

The Hartford Community Court: An Experiment That Has Succeeded

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I. INTRODUCTION**

The Hartford Community Court opened in November 1998, as a pilot program.¹ The court has since quickly moved past its pilot, experimental phase to become a permanent and valued unit in the state's judicial system. When the Hartford Community Court opened there were only two other community courts in the United States: the Midtown Community Court in New York City,² which in important respects was a model for the Hartford

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** Much of the information appearing in this article came from interviews by the author with community court staff. Among those interviewed were the Judge and Court Planner of the Hartford Community Court (multiple interviews with each of them), all the other supervisory personnel of the Hartford Community Court (except for the Chief Marshal), and personnel of the Waterbury Community Court (Connecticut), Midtown Community Court (New York) and Portland Community Courts (Oregon). The author is most grateful to all those interviewed. Special thanks are extended to Chris Pleasanton, the Court Planner of the Hartford Community Court, who was so very helpful in arranging and providing data for documentation.

A precondition to the interviews was an understanding that information obtained from the interviews would not be attributed to the person interviewed and that most interviews would remain anonymous. In furtherance of this understanding, citations do not appear for much of the information appearing in this article.

¹ See CONN. GEN. STAT. § 51-181c(a) (2001) (authorizing such a court as a pilot program). The Hartford Community Court is a state Superior Court. Superior Courts are the only state courts in Connecticut, other than Probate Courts, with original jurisdiction.

² For a detailed study of the New York Midtown Community Court, see MICHELE SVIRIDOFF ET AL., *DISPENSING JUSTICE LOCALLY: THE IMPLEMENTATION AND EFFECTS OF THE MIDTOWN COMMUNITY COURT* (Nat'l Inst. of Just. ed., 1997); see also John Feinblatt et al., *Neighborhood Justice at the Midtown Community Court*, in *CRIME AND PLACE: PLENARY PAPERS OF THE 1997 CONFERENCE ON CRIMINAL JUSTICE RESEARCH AND EVALUATION* 81 (Nat'l Inst. of Just. ed., 1998); John Feinblatt & Greg Berman, *Responding to the Community: Principles for Planning and Creating a Community Court*, BUREAU OF JUST. ASSISTANCE BULLETIN (Bureau of Just. Assistance, U.S. Dep't of Just., Washington, D.C.), Nov. 1997, at 1-11; ERIC LEE & JIMENA MARTINEZ, CENTER FOR COURT INNOVATION, *HOW IT WORKS: A SUMMARY OF CASE FLOW AND INTERVENTIONS AT THE MIDTOWN COMMU-*

court, and a community court in Portland, Oregon. The community court concept is spreading and there are now such courts in fifteen United States cities, including a limited version community court in Waterbury, Connecticut that opened in October, 2000.³ In the future, it seems quite possible that most big cities in the United States and many smaller cities will have one or more community courts.

Although some community courts take a few types of civil cases, the principal jurisdiction of community courts is low-level crime—misdemeanors, and usually as well, some city ordinance violations that threaten quality of life in local neighborhoods. In considering the cases that come before them, community courts have several major objectives: they aim to sanction offenders; improve local community quality of life by reducing low-level crime; provide some pay-back to local communities for some of the quality of life crime these communities have been subjected to; and aid offenders in overcoming personal problems that contributed to their wrongful behavior and in many instances may result in more serious future criminal activity by these offenders if what causes these problems is not corrected. Some other types of specialized courts, most notably drug courts, seek to achieve most of these same objectives.⁴ Community courts seek to achieve all of them in cases in which defendants are charged with low-level crimes. Community courts are combination adjudicative, community service and social work entities that use the power, prestige and resources of the court to achieve their objectives. They also seek to deal more effectively with low-level crime than do many criminal courts. Too frequently, because of high case volume and priority given to the felony cases that come before them, many criminal courts give low-level criminal

NITY CENTER (1998); CTR. FOR COURT INNOVATION, RESOURCE MANUAL, SAMPLE DOCUMENTS FROM THE MIDTOWN COMMUNITY COURT (1999).

³ As of mid-2001, the cities listed below had community courts. Dates shown are when each court opened. The cities are: Atlanta, Ga. (April 2000); Austin, Tex. (Oct. 1999); Hartford, Conn. (Nov. 1998); Hempstead, N.Y. (June 1999); Indianapolis, Ind. (April 2001); Los Angeles, Cal. (Van Nuys) (May 2001); Memphis, Tenn. (Feb. 2000); Minneapolis, Minn. (June 1999); New York City, N.Y. (Midtown, Oct. 1993; Red Hook, April 2000; Harlem, May 2001); Portland, Or. (N./N.E., March 1998; S.E., Feb. 2000; Westside, April 2001); South Tucson, Ariz. (March 2001); Syracuse, N.Y. (July 2001); Waterbury, Conn. (Oct. 2000); West Palm Beach, Fla. (Aug. 1999); Wilmington, Del. (June 2000). For a brief description of community courts in operation as of mid-2000, see ERIC LEE, U.S. DEP'T OF JUST., COMMUNITY JUSTICE SERIES NO. 2, COMMUNITY COURTS: AN EVOLVING MODEL (2000).

Cities with community courts in the planning stage are Denver, Col.; Dallas, Tex.; Los Angeles, Cal.; Oakland, Cal.; Philadelphia, Pa.; Richmond, Cal.; San Diego, Cal.; San Francisco, Cal.; and Seattle, Wash. San Francisco currently has a court that is sometimes referred to as a community court.

⁴ On the goals and methods of drug courts, see KEVIN M. SHERIN & BARRY MAHONEY, U.S. DEP'T OF HEALTH & HUMAN SERVS., TREATMENT IMPROVEMENT PROTOCOL (TIP) SERIES NO. 23, TREATMENT DRUG COURTS: INTEGRATING SUBSTANCE ABUSE TREATMENT WITH LEGAL CASE PROCESSING (1996). See also Steven Belenko, *The Challenges of Integrating Drug Treatment Into the Criminal Justice Process*, 63 ALB. L. REV. 833 (2000); Michael C. Dorf & Charles F. Sabel, *Drug Treatment Courts and Emergent Experimentalist Government*, 53 VAND. L. REV. 831 (2000).

short incarceration periods. As one study concluded, in these courts the process is the principal punishment.⁵ Community courts try to do better. Court staff members devote substantial time to most every defendant and sentences have more prospect of achieving remunerative and corrective goals than does the usual low-level criminal case disposition approach of more traditional criminal courts.

A special effort is also made by community courts to link their courts to the local communities from which the cases coming to the court originate. Citizen input is typically sought in determining community service sites for defendants ordered by the court to perform community service, and often, as well, citizen input is sought in setting court policies and priorities. Recognizing and acting on citizen concerns, it is hoped, will also help reverse the resentment toward the courts and the police that is widely felt, especially by many who live or work in neighborhoods where quality of life crimes are most prevalent.

But why Hartford? Why was one of the nation's first community courts established there? Why not in Bridgeport or New Haven, cities comparable in size and prevalence of low-level crime to that of Hartford? The answer is that there was strong and enthusiastic support from all levels of government and from influential local citizen groups for establishing such a court in Hartford. Moreover, quality of life crimes had long been a major problem in Hartford, making that city a priority location for a court that would concentrate on these kinds of crimes. Start-up financial help also became available, including a \$700,000 grant from the U.S. Department of Justice.⁶ The initial annual estimated judicial-related cost of the court was \$1.1 million, plus \$400,000 in expenses covered by other state agencies—funding that was assured before the court opened.⁷

This article is principally concerned with the Hartford Community Court. Its staffing is discussed in Section II and its operations, including its procedures, special programs, courthouse facilities and financial costs are discussed in Section III. In Section IV, however, consideration is given to some of the alternatives to the Hartford model: why some existing courts depart from that model and why such departures may be necessary or preferable in plans for other community courts. Community courts are the product of many different pressures and needs, and these can vary greatly

⁵ MALCOM M. FEELEY, *THE PROCESS IS THE PUNISHMENT, HANDLING CASES IN A LOWER CRIMINAL COURT* (1979). The study focuses principally on the lower criminal court in New Haven, Connecticut.

⁶ *An Act Concerning Community Courts and An Act Establishing Additional Community Courts: Hearing on S.B. 283, H.B. 5352 and H.B. 5351 Before the Joint Standing Comm. on the Judiciary*, 1998 Sess. 401-02 (Conn. 1998) (statement of Judge Aaron Ment) (discussing the estimated judicial-related costs of the Hartford Community Court Pilot Program, the expenses to other state agencies, and the City of Hartford's grant from the United States Department of Justice).

⁷ *Id.*

product of many different pressures and needs, and these can vary greatly from community to community. The Hartford Community Court may be a worthy model for many other community courts, but the model may require substantial adaptation to be acceptable elsewhere. The article closes with concluding remarks in Section IV that consider some of the problems the Hartford Community Court is facing and how some of these problems can be resolved.

II. THE COURT STAFF

The staff of the Hartford Community Court, those assigned to the court and under its general control, differ in two important respects from the staff of most traditional trial courts: the Community Court staff is larger and many on the staff are not employees of the State Judicial Department but of other public or private agencies. The relatively large staff of the Hartford Community Court is due principally to both the extensive defendant and community services it provides, as well as to the court's high-volume caseload. The unusual feature of so many of the court's staff being employees of other agencies is attributable both to Judicial Department budget limitations and to the willingness of nonjudicial agencies to make staff available to the court in order to help achieve objectives that the agencies favor and are qualified to provide. The social services court staff positions are all filled by employees of outside government agencies: five positions by the City of Hartford and six by other state departments.⁸ A private non-profit agency, Community Partners in Action, provides all of the community service and mediation positions.⁹

Mediation services are provided by the Hartford Area Mediation Program ("HAMP"), a program of Community Partners in Action, under contract with the State Judicial Department. This contract is authorized by statute.¹⁰ The three HAMP mediators assigned to the Hartford Community Court work only part-time on cases originating from that court.¹¹ None of the three staff mediators is a lawyer. Much of the actual mediation of Community Court cases is conducted by volunteers who are recruited, trained and supervised by HAMP employees. The volunteers come from a staff of about thirty persons, trained by HAMP. They average about one

⁸ The state departments that fill the social services court staff positions include the Social Services Department (two full-time positions) and the Department of Mental Health and Addiction Services (four part-time positions).

