengths of the community justice model. Working collaboratively with residents and stakeholders, community justice planners can design initiatives that build on local strengths and meet local needs. Because of this, the Center has built variations on the justice center model that meet the demands and needs of their local communities—including, when preferred, a justice center without a courtroom.

These justice centers, or community justice centers, work to provide individuals with the opportunity to: 1) heal from the effects of crime (both as perpetrators and victims); 2) repair fractured relationships among community members and law enforcement; 3) build skills necessary to improve their lives; and 4) reclaim and reinvigorate community spaces that have been sites of crime, violence, and neglect. A recent publication by the Center, *A Guide to Safe and Equitable Communities*, explains the broader approach that advance these goals in the context of this community-focused work:<sup>11</sup>

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<sup>9</sup>Center for Court Innovation. (2022). Justice Center Application and Reset referral database. [Data file].

<sup>10</sup>Cadoff, B. & K. Dalve (2019, January). *Project Reset: An Evaluation of a Pre-Arrest Diversion Program in New York City*. New York, NY: Center for Court Innovation.

<https://www.courtinnovation.org/publications/projectreset-evaluation>

<sup>11</sup>Center for Court Innovation (2022, January). *A Guide to Safe and Equitable Communities*. New York, NY.

<https://www.courtinnovation.org/publications/guide-safe-equitable-communities>

- *Participatory Justice Research.* The Center’s approach starts with a process of community-led investigation and idea generation designed to identify and prioritize both the issues facing the neighborhood and potential solutions to be implemented.
- *Building Power with Community.* Once our programs have begun, we build on the participatory justice research process to create strong resident networks, engaging communities to create policies and practices that can solve pressing local issues and work towards transforming the conditions that allow these issues to exist. In short, this approach gives residents the opportunity to access needed resources to implement the solutions they have generated and work in partnership to make these ideas happen.
- *Restoring Community-System Partnership.* Many of the communities we work in have been failed for generations by government institutions, including law enforcement, whose work in communities of color has historically ranged from neglectful to directly harmful. The Center’s approach works to create a shared framework that brings together residents, community organizations, and city agency representatives to jointly identify and address the underlying drivers of public safety concerns.
- *Focusing on the People and Places Most Impacted.* We have a targeted approach to community safety, investing in those places and people who have been most marginalized and negatively impacted by the criminal legal system. We engage those who have less access to decision-making power to develop and lead our programs. Our place-based work focuses on specific locations that have been the site of violence and disinvestment.
- *Keeping it Customizable and Flexible.* All Center programs are nimble and aware of the need to evolve to respond to changing community needs as they arise. Each program is agile enough to pivot when necessary and resourceful enough to demonstrate small, tangible wins every day. Rather than a single model, we provide a blueprint for resident engagement and activation.
- *Committing to Racial Equity.* Our approach is grounded in the understanding that the very systems that are supposed to make communities safer have been shaped by racism and other forms of oppression. Communities should not have to choose between safety and justice. We are committed to using our privileged position to fight injustice and promote racial equity.

### **Brownsville Community Justice Center**

In recent years, a second model of community justice centers has emerged, as exemplified by the Brownsville Community Justice Center. The Brownsville Center does not have a courtroom, nor does it bare the formal imprint of the justice system. Instead, it is a hub of pro-social activities that encourage at-risk residents to take ownership of their lives and their communities to avoid future offending.

The Brownsville Community Justice Center utilizes place-based strategies for building community resilience by targeting areas conducive to crime, achieving economic vitality, and promoting public safety, all while reducing criminalization and incarceration. Since its inception in 2011, the Brownsville Community Justice Center has designed programs that address root causes—like racism and poverty—that lead to community violence and trauma and impact public safety. Among other approaches, the Brownsville Community Justice Center offers

alternatives-to-incarceration, creates youth development programs, reclaims public space, and engages the community in formulating solutions.