⁹ The community service staff consists of a coordinator, four field supervisors and an administrative assistant. All are full-time at the Hartford Community Court. Two of the field supervisors are bilingual, speaking both English and Spanish.

¹⁰ See CONN. GEN. STAT. § 54-56m(a), (d) (2001); HARTFORD AREA MEDIATION PROGRAM, HARTFORD MEDIATION PROGRAM, PROGRAM NARRATIVE § C-1, at 1 (2001) [hereinafter HAMP].

¹¹ The three HAMP mediators include a Program Manager, a Senior Court Liason/Case Manager and a Court Liason/Case Manager. HAMP, *supra* note 10, § C-6, at 7-8.

mediation each per month. The group changes somewhat over time, although some have remained active for a decade or more. Over half of the volunteer mediators are African-American or Hispanic, which is reflective of the predominantly non-Caucasian resident population of Hartford. No special effort has been made to recruit lawyers to the volunteer group. However, since the program has been in existence, several lawyers have become mediation volunteers. Training of volunteers consists of twenty hours of classroom instruction in small groups and attendance at a few mediations as apprentices. HAMP started in 1984 as a pro bono project of lawyers at the Aetna Insurance Company. It is now largely supported by funding from the Connecticut State Judicial Branch, Office of Alternative Sanctions. In addition, HAMP provides mediation services to Connecticut Superior Court geographical area ("GA")-14, and also accepts mediation referrals from other public and private sources in the Hartford area.¹²

Competent administration is required if any court is to fulfill its objectives efficiently and effectively. Presiding judges are largely responsible for their courts being competently administered. This can be a very time-consuming and difficult obligation, especially for the judge of a high-volume, multi-service court such as the Hartford Community Court. The obligation becomes more time-consuming and difficult when the court is newly established and without precedent in a state's judicial system—a situation typified by the Hartford Community Court. Judge Raymond Norko, who has been judge of that court since its inception, has been superb in fulfilling his many administrative duties. Both in overseeing day-to-day operations of the court and in longer-term policy making, he has provided outstanding leadership and astute understanding of what the court has needed to achieve its goals. In carrying out his administrative duties he has been assisted by able court staff with oversight responsibilities.¹³ These include the court planner—in effect the chief administrative assistant to the judge—and the administrative heads of the various subunits within the court structure.¹⁴ Successful court administration deserves recognition. This aspect of judicial work is too often ignored or taken for granted by the legal profession and by the public unless some scandal or egregious error in court operations occurs.

Two persons assigned to the Hartford Community Court and who also are crucial to its operations, are the state's attorney (the prosecutor) and the public defender. In one sense, these persons are not part of the regular

¹² HAMP, *supra* note 10, § C-1, at 1.

¹³ RAYMOND R. NORKO & CHRIS PLEASANTON, HARTFORD COMMUNITY COURT: A JUDGE'S GUIDE TO HARTFORD COMMUNITY COURT § 12 [sic] (2000) [hereinafter JUDGE'S GUIDE].

¹⁴ *See id.* The administrative heads of the various subunits within the court structure include the coordinators of social services and community services, director of mediation, supervisor of the State Department of Mental Health and Addiction Services' court operations, supervisor of the clerk's office, and the supervising marshal in charge of the security staff.

court staff, rather, they are counsel to parties who come before the court. They are, however, so essential to the work of the court that, functionally, they must be included as part of the court's operational personnel. Each has some support staff help. These support staff positions are also functionally court staff positions. The state's attorney has an administrative assistant, and the public defender has an administrative assistant and an investigator. Both the present state's attorney and public defender have been assigned full-time to the Hartford Community Court and are very much part of the court team. The incumbent state's attorney has been working at the Community Court since it opened; the incumbent public defender has only been working at the Community Court since last summer, as public defender assignments to the court are rotated every year or so.¹⁵ State's attorney assignments to the Community Court are made by the Hartford state's attorney, after approval by the chief state's attorney. Public defender assignments to the Community Court are made by the chief public defender.

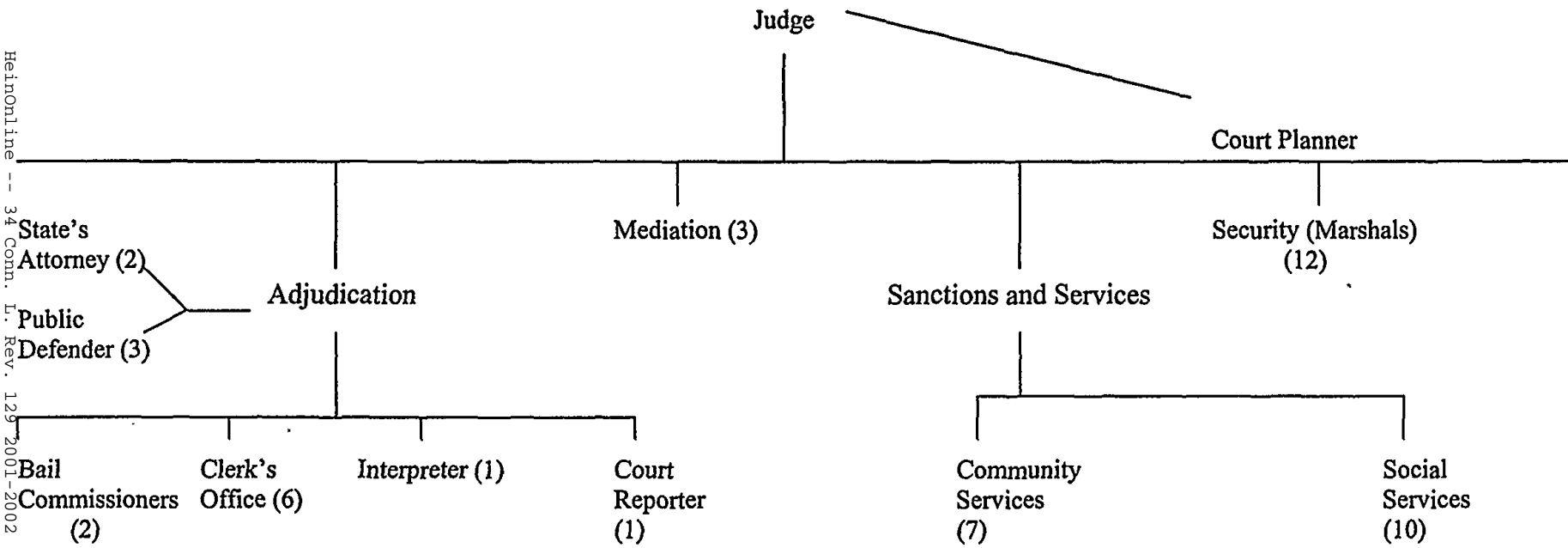
The Hartford Community Court's complete staff totals forty-nine positions. However, only sixteen of these are adjudication staff positions: the judge, the state's attorney, public defender, their assistants, and ten others.¹⁶ The remaining positions are assigned to providers of social services, community services, mediation and security. The accompanying court staff chart concisely sets out all of the court's staff positions and the principal function performed by each type of position.

¹⁵ Glenn M. Kaas, *Restorative Justice: A New Paradigm for the Prosecutor (A View from Hartford Community Court)*, THE PROSECUTOR, Nov.-Dec. 2000, at 31 (regarding state's attorney's tenure).

¹⁶ By comparison, New York's Midtown Community Court, with an annual case volume of about 16,000, has a staff of sixty-seven persons, forty-five assigned to courtroom operations and twenty-two to coordination duties, including administration, social services and community services. For the staffing structure of the Midtown Community Court, see LEE & MARTINEZ, *supra* note 2, § 5.

Chart 1.

Hartford Community Court Staff Chart



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All the positions appearing on the above chart are full-time at the Community Court except the three mediation positions and four of the social services positions. The marshals, who provide courthouse security, are full-time at the courthouse building also serve the Housing Court and Bar Examining Committee, other occupants of the building.

III. COURT OPERATIONS: THE WORK OF THE COURT

A. *Case Procedure from Inception to Final Disposition*

Since it opened, the Hartford Community Court has been averaging about 7000 new cases per year, all of them criminal cases.¹⁷ The area from which it draws its cases, sometimes referred to as the catchment area,¹⁸ is the entire City of Hartford. The court takes two kinds of criminal cases: state statutory misdemeanor offenses and certain adverse quality of life offenses prohibited by City of Hartford ordinances.¹⁹ The most common misdemeanor offenses that come before the Hartford Community Court are criminal trespass, larceny 6, and possession of marijuana. The most common city ordinance offenses it considers are loitering, public drinking and excessive noise.²⁰ Misdemeanor and ordinance violation cases that the court will not hear are those in which defendants are charged with particularly aggressive forms of violence, as well as drug offenses other than first-time charges of simple possession of marijuana.²¹

In considering cases before it, the Hartford Community Court gener-

¹⁷ From its opening to mid-2001, the Hartford Community Court processed 18,664 new cases, with a monthly volume varying from a low of about 300 cases to a high of about 1000 cases. *Community Court Statistics as of June 30, 2001*, HARTFORD COMMUNITY CT. NEWS & UPDATES (Hartford Community Ct., Hartford, Conn.), July 2001, at 1.

¹⁸ See, e.g., JUDGE'S GUIDE, *supra* note 13, § 1.

¹⁹ The Hartford Community Court's jurisdiction over these offenses is authorized by state statute and by city ordinance. CONN. GEN. STAT. § 51-181c(a) (2001); HARTFORD, CONN., CODE § 25-1 (1990).

The Connecticut General Statute Annotated section 51-181c(a) provides:

The Chief Court Administrator shall designate one court location in which a community court pilot program is to be established where there shall be a docket separate from other criminal matters for the hearing of (1) criminal matters which are misdemeanor cases, (2) misdemeanor cases transferred by the housing session of the Superior Court, and (3) violations of municipal ordinances referred by municipalities, in accordance with policies and procedures established by the Chief Court Administrator.

CONN. GEN. STAT. § 51-181c(a).

The City of Hartford Ordinance section 25-1 provides:

A person who violates any provision of this chapter . . . shall be summoned or brought to community court pursuant to P.A. 97-199 [the above stated statute]. . . . The superior court judge assigned to the community court may impose a penalty of community service, a fine up to ninety dollars (\$90.00) or a jail sentence up to twenty-five (25) days to any person who is convicted of violating any provision of this chapter.

HARTFORD, CONN. CODE § 25-1.

The Housing session of the Superior Court has so far transferred only a very few cases to the Hartford Community Court.

²⁰ JUDGE'S GUIDE, *supra* note 13, §§ 2, 4. For the usual community service sentences imposed on Hartford Community Court defendants who plead guilty to one of the above-mentioned offenses or certain other offenses, see *id.* § 4.

²¹ See *id.* § 2 (listing crimes handled by the Hartford Community Court).

ally adheres to procedures followed by other Connecticut criminal courts.²² However, the Community Court shapes these procedures and adds to them in order to achieve its basic goals, especially the goals of improving quality of local community life and aiding defendants in overcoming the problems that contributed to the criminal conduct that brought them before the court. Also influencing the court's procedures is the fact that, although nominally a trial court, it tries very few cases.²³ Basically it is a court that encourages conditional guilty pleas and devotes most of its efforts to overseeing and facilitating defendants' compliance with the requirements imposed by the court as conditions to pleading guilty. Guilty pleas are encouraged not only by the court's offer to dismiss charges against defendants who, if they plead guilty, fulfill conditions imposed by the court, but also by the assistance in improving their lives that the court provides many of the defendants who plead guilty.

A typical case that comes before the court follows the procedural steps set forth below.²⁴

1. *Initial Police Action*

The defendant is arrested by a police officer or a summons is issued by a police officer for an alleged offense within the jurisdiction of the Community Court.²⁵ About half of the Community Court's cases have recently originated as summonses, although in some periods, when more police officers were on foot patrol, the summons percentage has been as high as eighty percent.²⁶ Those arrested are taken by the police officer to a police station and incarcerated unless released on bail or on a promise to appear.²⁷ Appearance before the Community Court is required within two business days following either an arrest or summons.²⁸

²² See generally 4 LEONARD ORLAND & DAVID M. BORDEN, *CONNECTICUT PRACTICE, CRIMINAL PROCEDURE* §§ 36-44 (3d ed. 1999) (discussing criminal procedures in Connecticut courts).

²³ See, e.g., *Community Court Statistics as of June 30, 2001*, *supra* note 17; Memorandum from the Hartford Community Court, to Quintin Johnstone (2001) (on file with author) ("The Hartford Community Court has tried very few not guilty cases.").

²⁴ Notably, the caseload procedure followed by the Midtown Community Court is much the same as that of the Hartford Community Court. For the Midtown Court's procedures, see LEE & MARTINEZ, *supra* note 2.

²⁵ JUDGE'S GUIDE, *supra* note 13, § 3. The police officer may arrest or issue a summons for criminal conduct that the officer observed or that was cited in a citizen complaint. Arrests also are made following issuance of an arrest warrant by a judge. The Hartford Community Court judge commonly issues an arrest warrant when a defendant fails to appear in court as required or fails to appear for or complete community service as ordered by the court. Police stings are a means frequently used to apprehend some kinds of criminals, notably prostitutes and their customers.

²⁶ In the first seven months of 2001, of 5652 new Hartford Community Court cases, 2932 (52%) originated as arrests, 2720 (48%) as summonses. Memorandum from Hartford Community Court, to Quintin Johnstone, *supra* note 23.

²⁷ JUDGE'S GUIDE, *supra* note 13, § 3.

²⁸ *Id.*

2. *Report to the Bail Commissioner*

Prior to appearing in court, those arrested or issued summonses are interviewed by a bail commissioner.²⁹ At this intake interview, the bail commissioner obtains detailed information from the defendant on such matters as age, education, residence, employment, medical problems and prior criminal record. The bail commissioner also performs a computer check of possible prior criminal activities of the defendant as disclosed by information available nationally to law enforcement officials. After the interview and computer check, the bail commissioner prepares a separate detailed summation about the defendant on a computerized record that is available to the judge at the defendant's arraignment hearing. If, from the intake interview, the bail commissioner concludes that the defendant is in need of immediate assistance from the court's social services staff, the defendant is promptly referred to social services personnel for further consideration. Only about one percent of defendants are sent to social services at this pre-arraignment stage in the proceedings.³⁰

3. *Report to the State's Attorney*

The state's attorney meets with each defendant in the courtroom shortly before arraignment. At this meeting, the state's attorney explains the plea procedure, the plea options available to the defendant, the eventual dismissal possibility if the defendant conditionally pleads guilty and fulfills the required conditions, and notifies the defendant of what conditions or other recommendations the state's attorney intends to make to the judge at the upcoming arraignment. If the defendant is represented by private counsel or the public defender, that counsel is present at the meeting of the state's attorney with the defendant. Unless the defendant has decided to plead not guilty, the state's attorney recommends to the judge what action should be taken. Usually, the recommendation is that a conditional guilty plea be accepted; occasionally, the recommendation is that the case be dismissed or continued. Dismissal recommendations most often occur when the state's attorney concludes that there is insufficient evidence of the defendant's guilt. Continuances may be recommended pending acquisition of further information. For example, if the outcome of a mental competency evaluation of the defendant is pending or, if mediation is being recommended, and the outcome of the mediation is pending, then a continuance may be recommended. Prior to arraignment, the public defender meets with some defendants, including all those who are in the lockup. There are about a dozen defendants who meet with the public defender in a typical day. These defendants include those who request such a meeting

²⁹ *Id.*

³⁰ Memorandum from Hartford Community Court, to Quintin Johnstone, *supra* note 23.

and “no-shows” who missed earlier appearance dates. The public defender reviews the police reports on each defendant that she meets with and discusses with the defendant the charges being made in order to determine if there is a possible defense. She also makes certain that the defendant understands what is being charged. If a defendant appears to be mentally incompetent, the public defender will request a competency evaluation.

4. Court Appearance

The next step in the Community Court’s procedure is arraignment before the judge.³¹ At the arraignment the defendant must enter a plea.³² In most all cases the defendants conditionally plead guilty. Such a plea differs from the usual type of guilty plea in that if the conditions set by the court are satisfactorily met by the defendant, the case against the defendant will be dismissed and the public record of the case deleted. This prospect of case deletion from the public record is a further inducement for most defendants to accept conditional guilty pleas. At arraignment proceedings, when conditional pleas of guilty are entered, the judge advises defendants of their rights, questions them to make certain they understand what will be expected of them as a result of such a plea, and then, in almost all of these cases, accepts the plea and sets forth the required conditions.³³ The usual sanction is one day of community service. The sanction is more for some offenses, including repeat offenders; and there have been community service sanctions as long as thirty days.³⁴ Bail is ordered by the judge in some cases and occasionally a jail sentence is imposed for some offenses.³⁵ The judge also makes clear to all defendants taking conditional guilty pleas that

³¹ See JUDGE’S GUIDE, *supra* note 13, §§ 3, 7. These initial arraignment cases are heard in a separate docket each morning. *Id.* § 7. Other cases are heard by the judge in separate dockets during the day: the regular docket hears continued cases; the prostitution docket hears cases up for judicial hearing of defendants assigned to the Prostitution Protocol Program; and the disposition docket hears cases being considered for dismissal, mostly cases in which defendants have satisfactorily completed their guilty plea conditions. *Id.*

³² *Id.* § 3.

³³ See *id.* § 7.

³⁴ Guidelines followed by the Hartford Community Court judge in determining the number of days of community service that will be required for different kinds of state statutory offenses are these: breach of peace, one day; larceny 6, one day; simple possession of marijuana (first-time charge), two days; interference with a police officer (no injury to the officer), one day; prostitution, if not suitable for the Prostitution Protocol, eight days of community service or jail, depending on the case; solicitation (of prostitutes), five days; disorderly conduct, one day; threatening, one day; criminal trespass, one day; and criminal mischief, one day. See *id.* § 4. For the following City of Hartford ordinance violations the community service sentencing guidelines are these: public nuisance, one day; loitering, one day; public drinking, one day; public drunkenness, one day; and excessive noise, one day. *Id.* Defendants charged with any crime occurring in a hospital emergency room will have their sentences increased automatically, usually doubled. *Id.* Those defendants with prior criminal histories, who, for example were previously charged with the same offense, will be sentenced to more than the above guideline days of community service. *Id.* For the court’s community service sentencing guidelines, see *Id.*

³⁵ *Id.* For example, jail may be ordered for prostitution or failure to appear. *Id.*

they must be interviewed by social services personnel and that any social service, health or educational requirements imposed by the social services staff will become part of the court's order and conditions that must be met. This means that when conditionally pleading guilty, defendants may not be aware of all the conditions that they eventually must satisfy in order to have charges against them dismissed.

5. *Report to Social Services*

Immediately after their court hearing, defendants who have pleaded guilty must report to the social services staff.³⁶ They are then interviewed to assess their needs and to provide available assistance. The interviews cover such matters as substance abuse, employment, and health and housing problems.³⁷ Where appropriate, defendants are assigned to special programs conducted by court staff or are referred to outside service agencies. In many cases, defendants are legally obligated under their conditional guilty pleas to participate in the assigned programs or seek the help that the interview staff has concluded is needed. If social services staff imposes a requirement on a defendant, the judge generally does not subsequently review or approve the particular requirement. In some cases the social services staff merely advises defendants on what they should do and the defendants are under no obligation to follow the advice. A frequent form of aid provided by social services is the assistance of defendants in obtaining financial, housing or medical help to which they are entitled or for which they can qualify, such as welfare, medicare or public housing.

Through its special programs, the social services staff itself provides some types of assistance that defendants need. Such programs are discussed in some detail hereafter.³⁸ However, social services also relies heavily on referrals to a wide range of outside agencies for providing some kinds of additional aid that it concludes are needed and available.³⁹

6. *Community Service*

One or more days of community service under supervision of court staff members is the sanction imposed on most defendants who come before the Hartford Community Court and conditionally plead guilty.⁴⁰ Implementing this sanction at various places throughout the city is perceived

³⁶ *Id.* § 3.

³⁷ *Id.* § 1.

³⁸ See discussion *infra* Part III.B.