### **Bronx Community Justice Center**

Modeled after the Center's Brownsville site, the Bronx Community Justice Center seeks to support the South Bronx community in becoming a safe and thriving place where local ownership, community-led investment, and youth opportunity can flourish. The Bronx Community Justice Center works toward this vision by focusing on community safety, restorative practices, and youth and economic development. Key features of the Bronx Community Justice Center include juvenile justice programs, alternatives-to-incarceration, placekeeping, restorative justice, youth entrepreneurship, and youth anti-violence work.

### **Queens Community Justice Centers**

The Queens Community Justice Center has offices in Jamaica and the Rockaways. Each site offers opportunities and engagements tailored to the unique needs of their community, ranging from workforce development to restorative justice, reentry services, after-school programming, mentoring, and more. The Jamaica site also operates one of the Center's Project Reset programs; alternatives-to-incarceration programming for adults in criminal court; and alternatives-to-detention and placement for juveniles in family court.

### **Staten Island Justice Center**

Much like the Queens Community Justice Centers, the Staten Island Justice Center offers a wide range of programming for mandated as well as voluntary clients, including youth and adults alike. Located in the St. George neighborhood, the Staten Island Justice Center's proximity to the courthouse facilitates easy access for mandated participants from criminal and family court. Its location is also accessible to the community members it serves on a voluntary basis, through reentry services, workforce development programs, youth development, and more. The site also operates Project Reset as well as Supervised Release for the borough.

## **6. Neighborhood-based Safety Solutions**

The Center understands that putting the safety of communities, particularly communities of color, in the hands of historically inequitable institutions can contribute to feelings of reduced safety and increased stress for many residents. For nearly three decades, the Center has been going beyond the traditional court system, testing and executing community-based crime prevention strategies in New York City. We have implemented, iterated upon, and refined a model grounded in building community power and access that has been effective in increasing safety, quality of life, economic mobility, and community connectedness.

Modeled on the Cure Violence approach first pioneered in Chicago, the Center's Save our Streets (S.O.S.) pilot brought community-based violence interventions to New York City, and informed City Council and other stakeholders to create the Crisis Management System. Today, S.O.S. operates in four New York City neighborhoods to reduce conflict and prevent outbreaks of gun violence. Outreach workers and violence interrupters work on the streets, in storefront offices, and in local hospitals to defuse conflicts before they erupt into violence while addressing the traumatic impact of violence on young men of color. Other neighborhood-based programs include community revitalization and placekeeping projects, economic development

initiatives, trauma-informed healing services in communities experiencing high rates of violence, youth entrepreneurship and development programs, public housing resident mobilization initiatives, and access to justice eviction prevention work.

The Center's New York City-based programs have reduced crime and violence, increased community engagement, bolstered economic opportunity, co-created opportunity with youth, and changed community norms. Currently the Center runs community-based crime prevention programming in a dozen New York City communities and throughout seventeen New York City Housing Authority public housing developments.

## **Conclusion**

The Center stands ready to partner with Council to implement data-driven solutions and meaningfully responses to reduce recidivism and incarceration, without decreasing public safety. As evidenced by the data described throughout this testimony, problem-solving courts, community courts, and scaled-up versions of these approaches offer these kinds of solutions. They safely provide communities with more options to adjudicate harm, maintain community safety, and produce better outcomes for the individual, the courts, and the community at large. We thank the Council for its continued partnership and are available to answer any questions you may have.

**New York City Council**  
**Committee on Public Safety**  
**Chair: Council Member Kamillah Hanks**  
**Friday, September 20, 2022 at 10:00AM**

Testimony Written By: Ayanna Bates  
[bates\\_ayanna@yahoo.com](mailto:bates_ayanna@yahoo.com)

**RE: SUPPORT Res 0156-2022 for accessible and equitable mental health treatment courts!**

Good morning Chair Hanks and Members of the Committee on Public Safety. Thank you for holding this hearing today focused on community problem-solving courts.