³⁹ Among the many outside agencies to which social services staff refer defendants are the Capital Region Crisis Team (assistance for mental health and substance abuse); Blue Hills Hospital (assistance for defendants needing in-patient care); Mercy Family Center (a shelter for homeless, at-risk family members); and Literacy Volunteers (offering a program for illiterate adults).

⁴⁰ See JUDGE'S GUIDE, *supra* note 13, § 4.

as one of the court's most important functions. It not only constitutes punishment for criminal behavior but its visibility to those in the community makes clear that the court system is providing a payback, recompense, for the quality of life crimes that can be important causes of neighborhood deterioration. The usual form of community service assignment is cleanup of trash and debris from streets, sidewalks, public parks and empty lots, and snow removal in the wintertime from public sites.⁴¹ Other sanctions occasionally imposed, usually in addition to community service, are fines, a short jail term or an essay on the defendant's wrongful conduct, the latter most often required of defendants who are college students. Each work crew includes no more than eight defendants. A court field supervisor remains on-site with each crew. Crews are out working most every day and are brought from the courthouse to the work site and back by vans owned and operated by Community Partners in Action.⁴² While working, all defendants wear lightweight vests over their other clothing identifying them as community service workers.⁴³ Following a cleanup job, signs are often posted noting that a Community Court work crew has done the cleanup work.⁴⁴ Obviously, these publicly visible community services help in making the local citizenry aware of the quality of life improvements that the Community Court is providing, and also may act as a warning, and hence something of a deterrent, to quality of life criminal behavior by others.

In selecting work sites and work projects for the court's community service work crews, the entire city has been divided into seventeen neighborhoods, and sites in each neighborhood regularly receive work crew assignments.⁴⁵ An advisory citizen group in each neighborhood has been set up to recommend work projects in its locality, and Hartford's City Works Department also suggests work projects. To the extent feasible, each defendant is assigned to a work project in the neighborhood where that person was arrested. This further underscores the payback contribution. Defendants given community service assignments who fail to report at the designated time or who fail to complete their work assignments are subject

⁴¹ JUDGE'S GUIDE, *supra* note 13, § 1 (listing community service projects). Not all community service assignments consist of neighborhood cleanup efforts. Once each week, a community service work crew assists a charitable organization, Foodshare, that provides food to needy persons. The assistance consists of unloading Foodshare trucks at various distribution centers. Also, some defendants are assigned to laundry and to court van washing duties.

⁴² A typical community service day involves the following: Report to the courthouse at 8 a.m.; be transported to the work site by 8:30 a.m.; work until 2:30 p.m., with one hour for a bag lunch provided by Community Services; and back to the courthouse by 3:30 p.m. During a typical week, ten to fifteen sites will be cleaned in different city neighborhoods.

⁴³ In highly visible lettering, the back of each vest has printed on it "Community Service, Community Pride."

⁴⁴ These signs state the following: "Do not litter or YOU will be cleaning with a Community Service Work Crew."

⁴⁵ JUDGE'S GUIDE, *supra* note 13, § 1.

subject to arrest and, when apprehended, are likely to receive a more severe sanction than their previous one, in some cases a jail sentence.⁴⁶ In terms of hours of community service that the Community Court program has contributed, the total is impressive, averaging about 27,000 hours a year since the court was established.⁴⁷

7. *Case Dismissal*

Upon report by court staff that a defendant has successfully met all guilty plea conditions, the case against the defendant is dismissed and stricken from the public records.⁴⁸ Only about five percent of defendants who conditionally plead guilty fail to successfully complete the required conditions. Some of these defendants disappear and are never apprehended, although subject to arrest. Others are arrested, returned to the court and resentenced, usually to more days of community service than previously ordered.

The procedure for the small percentage of Community Court defendants who plead not guilty departs considerably from that described above. At the court appearance stage, following a not guilty plea, the case is assigned for trial. Jury cases are transferred for trial by judges at the nearby Hartford Superior Court (GA-14);⁴⁹ other cases are tried by the Community Court judge, who, in the court's first thirty-six months, has tried only about twenty cases.⁵⁰ Defendants pleading not guilty are not, after their plea, required to be interviewed by social services personnel. At arraignment a small number of cases also are dismissed or continued by the Community Court judge. Dismissal, for example, may occur because the conduct charged is not criminal; and a continuance may be ordered pending further developments in the case, such as a mental evaluation of the defendant, the outcome of mediation or until the defendant's private counsel can appear.

B. *Special Court Programs*

Community Court staff provides a series of special programs for certain kinds of defendants who come before the court: prostitutes, those who

⁴⁶ There have been incidents of defendants walking off the job or being disruptive or threatening towards the crew supervisor. When such incidents occur the police are often called and an arrest may follow.

⁴⁷ *Community Statistics as of June 30, 2001*, *supra* note 17. From the time the court opened in 1998 to mid-2001, court community service crews provided 71,870 hours of community service. *Id.* The average of 27,000 hours per year is based on the 71,870 hour figure.

⁴⁸ JUDGE'S GUIDE, *supra* note 13, § 7 [sic]. However, the internal court record on the defendant is retained for future court reference if the defendant again comes before the court for subsequent criminal behavior. However, this record is not publicly available if the case is dismissed following the defendant's satisfactory completion of guilty plea conditions.

⁴⁹ JUDGE'S GUIDE, *supra* note 13, § 1.

⁵⁰ Memorandum from Hartford Community Court to, Quintin Johnstone, *supra* note 23. All of these were excessive noise cases and in five of them the defendants were found not guilty. *Id.*

solicit prostitutes known as “Johns,” those with substance abuse problems, and youthful offenders.⁵¹ These groups, it is believed, have underlying problems that counseling and educational efforts of court staff, backed by the coercive authority of the court, may be particularly effective in helping to solve. Prostitution, solicitation of prostitutes, and marijuana possession, in terms of the severity of sanctions the court usually imposes, are also the most serious kinds of criminal behavior that come before the court. These statistics may well merit giving special court attention to those committing these kinds of crimes.

Defendants who plead guilty to prostitution are considered for what is called the “Prostitution Protocol Program,” also known as the Women’s Holistic Health Program.⁵² This is an intensive counseling and educational program for prostitutes that precedes assigned community service and consists of five group sessions, followed by a one-on-one session with a counselor. Prostitutes pleading guilty, and who appear likely to benefit, are assigned to this program. Many of those ordered to take part in the Prostitution Protocol Program are retained in custody for thirty to forty-five days to assure their participation in the program and to provide them with help for any drug dependency problems they may have. The group sessions are held on successive days and each session lasts about three hours. A counselor from social services attends all class sessions and guides the discussions. Discussions range over many subjects, including the defendants’ personal experiences and feelings, their emotional needs, self-esteem, goals they should set for themselves and how to achieve these goals. Those in attendance are treated as people worthy of consideration and respect. Most Hartford prostitutes have drug addiction problems, and how to deal with these problems is also often discussed. In terms of known recidivism, the program has apparently been a success, as only twenty-five percent of those who have successfully completed the program have later come before the court charged with subsequent acts of prostitution. This percentage is well below the national rate for those convicted of prostitution.⁵³

The court has a similar but less extensive educational and counseling program for “Johns,” as compared to the programs for prostitutes. “Johns” who plead guilty are mandated by the judge of the Community Court to

⁵¹ JUDGE’S GUIDE, *supra* note 13, § 11 [sic].

⁵² Male prostitutes do not participate in the Prostitution Protocol Program. They are included in the program for “Johns.”

⁵³ From its inception to mid-2001, 128 women participated in the Prostitution Protocol Program, eighty-four successfully completed the program and twenty-one of these have later been returned to the Community Court charged with subsequent acts of prostitution. Memorandum from Hartford Community Court to, Quintin Johnstone, *supra* note 23. In establishing the Prostitution Protocol Program and training its court staff, the “Paul & Lisa Program,” based in Westbrook, Connecticut, has been very helpful. The Paul & Lisa Program is a private nonprofit organization that operates in Connecticut and other states. It seeks to prevent sexual exploitation of juveniles and young adults and to aid victims of such exploitation.

attend a two-hour class session that considers the motivations, problems and health risks of those who patronize prostitutes.⁵⁴ The judge also orders the “Johns” to be tested for sexually transmitted diseases (“STDs”), including venereal disease—a requirement also mandated for all defendants who plead guilty to prostitution.⁵⁵ Testing and any needed treatment are provided by the City of Hartford Health Department, and the Hartford Community Court staff, which schedules the tests and provides transportation to the testing site.⁵⁶ Warrants are issued for those who fail to appear and submit to court-ordered tests as scheduled. Court staff frequently recommend that other defendants considered to be at risk of having a sexually transmitted disease, such as a number of those who are drug dependent, voluntarily agree to STD testing by the Hartford Health Department, and many defendants take advantage of this opportunity. Results of all tests, whether mandated or voluntary, are confidential and are not reported to the court.⁵⁷ Social services staff also offer a voluntary substance abuse program to any defendant who wishes to attend. Attendance is required of no one, but some defendants with serious drug or alcohol dependency problems are urged to attend. The program consists of weekly group educational and counseling sessions and some participants find the sessions so helpful that they continue to attend for a time after their case before the court is dismissed.

Another of the Hartford Community Court’s special programs is a program for youthful offenders that are sixteen to eighteen years of age.⁵⁸ One of the bail commissioners, in addition to her other duties, has taken over as supervisor and principal administrator of this program. She initially interviews each defendant in the sixteen to eighteen year age group who comes before the court and has conditionally pleaded guilty. She then recommends to the judge which of these defendants should be assigned to the program and what conditions should be imposed on those so assigned. Conditions vary based on the apparent problems that a particular defendant may have. Prior to making her recommendation, the supervisor may also consult with others, such as the youth’s parents or school officials. Her recommendations generally are adopted by the court as conditions to the defendant’s guilty plea. Conditions imposed usually consist of such requirements as curfew hours, school attendance, study time and permissible

⁵⁴ JUDGE’S GUIDE, *supra* note 13, § 11 [sic].

⁵⁵ HARTFORD COMMUNITY CT., HARTFORD COMMUNITY COURT SEXUALLY TRANSMITTED DISEASE (STD) TESTING PROTOCOL 2 [hereinafter STD TESTING PROTOCOL]. The court’s right to mandate testing for sexually transmitted diseases is provided by statute. See CONN. GEN. STAT. §§ 54-102a, 54-102b (2001). “Johns” are also offered HIV testing on a voluntary basis, and approximately half of those who come before the court request testing.

⁵⁶ STD TESTING PROTOCOL, *supra* note 55, at 1.

⁵⁷ *Id.* at 4.

⁵⁸ JUDGE’S GUIDE, *supra* note 13, § 11 [sic].

employment. Some of these youthful offenders are also required to attend an STD awareness group session. These sessions are conducted by an AIDS outreach worker from Community Health Services, and each defendant so assigned must attend two one-hour group sessions. It is also recommended to some of these youthful offenders that they be tested for STDs. This recommendation is often followed.

The Hartford Community Court also has another youth program, this one for nonoffenders, students from a nearby public school. The school, the Hartford Transitional Learning Academy, is located three doors from the court on Washington Street. Students assigned to the Academy are troubled youths, many from neighborhoods with high incidences of crime and many at risk of engaging in quality of life crimes in local communities. In cooperation with Academy staff, twice each week small groups of Academy students, along with one of their teachers, visit the court, observe court sessions and meet with the judge to discuss the judicial process, what it seeks to accomplish, and the effects of criminal behavior on the community. The court presents a diploma to each student who completes this instructional program.⁵⁹ Both the Academy and the court perceive the program as not only educational but also preventive, reducing the likelihood that participating students will later engage in criminal behavior.

Still another Hartford Community Court special program, one quite different from the others, is mediation. Mediation is a process whereby parties to a dispute meet together and, with the aid of a neutral third party (the mediator), seek to resolve their dispute.⁶⁰ By statute, in Connecticut, mediation programs are authorized as permissible means of resolving and terminating prosecution of some criminal cases before the Hartford Community Court and other designated Superior Courts.⁶¹ The usual procedure for referral of Community Court cases to mediation starts with the state's attorney, who daily screens all new cases coming to him and recommends for mediation those cases he considers appropriate for that type of consideration.⁶² Cases recommended for mediation commonly are those in which a dispute arose between two or more parties and that escalated to the point

⁵⁹ Raymond R. Norko, *From the Judge's Chambers*, HARTFORD COMMUNITY CT. NEWS & UPDATES (Hartford Community Ct., Hartford, Conn.), July 1, 2001, at 1.

⁶⁰ Similar to mediation—and sometimes considered a form of mediation—is conciliation, a process in which conflict resolution is sought without in-person meetings of parties to the dispute. In a conciliation the neutral third party seeks to negotiate a settlement agreement with the defendant satisfactory to the victim or victims and without a session in which the adversaries are all present. A typical conciliation settlement is the defendant making monetary restitution to the victim or victims or an apology by the defendant to those who were harmed. The Hartford Community Court mediation program includes some cases in which conciliation is the process followed. This can produce desired results when, for instance, the victims are unable to get to meetings or when any meetings might be overly rancorous.

⁶¹ See CONN. GEN. STAT. §§ 54-56m (2001).

⁶² HAMP, *supra* note 10, § C-10, at 13.

that the police were called and arrests were made.⁶³ After recommendation by the state's attorney, one of the court's mediation staff members reviews the prosecutor's recommendation in each case, and if the recommendation is approved by the mediation staff person (which happens in most instances) and is approved by the judge, intake interviews are held with the defendant and other parties to the conflict.⁶⁴ These parties must agree to mediate; without their consent no mediation will occur.⁶⁵ If they consent and the judge has authorized mediation, the case against the defendant is continued for forty-five days, pending outcome of the mediation.⁶⁶ Mediation then takes place and if a settlement is reached, the case is usually dismissed by the judge.⁶⁷ About thirty Community Court cases per month are assigned for mediation. This is a small percentage of the court's total caseload. A settlement is reached in only about half of the mediated cases, but even cases that fail to settle may result in some benefits by increasing each party's understanding of the other side's position. Mediated cases that fail to produce a settlement go back to the judge for further consideration, including the possibility of conditional guilty pleas, community service, and other sanctions.⁶⁸

C. Courthouse Facilities

The Hartford Community Court has a near-optimal courthouse structure for conducting its operations: a two-story building owned by the state, with most of the building allocated to the Community Court. It is large enough to conveniently locate almost all of the court's staff, and is well adapted to the court's operations. It is also attractive and non-menacing in appearance.⁶⁹ Further, it is equipped with an advanced computer system, essential to the efficiency of the court's case disposition operations. The courthouse is located in a downtown area near other state government buildings, and in a central location readily reached by public transport.⁷⁰

⁶³ Examples of the types of disputes that, following arrest, may lead to mediation are these: a controversy among neighbors over disturbing noise from one of the residences; disagreement between students at school that leads to angry threats of physical violence; and an altercation following an automobile accident in which one automobile strikes and damages another one.

⁶⁴ HAMP, *supra* note 10, § C-11, at 14.

⁶⁵ *Id.*

⁶⁶ Kaas, *supra* note 15, at 34.

⁶⁷ HAMP, *supra* note 10, § C-14, at 19.

⁶⁸ For a more detailed account of mediation of Hartford Community Court and the Hartford Superior Court (GA 14) criminal cases, see generally HAMP, *supra* note 10.

⁶⁹ The courthouse structure is occupied by the Community Court, the Hartford Housing Court (a session of the Superior Court) and the State Bar Examining Committee. The Community Court and its staff occupy about two-thirds of the building, the Housing Court most of the remainder. Each court has its own courtroom. The Bar Examining Committee has only very limited office space.

⁷⁰ Notably, the New York Midtown Community Court's facilities are quite similar to those of the Hartford Court. The Midtown Court occupies half of a rather small six-story building on West 54th

The one significant deficiency in the building that has become apparent is the insufficient lockup space needed for all incarcerated defendants on their court appearance days.⁷¹ In this era of many overcrowded, rundown and badly designed state and municipal courthouses, the Hartford Community Court's facilities provide many advantages.

D. *The Financial Cost of Operating the Community Court*

The current annual cost of operating the Hartford Community Court is approximately \$2.4 million, about two-thirds of which is paid by the State of Connecticut. The remainder is paid by the City of Hartford and a private, nonprofit organization, Community Partners in Action.⁷² Notably, these approximated costs are based primarily on rough estimates of expenses, such as estimates of staff salaries. Apparently, no more accurate calculation of the court's current annual cost has been made. The City of Hartford receives some payback from the court through the work of court community service crews in cleaning city properties. In addition, there are some financial benefits, incalculable in precise monetary terms, to the extent that the court reduces criminal recidivism rates and deters property

Street in Manhattan. The building is in a busy commercial area readily reached by mass transit and the building has been redesigned and restructured so that it is well adapted to the court's operations. New York's Red Hook Community Court is located in a former parochial school building, long vacant when taken over for judicial purposes. The court and its affiliate agency, the Red Hook Community Justice Center, are the sole occupants. New York City financed the building renovation and remodeling costs.

⁷¹ The courthouse of the Hartford Community Court has only two very small cells, lockup waiting rooms. Each can hold a maximum of only four persons, and then, only under crowded and unpleasant conditions. Three more cells are needed, and it would be best if each cell were somewhat larger. The cells are for daytime use only. Defendants held overnight are housed elsewhere and brought to the Community Court for hearings. Lack of cell space at the Community Court creates problems for the marshals on days when more jailed defendants are scheduled for court appearances than available cell space at the courthouse. Lack of space also makes it difficult for counsel representing jailed defendants, including the public defender, to hold confidential discussions with their clients prior to court appearances.

⁷² The current annual cost figures for operating the Hartford Community Court were provided to the author by the court:

State of Connecticut Judicial Branch	\$ 884,049.00
Community Partners in Action	326,410.00
Mediation (HAMP)	56,000.00
Marshals	435,000.00
State's Attorney and Assistants	121,000.00
Public Defender and Assistants	140,000.00
City of Hartford Staff	202,000.00
Department of Social Services	90,000.00
Department of Mental Health and Addiction Services	<u>180,000.00</u>
	\$ 2,434,459.00

Memorandum from Hartford Community Court to, Quintin Johnstone, *supra* note 23. In addition to these figures, the City of Hartford made a non-recurring contribution of \$200,000 in Fiscal Year 2001 to cover the costs of equipment. *Id.*

damage—savings that would not otherwise have occurred except for Community Court action. It also should be recognized that the Community Court diverts many criminal cases from other criminal courts, thereby reducing the caseloads and operational financial costs of these other courts.

IV. SOME ALTERNATIVES TO THE CURRENT ORGANIZATION AND OPERATION OF THE HARTFORD COMMUNITY COURT

There are many alternative ways in which community courts can be organized and operated. The Hartford Community Court has emerged as one model of such a court. This section describes some of the alternatives to the current Hartford model, certain of which may merit consideration as new pressures and demands emerge, calling for changes in the Hartford Community Court and how it goes about its work. As with all government entities, such pressures and demands inevitably will arise. Certain of the alternatives also may merit consideration, in Connecticut and elsewhere, when planning new community courts. The alternatives discussed in this section have been adopted by one or more other community courts, by the Red Hook Community Justice Center in New York City (a Community Court affiliate agency), or by a drug or juvenile court that in important respects resembles a community court.

The first alternative considered is the limited resources community court recently established in Waterbury, Connecticut. The other alternatives considered relate to some important aspects of court organization or operation that significantly depart from the current Hartford Community Court model. These include jurisdiction, special programs, local community relations, courthouse facilities, and evaluation. This section is illustrative only; it does not attempt a comprehensive listing and analysis of possible alternatives to the Hartford model.

A. *A Limited Resources Community Court: The Waterbury, Connecticut Model*

Many cities that may be contemplating a community court may be unable to attract the necessary funding and other resources to operate a full-time, high-volume community court on the scale of New York's Midtown Community Court or even that of the Hartford Community Court. Also, some cities are obviously too small to justify a large-scale community court covering only their city. For any of these cities, the Waterbury Community Court, in Waterbury, Connecticut may provide a feasible alternative model.