Hello, my name is Ayanna Bates, and I am a constituent of Council Member James Gennaro in District 24. I also serve as an Advocacy Ambassador with the National Alliance on Mental Illness of NYC (NAMI-NYC), a grassroots mental health advocacy organization, and one of the largest affiliates of NAMI, serving peers, family members, friends and caregivers in New York City for 40 years.

**I am submitting testimony today in support of this committee signing on to the changes proposed in state legislation through the Treatment Not Jail Act (S2881B/A6603).** This state bill would expand treatment eligibility for court-involved individuals and divert people who would be benefitted by treatment away from incarceration and toward community support. **Currently, Res. 0156-2022** is sitting in the Committee on Criminal Justice; once passed by City Council, it would call on the New York State Legislature and Governor to pass and enact the Treatment Not Jail Act.

I'm coming to you as an older sister to my 21-year-old brother who lives with Borderline Personality Disorder and has struggled with suicidal thoughts. When my brother was a teenager, a close friend was nervous for my brother's safety, due to his suicidal ideation, so they called the police. As a young Black man, encountering the police for the first time during a mental health crisis, this sparked a fear that rippled across our entire family. What my brother needed at that moment was a counselor or social worker or peer to intervene.

While luckily, that interaction did not end with my brother getting arrested or worse, these kinds of situations where police respond to a mental health crisis often escalate the situation. I still think about how, had he been arrested that day, despite not doing anything wrong, what would have happened to him? Would there have been an option to divert him toward mental health treatment, had he received a charge?

There are people right now in NYC jails who are awaiting conviction who have not committed a crime, yet they remain detained in the horrible conditions of DOC custody. But even for those who have, often, what they really needed was more community-based supports before they got to that point. Many of these people in NYC jails have a mental health condition. As of this year, 53% of individuals in NYC Department of Correction custody have a mental health diagnosis and 16.5% have a serious mental illness diagnosis.<sup>1</sup> These rates are much higher than the

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<sup>1</sup> *PRELIMINARY MAYOR'S MANAGEMENT REPORT*. (2022, February 17). NYC.gov. Retrieved September 29, 2022, from [https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2022/2022\\_pmmr.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2022/2022_pmmr.pdf)

averages of 21% of U.S. adults with a mental illness and 5.6% experiencing serious mental illness.<sup>2</sup>

There is an unmet need for more mental health treatment for those who have been incarcerated. The Treatment Not Jail Act would allow more people the benefit of diversion from incarceration and encourage judges to consider the best clinical options for each participant and prioritize behavioral health needs over punitive responses. Currently, only a very small percentage of those in need of this kind of off ramp have access to it and the process for this involves many barriers. One of the barriers the bill would remove is the requirement of a guilty plea before one's treatment involvement. It also would ensure more uniform standards of eligibility for the court diversion process. By building support for Res. 0156-2022 and the statewide Treatment Not Jail Act, we can center the clinical needs of vulnerable individuals in order to truly and effectively decarcerate New York.

As a peer and supportive family member, I wish to see more people living with mental illness get access to proper treatment.

**I hope the Public Safety Committee seriously considers my testimony in support of expanded mental health court eligibility and accessibility.**

Thank you for listening to my testimony.

Respectfully,

Ayanna

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<sup>2</sup> *Mental Health By the Numbers*. (2022, June). NAMI. Retrieved September 29, 2022, from <https://www.nami.org/mhstats>

**New York City Council**  
**Committee on Public Safety**  
**Chair: Council Member Kamillah Hanks**  
**Friday, September 20, 2022 at 10:00AM**

Testimony Written By: Jeanette Beck-Harrell  
[jbeckharrell@gmail.com](mailto:jbeckharrell@gmail.com)

**RE: Support accessible and equitable mental health and drug treatment courts, pass Res 0156-2022!**

Good morning Chair Hanks and Members of the Committee on Public Safety. Thank you for holding this hearing today focused on community problem-solving courts.