The Waterbury Community Court has all of the essentials of a community court: jurisdiction over low-level crimes that threaten local quality of life; community service under court auspices as the common sanction; a range of ancillary corrective programs that often are mandated by the court

for defendants who conditionally plead guilty; and careful screening of defendants by skilled personnel to determine if participation in corrective programs should be ordered. However, the Waterbury Community Court operates with quite restricted funding and a relatively small staff that is almost entirely part-time.

In addition to the judge, there are twelve others on the court staff, plus the state's attorney and the public defender.⁷³ The court planner, who performs a miscellany of administrative and liaison duties, is the only staff person assigned full-time to the Waterbury Community Court. Currently, most of the other staff only spends about one day each week on Community Court matters.⁷⁴ Operation of the court's community service program is contracted out to a private company that daily supervises a small crew of offenders sentenced by the Community Court. These crews do mostly trash and litter cleanup work at various city sites.⁷⁵

The Waterbury Community Court and its staff share courtroom and office space at the Waterbury criminal court building, a large and relatively new building in downtown Waterbury. Court ordered or recommended corrective programs, other than some initial evaluations, are not provided on-site but referred to outside agencies.

The caseload procedures followed by the Waterbury Community Court are quite similar to those of the Hartford Community Court. One departure is that new arrest cases are screened by the state's attorney to determine which ones should be sent to the Community Court, a procedure that can be used to limit the Community Court's case volume. The volume of new Community Court cases that have appeared since the court opened average only about 100 each month, with all of them comprised of misdemeanor charges. New case volume is expected to increase considerably as the result of recent action by the City of Waterbury authorizing the Community Court to take some city ordinance offense cases, such as littering and vehicle abandonment. Due to the anticipated increase in case volume, the Waterbury Community Court will soon be hearing matters twice a week instead of only once a week as occurs at present. Similar to what the Hart-

⁷³ Court staff includes the court planner, bail commissioner, court clerk, court monitor, interpreter, two marshals, two City of Waterbury social workers, one professional from the State Department of Social Services and two professionals from the State Department of Mental Health and Addiction Services.

⁷⁴ The court clerk is a major exception to this. She devotes about three-fourths of her time to Community Court matters.

⁷⁵ Most cleanup work assigned to Waterbury offenders is for city streets, but some of it is cleaning indoor premises of private, nonprofit, public service organizations such as soup kitchens, the American Red Cross and the Salvation Army.

Other community courts have also added other community service projects to the usual cleanup of public facilities. For example, New York's Midtown Court has some offenders preparing bulk mail being sent by local nonprofit organizations and the Atlanta Community Court assigns some offenders to assisting with Habitat for Humanity home building and others to repair homes of low-income persons in need of help.

ford Community Court has experienced, not guilty pleas at the Waterbury court have been rare, and only one such plea in the Waterbury Community Court's first ten months of operation required a trial. That case was to be tried at the Waterbury Community Court.

One relatively unique feature of the Waterbury Community Court is the extensive jurisdictional area from which it draws cases. It takes not only misdemeanor cases that originate in Waterbury but also those originating in the Greater Waterbury Area, an area that includes the seven surrounding towns.⁷⁶ However, community service ordered by the court is restricted to the City of Waterbury and defendants before the Community Court whose offenses originated outside of Waterbury are often sentenced to performing community service in Waterbury.

B. *Jurisdiction*

The Hartford Community Court's jurisdictional area is the entire City of Hartford, one community court for the entire city. The Waterbury Community Court's jurisdictional area is even larger, encompassing the City of Waterbury plus surrounding towns. There are alternatives to these two Connecticut examples. The more common community court jurisdictional area is a sizable section within a city, typically a section with particularly troublesome quality of life criminal problems, such as a high crime inner-city area or a downtown area where low-level crime is driving away shoppers, tourists and tenants.⁷⁷ Some community courts whose jurisdiction is generally limited to a city section do take some limited kinds of cases involving offenses occurring anyplace in the city.⁷⁸ However, in most cities with one or more community courts, there are large sections of each city for which there is no community court jurisdiction.

Another jurisdictional aspect of all community courts is that they serve only a relatively small area of the state in which they are located, leaving no community court with jurisdiction over most of the other parts of the

⁷⁶ These are all the towns in the Waterbury Superior Court Geographical Area (GA-4): Bethlehem, Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Watertown, Wolcott and Woodbury.

Another community court with multi-town jurisdiction is the Hempstead, New York Community Court. That court initially only took cases in which the criminal activity occurred in Hempstead, but it has broadened its jurisdictional coverage to include offenses committed in the neighboring towns of New Cassle/Westbury, Freeport Village, Uniondale and Roosevelt. See LEE, *supra* note 3, at 13-14.

⁷⁷ Community court jurisdictional areas within cities vary greatly in geographical expanse, population and type of development. For example, New York's Midtown Community Court covers a large area in the center of Manhattan that includes many high-rise office buildings, major theater and retail shopping districts and a resident population of 125,000. But New York's Red Hook Community Court's jurisdictional area is a comparatively small section of Brooklyn, with a resident population of about 11,000, seventy percent of whom live in public housing. GREG BERMAN, CTR. FOR CT. INNOVATION, RED HOOK DIARY: PLANNING A COMMUNITY COURT 2 (1998).

⁷⁸ *E.g.*, the Community Court in South Minneapolis hears nuisance abatement cases from any part of the city. See LEE, *supra* note 3, at 13. The New York Midtown Community Court hears prostitution cases from any part of the city.

state, including suburban regions, small towns, rural areas and some other central cities. What possible justification is there for this spotty jurisdictional pattern that has limited community court jurisdiction to particular sections of central cities, while other parts of a state are left without any community court coverage? One argument that can be made in support of the present pattern is that community courts are essentially local institutions and should be established only where there is sufficient local demand and support for them. Existing community courts are all reflective of strong local demand and support. Another argument that can be advanced in justification of the present pattern is that community courts are best suited to dealing with quality of life criminal behavior in central city localities at high risk for this type of conduct. It would be inefficient to expand community court coverage to much larger areas and to localities with relatively low incidences of quality of life crimes. A counter argument is that low-level crime affecting local quality of life occurs everywhere and in all areas, and certainly in all central city areas, and therefore these areas should have community court coverage, coverage particularly effective in dealing with this kind of crime. Also, defendants may be just as much in need of corrective action. Community courts can help provide that corrective action whether the defendants' crimes are committed in a particular section of a central city or anywhere else.

In addition to community court geographical area jurisdictional alternatives, there also are subject matter jurisdictional alternatives. These alternatives are the types of criminal and even civil offenses that may be brought before a community court. The Hartford Community Court's subject matter jurisdiction is fairly typical: criminal misdemeanor and selected city ordinance offenses only, but with the exception that most assault and drug offense cases will not be heard. There are, however, community courts that take a broader range of cases than does the Hartford court. For example, the Red Hook Community Court in New York City has, in addition to low-level crimes, jurisdiction over landlord-tenant and small claims civil cases and over some felonies, including assault and some drug possession with intent to sell offenses. New York's Midtown Community Court also takes some civil matters, including some small claims cases.

An argument for community courts taking more types of cases than does the Hartford Community Court is that there are many cases in addition to misdemeanors and a few city ordinance violation offenses well suited to consideration by this kind of court. Such cases include those that negatively impact local quality of life and those in which the offenders, and often their victims as well, could benefit from the corrective aid that community courts provide. A counter argument is that most community courts lack the personnel and facilities to take on such an expanded caseload, especially as many of the added cases involving more serious misconduct would place greater demands on court staff time than most current cases.

Such cases would involve more extensive court therapy and rehabilitation efforts; more community service supervision, as sentences would be longer; and more trials, as fewer defendants would probably plead guilty. Another counter argument is that the usual community court nonincarceration sentence, if granted to those convicted of felonious conduct, could be very unpopular with influential segments of the community. In addition, widespread public indignation directed at the court could result if any of these felons receiving nonincarceration sentences committed serious offenses soon thereafter.

C. *Special Programs*

As discussed earlier, the Hartford Community Court provides a series of programs for aiding certain defendants who come before it in overcoming some of their underlying problems.⁷⁹ In addition to the types of problem-solving programs offered by the Hartford Community Court, many other programs are possible.⁸⁰ Some programs are available not only to offenders but to others in the community as well, an indication of the broad outreach potential of community courts. One problem-solving example is a ten-week job training program offered by New York's Midtown Community Court.⁸¹ This program was started soon after the court was established and when it became apparent that approximately seventy percent of all defendants coming before the court were unemployed, with many lacking employment skills.⁸² The court program is available to both drug-free offenders and others from the community who are drug-free and over age eighteen.⁸³ It includes self-assessment, employment skills and skills in seeking employment. Participation in the program is voluntary.⁸⁴ Ninety percent of those who complete the program obtain employment within a month of program completion.⁸⁵

The Midtown Community Court also has set up a street outreach unit.⁸⁶ This unit is staffed by case workers from the court and by police officers.⁸⁷

⁷⁹ See discussion *supra* text accompanying note 38.

⁸⁰ For more on the different kinds of problem-solving courts and arguments in favor of courts offering problem-solving programs, see *Special Issue on Problem-Solving Courts*, 23 LAW & POL'Y 121 (2001).

⁸¹ Eileen Koretz & Julius Lang, *Job Training at Midtown Community Court*, 7 CLINTON CHRON., Mar. 2001, at 1 (noting that job training at Midtown Community Court is available to community members who are over eighteen years old). The Clinton Chronicle is a local neighborhood newspaper in New York City.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Feinblatt et al., *supra* note 2, at 86; see generally Feinblatt & Berman, *supra* note 2, at 8 (discussing the Midtown Court's street outreach unit).

⁸⁷ Feinblatt et al., *supra* note 2, at 86.

Four mornings each week, outreach teams are out on local streets encouraging those who seem particularly in need of the type of help that court on-site programs can provide to voluntarily come to the court for help. Among those contacted in this way are persons who appear to be homeless, substance abusers or prostitutes.⁸⁸

Another problem-solving example is a program mandated by the Portland Community Courts for defendants who have confessed to larceny. Known as the "Theft Talk Program," it consists of a four-hour group session at which the motivations and implications of theft behavior are discussed. The Portland Community Courts also have a program that is available to persons with outstanding misdemeanor charges who are in need of legal advice and voluntarily seek help. Most of those taking advantage of this program are persons who did not appear for a previously scheduled court appearance date ("no-shows"). The program consists of what is known as "Legal Services Day," a two-hour period each week at which a public defender and someone from the prosecutor's office are available at a convenient location to give legal advice and to reschedule court appearances for those who previously failed to appear. Legal Services Day has been particularly useful in resolving the no-show problem, as ninety percent of no-shows who sought Legal Services Day help voluntarily appeared at the rescheduled court date. The idea of holding a Legal Services Day originated with one of the community court advisory boards.