Hello, my name is Jeanette Beck-Harrell and I'm from Brooklyn. I am providing testimony today because my nephew, Elijah Muhammad, who struggled with mental illness, died this year while in custody of the New York City Department of Correction of a drug overdose. I am also an Advocacy Ambassador with NAMI-NYC, a grassroots mental health advocacy organization, and one of the largest affiliates of the National Alliance on Mental Illness, serving peers, family members, friends and caregivers in New York City for 40 years.

**I would like to emphasize my support of this Committee signing on to the modifications to mental health and drug courts proposed in state legislation through the Treatment Not Jail Act (S2881B/A6603).** The bill would expand treatment eligibility for people who would be benefitted by treatment, diverting them away from incarceration and toward community support. **Res. 0156-2022** is currently laid over in the Committee on Criminal Justice. Every day that bill sits there without passing, someone with a known mental health condition is caged on Rikers Island waiting months for the psychological evaluation that could help prove their eligibility for mental health or drug court diversion programs and get the life-saving treatment they need. My nephew Elijah was one of those people.

Elijah was kind, loving, and smart. His mother died when he was in his teens, and afterwards, he faced difficulties that ultimately ended up with him in jail. I will never see Eli in this life again. It is difficult to talk about, but I cannot remain silent any longer as we have all seen too many lives lost on Rikers. I believe that proper treatment instead of incarceration would have saved Elijah's life.

Too many people like Eli cannot get the help that is needed in New York City. Without treatment, people with mental health conditions or drug use challenges sometimes have issues that lead them to contact with law enforcement and the carceral system. Mental health and drug courts are in place to help those who couldn't get the help they needed beforehand, but I believe that the mental health court system in place is not being utilized equitably or adequately, creating barriers to entry. A properly functioning and expanded mental health and drug court system and funding for community-based mental health supports will ensure the people get care and treatment and not just thrown in jail. I want to prevent another family from receiving the worst notification possible.

I am asking for adequate funding, staffing and comprehensive reform of the mental health and drug treatment courts.

Through the Treatment Not Jail Act, changes would include:

- Expanding New York's judicial diversion law by including people with mental health challenges, intellectual, neurological, physical, and other disabilities, who can benefit from treatment.
- Ensuring that treatment court participants are not jailed without due process.
- Eliminating coercive and ineffective mandated treatment by permitting participation in treatment court without requiring a guilty plea.
- Expanding eligibility by eliminating charge-based exclusions.
- Encouraging judges to strongly consider the best clinical options for each participant and prioritize behavioral health needs over punitive responses.

New York over-relies on jails and prisons as the primary treatment provider for people with mental health needs. By supporting Res. 0156-2022 and the statewide Treatment Not Jail Act, we can provide opportunities to access mental health resources to those who need them most, allowing a greater number of people the benefit of an off-ramp from incarceration.

**I can't get my nephew back, but I hope this Committee truly hears my testimony in support of increasing access and improving systemic barriers to mental health and drug court treatment programs.**

Thank you for listening to my testimony.

Respectfully,

Jeanette

**New York City Council**  
**Committee on Public Safety**  
**Chair: Council Member Kamillah Hanks**  
**Friday, September 20, 2022 at 10:00AM**

Testimony Written By: Tarnisha Smith  
[tarnisha\\_smith@yahoo.com](mailto:tarnisha_smith@yahoo.com)

**RE: Support accessible and equitable mental health treatment courts, pass Res 0156-2022!**

Good morning Chair Hanks and Members of the Committee on Public Safety. Thank you for holding this hearing today focused on community problem-solving courts.

Hello, my name is Tarnisha Smith, and I live in the Bronx. I'm speaking to you today as the cousin of 31-year-old Elijah Muhammad who lived with bipolar and schizophrenia disorder. My cousin died on Rikers Island under DOC custody in July. I also serve as an Advocacy Ambassador with the National Alliance on Mental Illness of NYC (NAMI-NYC), a grassroots mental health advocacy organization, and one of the largest affiliates of NAMI, serving peers, family members, friends and caregivers in New York City for 40 years.