Additional examples of different kinds of programs that community courts might offer are seen in two programs offered by New York's Red Hook Community Justice Center, an agency closely affiliated with the Red Hook Community Court and part of the New York State Unified Court System.⁸⁹ The Center makes available much of the counseling and therapy for defendants who come before the court in addition to services it provides others in the Red Hook Community.⁹⁰ Since the Center opened, it has operated a "Public Safety Corps Program," somewhat analogous to the Peace Corps, in which fifty local residents are employed in return for each receiving a small living allowance and an educational allowance of about \$5000.⁹¹ Each of these citizen participants is committed to working for a year on public assistance programs in the Red Hook community, ranging from such assignments as safety inspections of housing projects to tutoring children in need of extra help in their schooling.⁹² The program is funded

⁸⁸ Feinblatt et al., *supra* note 2, at 86; *see generally* Feinblatt & Berman, *supra* note 2, at 8.

⁸⁹ DAVID C. ANDERSON, *CTR. FOR CT. INNOVATION, KIDS, COURTS AND COMMUNITIES: LESSONS FROM THE RED HOOK YOUTH COURT* (1998).

⁹⁰ *Id.* at 3.

⁹¹ BERMAN, *supra* note 77, at 5-6.

⁹² *Id.*

by AmeriCorps, a national organization that sponsors such programs.⁹³

Another program operated by the Red Hook Community Justice Center is a youth court program in which young people from Red Hook, many with truancy records participate in training sessions and then take over as judge, jury, prosecutor and defense counsel in adjudicating some cases.⁹⁴ Defendants who come before this court are youths, many under sixteen years of age, who have committed minor offenses in Red Hook and have been apprehended by the police.⁹⁵ The police, in their discretion, may refer cases to the youth court and most of the court's cases are police referrals, but some are referrals by the Community Court judge.⁹⁶ However, appearance before the youth court is voluntary. Both the youthful offender and the offender's parents must consent to the youth becoming a party before this court.⁹⁷

D. *Local Community Relations*

Consistent with the prevailing community court aim of involving local citizenry in the work of the court, there are different ways to meet this objective. It is not an easy task, especially in high-crime-rate neighborhoods where suspicion and distrust of law enforcement agencies, including the courts, tends to be widely prevalent. Involving a representative range of a locality's citizenry, especially in some minority and low-income neighborhoods, has proven to be particularly difficult. There is always the risk that one interest group in the community, such as a local business, will become dominant and push its preferences at the expense of other deserving groups. Sustaining citizen participation also poses problems, as many local citizens will take part for a time, but will later lose interest and become inactive.⁹⁸

Although local community groups and organizations actively supported establishment of the Hartford Community Court and helped in its planning, the nature of community assistance has changed somewhat since the court became operational. Some community organizations, notably Community Partners in Action, have become very active in providing court staff and in providing services to defendants referred by the court. But

⁹³ *Id.* at 5-7.

⁹⁴ ANDERSON, *supra* note 89, at 4.

⁹⁵ *Id.* at 2.

⁹⁶ *Id.* at 7.

⁹⁷ *Id.*

⁹⁸ The difficulties in developing and sustaining local citizen interest in aiding criminal law enforcement efforts have been given special attention by scholars who have studied community policing. *See, e.g.*, WESLEY G. SKOGAN & SUSAN M. HARTNETT, COMMUNITY POLICING, CHICAGO STYLE, ch. 5 (1997); Wesley G. Skogan, *The Community's Role in Community Policing*, COMMUNITIES AS CRIM. JUST. PARTNERS, Aug. 1996, at 31, 31-34. Professor Skogan stresses that in seeking community involvement, support of the public must be won, not assumed. *See id.* at 33.

there is limited advisory assistance to the court from other citizen groups, this assistance being principally restricted to local groups recommending cleanup sites for defendant work crews sentenced to community service.⁹⁹

Some community courts have more comprehensively and actively involved citizen advisory organizations than has the Hartford Community Court. Each of the three Portland, Oregon community courts, for example, has its own community advisory committee that meets monthly and makes recommendations on performance and policy matters involving the court. Among matters that have been considered are sentencing guidelines, adding new court positions, and recommendations as to who should be selected to fill vacant court positions. Each committee has a police department representative. The judge to whom committee recommendations are made usually, but not always, follows the committee's recommendations.

New York's Midtown Community Court has a somewhat more elaborate citizen advisory format than that of the Portland courts. Midtown has a dual-level format: one level for major policy guidance, the other for local area reactions to the court and its effectiveness. At one level, a twelve-member community board of influential citizens meets quarterly to consider and advise on big picture issues concerning the court. It is similar to a corporate board of directors, except that it lacks authority to require action. A judge and top city police officers are among the board members. At the other level is a series of local area boards, each meeting monthly, that raise issues of local concern, suggest solutions, and at whose meetings court and police department representatives who are present can react to citizen complaints and proposals. Individual cases of defendants before the court are not discussed.¹⁰⁰

⁹⁹ Proposals for community court service projects are regularly made to the Hartford Community Court at monthly meetings of a community services sanctions committee. These meetings, held at City Hall, are attended by representatives from each of Hartford's seventeen neighborhoods who submit community service proposals. The meetings are attended by the Community Court judge and court planner and a representative of the police. Other local public officials and other citizens also may attend. In addition to possible community service projects, other matters of concern to the public relative to work of the court also may be discussed.

The Hartford Community Court's citizen outreach also is enhanced by the court's publications, some of which are widely circulated. Prominent among these publications is the court's monthly Court News & Updates.

¹⁰⁰ Chicago's community policing program, a program with citizen involvement objectives comparable to those of community courts, has a somewhat similar dual-level citizen advisory structure to that of New York's Midtown Court. At one level are community advisory committees, one for each police district, each district covering a large section of the city and including many police beats. See SKOGAN & HARTNETT, *supra* note 98, at 110. At the other level are meetings at each police beat open to any citizens wishing to attend. See *id.* Both district and beat meetings are held monthly and consider such issues as local crime, police performance and proposals for more extensive police action. *Id.* at 120-23, 127. Police representatives are present at meetings. *Id.* at 110. Notably, Chicago has no community courts.

Another alternative way of involving the local community in community court operations would be to delegate some sanctioning authority in court cases to unpaid boards of local citizens, a separate board for each neighborhood or sub-area in the community served by the court. Some juvenile courts make delegations of this kind. A juvenile offender found guilty following a court hearing is referred to a local citizen board and a sanction that the board considers appropriate for the particular offender is imposed. The sanction may include such requirements as community service, monetary restitution or psychological counseling.¹⁰¹ The board then monitors compliance. New York's Red Hook Community Justice Center extends citizen participation in some juvenile cases not only to sanctioning but to the entire judicial process.¹⁰² As previously discussed, in the Center's Red Hook Youth Court Program a restricted number of low-level criminal offenses by youths under eighteen years of age are assigned to a court in which all trial functions, including sanctioning, are taken over by local youths, many with truancy records.¹⁰³ Vermont, which has no community courts, has similar local bodies, called "reparative boards," that are authorized to impose and monitor sanctions on defendants found guilty of nonviolent criminal offenses if a court finds them guilty and refers them to a reparative board.¹⁰⁴ Sanctioning by a citizen organization obviously enhances citizen input to any law enforcement endeavor. However, it may result in undue inconsistency in sanctioning patterns, unjustified bias toward some kinds of offenders, and a risk of eventual public distrust of the court process if the public believes the citizen sanctioning bodies are unqualified or unfair.¹⁰⁵ The disadvantages may outweigh the advantages.

E. *Courthouse Facilities*

Some community courts have not been as fortunate as the Hartford Community Court in the courthouse facilities to which they have been assigned. Some are located in very different kinds of facilities from those of the Hartford Community Court. This is because of tight judicial budgets, or the efficiency advantages of locating the courts in large buildings

¹⁰¹ See Gordon Bazemore, Ph.D., *Evaluating Community Youth Sanctioning Models: Neighborhood Dimensions and Beyond*, in CRIME AND PLACE: PLENARY PAPERS OF THE 1997 CONFERENCE ON CRIMINAL JUSTICE RESEARCH AND EVALUATION 23-25, 28 (Nat'l Inst. of Just. ed., 1998) (discussing the sanctioning by local boards in juvenile offender cases).

¹⁰² See ANDERSON, *supra* note 89, at 4-5.

¹⁰³ See *id.*

¹⁰⁴ See VT. STAT. ANN. tit. 28, § 910 (2000 & Supp. 2001) (authorizing this reparative justice program); see also Gordon Bazemore, *The "Community" in Community Justice: Issues, Themes, and Questions for the New Neighborhood Sanctioning Models*, 19 JUST. SYS. J. 193, 194, 197, 205 (1997) (describing the Vermont reparative boards).

¹⁰⁵ See Skogan, *supra* note 98, at 32 (describing community policing concerns arising out of community diversity).

along with other courts or other government agencies.¹⁰⁶ Moreover, some community courts have such low case volumes and provide such limited on-site special services that they do not have the same space needs as does the Hartford Community Court. Examples of alternative kinds of courthouse facilities to what the Hartford Community Court occupies are the Memphis, Tennessee Community Court, that occupies a store-sized area in a shopping mall; the Austin, Texas Community Court, that shares space in a municipal court complex; and one of the Portland, Oregon Community Courts that is assigned part of one floor in a high-rise downtown State Justice Center.¹⁰⁷

F. *Evaluation of Court Performance and Needs*

Most community courts, the Hartford Community Court included, do little or no comprehensive or continued evaluation of court performance and court needs. Statistical summations of case volume, case dispositions and sanctions imposed are regularly made by most community courts, and annual budget recommendations made by the court often reflect anticipated future needs.¹⁰⁸ Also, particular court practices may come under careful court study in response to outside criticism or demands for expanded services. Comprehensive research efforts on court performance and needs, however, generally are lacking. Financial cost is one apparent reason for this lack of careful evaluative effort. It is believed that the court's limited resources should be allocated to what are considered more essential court functions. A contributing reason may be that careful, objective performance and needs analysis might possibly result in data that some court leaders and advocates may prefer not to know. So the apparent reasoning is: why take on the risk of comprehensive evaluation of performance? Thorough, ongoing research conceivably might, for example, disclose inefficiencies in court procedures, little court success in rehabilitating offenders, or a general lack of local community approval of the court.