**I am submitting testimony today in support of this Committee signing on to the modifications to mental health and drug courts proposed in state legislation through the Treatment Not Jail Act (S2881B/A6603).** This state bill would expand treatment eligibility for court-involved individuals and divert people who would be benefitted by treatment away from incarceration and toward community support. **Currently, Res. 0156-2022** is sitting in the Committee on Criminal Justice; once passed by City Council, it would call on the New York State Legislature and Governor to pass and enact the Treatment Not Jail Act. I urge every member of this Committee to cosponsor the Resolution and commit to working with your colleagues to get it passed.

I am speaking with hope that changes are made so people in the future do not end up with the same fate, but my family and I cannot get my cousin Elijah back. I believe that a timely diversion to mental health treatment court could have saved his life, but currently there is no uniform process to ensure that people who need critical off-ramps from the criminal-legal system receive them.

When my cousin Elijah was 16 years old, his mother passed away, which was a tough transition for him. Through his struggle, Eli ended up incarcerated. This year, while being incarcerated, several incidents occurred to him, and we noticed a shift in his overall personality, but we didn't know what would, could, and had happened to him which led to his untimely death.

It is difficult to look at the failings of the system and see what could have been, but I hope that no one else has to struggle the way Eli did. The time frame it took to get Elijah evaluated to be placed in proper housing and Mental Health Treatment Court were not adequate. While he was waiting for eligibility, he did not receive the proper care and medication he needed. Furthermore, the guidelines of who qualifies for these treatment programs are unclear and inequitable.

The Treatment Not Jail Act is an important step for mental health courts because it would:

- Expand New York’s judicial diversion law by including people with mental health challenges, intellectual, neurological, physical, and other disabilities, who can benefit from treatment.
- Ensure that treatment court participants are not jailed without due process.
- Eliminate coercive and ineffective mandated treatment by permitting participation in treatment court without requiring a guilty plea.
- Expand eligibility by eliminating charge-based exclusions.
- Encourage judges to strongly consider the best clinical options for each participant and prioritize behavioral health needs over punitive responses.

There is an unmet need for more mental health and drug treatment for those who have been incarcerated. The Treatment Not Jail Act would allow more people the benefit of diversion from incarceration. Currently, only a very small percentage of those in need of this kind of program have access to it and the process for this involves many barriers. By supporting **Res. 0156-2022** and the statewide Treatment Not Jail Act bill, we can prioritize the medical needs of vulnerable individuals in order to truly and effectively decarcerate New York.

**I hope the Public Safety Committee seriously considers my testimony in support of standardizing and reducing barriers to mental health and drug court treatment programs, so people like my cousin can get the treatment they need before it’s too late.**

Thank you for listening to my testimony.

Respectfully,

Tarnisha

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Hussain Rahim

Address: Vanderbilt Ave ~~Brooklyn~~ Brooklyn, NY 11205

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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in favor  in opposition

Date: 9/30/2022

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Name: MARVA BROWN - The Legal Aid Society

Address: 199 Water Street, NY, NY 10038

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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Name: Lenore Lebron

Address: \_\_\_\_\_

I represent: Center for Court Innovation

Address: 520 8th Ave NY NY

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Date: 9/30/22

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Name: Amanda Berman

Address: \_\_\_\_\_

I represent: Center for Court Innovation

Address: 520 8<sup>th</sup> Ave 18<sup>th</sup> Fl. NY, NY

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Date: \_\_\_\_\_

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Name: Shane Correia

Address: \_\_\_\_\_

I represent: Center for Court Innovation

Address: 520 8<sup>th</sup> Ave 18<sup>th</sup> Fl. NY, NY

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in favor  in opposition

Date: 9/30/22

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Name: RAJI EDAYATHUMANGALAM

Address: FORENSIC SOCIAL WORKER

I represent: NEW YORK COUNTY DEFENDER SERVICES

Address: 100 William St., 20th Fl., NY, NY 10038

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in favor  in opposition

Date: 9/30/22

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Name: Nora Daniel, chief of staff

Address: Mayor's office of Criminal Justice

I represent: MOCJ

Address: \_\_\_\_\_

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