There are, of course, advantages to a community court, or the court system of which it is a part, maintaining a continuing and fairly expansive evaluation of community court performance and needs.¹⁰⁹ Court policies can then be based on more accurate information, and the appeal for support from local citizens, cooperating service groups and funding bodies will be more convincing because the information is more reliable. The New York court system has recognized and responded to this need

¹⁰⁶ See LEE, *supra* note 3, at 5.

¹⁰⁷ *Id.* at 10, 11, 15, 16.

¹⁰⁸ See generally *id.* (evaluating and describing various community courts).

¹⁰⁹ See generally SVIRIDOFF ET AL., *supra* note 2, at 22-26 (describing the evaluative aspects of the Midtown Community Court's performance needs).

for more ongoing attention to community court evaluation. One indication of this is that the Midtown Community Court and the Red Hook Community Court each have a full-time, on-site research person who is responsible for maintaining detailed records on court activity, and for noting problems that this accumulated data may disclose.¹¹⁰ In addition, the court system's Center for Court Innovation has a senior staff consultant assigned full-time to New York's community courts. This consultant closely follows the work of these courts and advises on how they can be strengthened. Occasional comprehensive community court evaluation also could be performed by outside organizations.

The most thorough analysis so far of any community court is that of New York's Midtown Community Court. It was performed in 1997 by the Center for Court Innovation, in cooperation with several other organizations.¹¹¹ A similar study is now underway. Comparable research studies of this sort may soon be made of other community courts, including the Hartford Community Court.¹¹² Evaluation of any court, in order to be most useful, should relate to a plan that clearly sets forth the particular court's objectives and intended strategies for achieving those objectives.¹¹³ However, continuing, on-going evaluations, properly structured, can prove more useful than sporadic studies.

V. CONCLUSION

The Hartford Community Court has been a success, but it does have some problems that need to be seriously considered. Some of these problems are largely within the court's power to resolve; some require action by others. One of these problems is continuity of caseflow. Due largely to periodic changes in police arrest and summons activity for low-level crime, the court's case volume has varied considerably. This hampers court operations by overburdening many court staff members in some periods while in other periods the court realistically may become overstaffed. Some courts accommodate uneven case-flow problems by accumulating large case backlogs when case inflow is high, with the excessive backlogs gradually being reduced when and if new case volume declines. This solution inevitably means long delays in disposing of many pending cases, something especially undesirable for a community court that, even more than most courts, considers rapid case disposition a high priority.

¹¹⁰ See *id.* at 25-26; LEE & MARTINEZ, *supra* note 2, at 3-4.

¹¹¹ See generally SVIRIDOFF ET AL., *supra* note 2.

¹¹² Such a study can be very costly. Some cost estimates for a thorough study of this kind have been as high as \$225,000.

¹¹³ See generally John A. Martin et al., *Five Reasons Why Judicial Leaders Should Be Involved with and Support Strategic Planning in Their Courts*, 40 JUDGES' J. 5 (2001) (describing the advantages of such planning).

Case delay means more no-shows, a serious risk in low-level criminal cases that come before community courts. Delay also can prevent prompt provision of social or other services that the court makes available to those defendants in need of these services. If need is acute, delay can have very serious adverse consequences.

There are sharp limits, however, on what the Hartford Community Court, or any other court, can or should do in trying to influence the volume of police arrests and summonses. In large measure, the judiciary and the police should be independent of one another. Joint, collaborative efforts, indicia of a police state, generally should be avoided. However, top municipal, state executive and state legislative leaders should be made aware of problems with police operations. These leaders should evaluate periodic changes in police arrests, summons activity for low-level crime, and the implications of these periodic changes on community court operations. They are the appropriate sources for exerting influence on police policies and, as well, for supplementing police funding, if shifts in police arrest and summons activity are a function of available funding.¹¹⁴

Another problem concerning the Hartford Community Court's operations that is beyond the court's capacity to resolve, but needs more attention, is the need for long-term treatment and care of many of the defendants who come before the court with major health and behavioral problems. Those problems, if not corrected, will result in the defendants engaging in further criminal activity. Substance abuse is a common problem of this kind. But some defendants who come before the court have such serious substance abuse or other health or behavioral problems that the services the court can provide, or that its referral agencies can afford to provide, are inadequate. More long-term care is needed, such as long-term hospital or other institutional care. This is part of a much larger problem: our society does not make available sufficient rehabilitative care for many of those with acute and critical health and behavioral problems, whether criminal defendants or persons who are totally law-abiding. The affluent can obtain needed long-term help, many others cannot. Staff at the Hartford Community Court are quite aware and often frustrated when it appears that those they are counseling will not be rehabilitated by the restricted programs the court can make available. The requisite resources are just not there.

There are, however, some other significant problems facing the Hartford Community Court that with existing staff, or with modest staff or

¹¹⁴ Most police departments in cities with community courts might be more sensitive to community court objectives if they were to adopt a community policing program comparable to the one in Chicago and some other cities. See Skogan, *supra* note 98 (discussing community policing in Chicago); Sarah E. Waldeck, *Cops, Community Policing and the Social Norms Approach to Crime Control: Should One Make Us More Comfortable With the Others?*, 34 GA. L. REV. 1253, 1257-58 (2000) (describing community policing in Chicago and New York).

funding increases, could be dealt with more satisfactorily. One is adding to the courthouse building more lockup and counsel interview space for use by incarcerated defendants on their court appearance days. If sufficient funding was made available, the courthouse building obviously could be remodeled to make these needed facilities available. Another problem relates to citizen advice on court operations and policies. A citizen advisory format could be set up that is more active than what currently exists. Such an advisory format could be something similar, for example, to that for advising New York's Midtown Community Court or the Portland Community Courts.¹¹⁵

Still another problem that the Hartford Community Court could resolve is the evaluation of court operations. The Hartford Community Court, as do most community courts, lacks an adequate system for evaluating effectiveness of the court's operations. Community courts, given their varied objectives, multiple funding sources and high case volumes, are particularly in need of having available, in considerable detail, data on precisely what they are doing and how successfully they are achieving their objectives. The external evaluation of the Hartford Community Court, likely soon to be ordered, will prove helpful, but more ongoing internal evaluation is needed.

A quite different problem facing the Hartford Community Court, also within its capacity to resolve, relates to sentencing. The judge, when sentencing those who conditionally plead guilty, informs defendants that they must be interviewed by the court's social services staff and that any social service, educational, or testing requirements imposed by the social services staff will become part of the court's sentence. This raises a constitutional due process question because the defendants are unaware of all terms of the sentence when they agree to plead guilty, and the judge imposes a sentence, some terms of which even the judge is unaware of at the time of sentencing. In effect, the judge is delegating sentencing authority to other court staff. This problem could be avoided by adding a step to the sentencing process: return of the defendant for final sentencing after the interview with social services if social services recommends further sentencing requirements. The sentence at the initial sentencing hearing would be contingent on no recommendations by social services. If such recommendations are made, the judge at final sentencing would decide whether or not to approve the recommendations and add them to the sentence. If added, the defendant would then also have the opportunity to accept or reject a conditional guilty plea with the additional requirements.

An added problem, one the Hartford Community Court inevitably will face in the future, is replacement of the current judge. This is par-

¹¹⁵ See *supra* Part IV.D (discussing New York and Portland citizen advisory boards).

ticularly crucial as the court is still so sufficiently new that there remains considerable flexibility in its operations, operations that could be reshaped and redirected by the next judge who takes over. The chief court administrator will have principal responsibility for selecting the next judge. Replacement of the present state's attorney, a responsibility of the top Hartford and statewide state's attorneys, is another particularly crucial appointment that eventually must be made. Not all able prosecutors can perform well in a community court setting, a setting that requires a less adversarial approach than is conventional for prosecutors and also requires that the prosecutor, to an unusual degree, be a cooperative team player with other court staff.¹¹⁶ The wrong appointment to succeed the current judge or the current prosecutor could have very adverse consequences on the Hartford Community Court's effectiveness and on its ability to achieve the purposes for which it was established.

Connecticut, due largely to the success of the Hartford Community Court, has become one of the leading states nationally in the development of community courts. How much further will Connecticut go in establishing these kinds of courts? It is possible that Bridgeport and New Haven, which resemble Hartford in so many respects, could acquire community courts. A more intriguing, longer-term possibility is that community courts eventually will be established statewide in Connecticut. Conceivably one such court for each of the twenty-two superior court geographical areas (GAs) in the state could be established. Low-level crime that threatens local quality of life exists in all parts of the state and community courts are a rational way of dealing with this universal threat. The Waterbury Community Court now has GA-wide jurisdiction and has shown that such extensive jurisdictional coverage by a single community court is viable. Connecticut is a small state geographically with a relatively dense population. A statewide system of community courts, each with jurisdiction over a comparable-sized area to that of the Waterbury Community Court, should be quite workable in this type of state, bringing substantial benefits to every local community in the state.

The community court movement is very new, with the first community court having opened less than a decade ago, and the first one in Con-

¹¹⁶ In discussing his job, the State's Attorney that is currently assigned to the Hartford Community Court had this to say:

Almost immediately I realized that my approach should be less adversarial than is the norm for a prosecutor. I find that I am not so much enforcing state laws and city ordinances, as I am seeking compliance with contemporary community standards. Once those standards have been violated, my interest is not so much in a penalty or punishment as it is for community restitution for the "nuisance" caused.

Kaas, *supra* note 15, at 32.

The community court prosecutor, public defenders and private attorneys must adapt to this new environment and, thus, become more like team players (to some extent) in the process. *See id.* at 31, 32, 35.

necticut only three years ago. It will be interesting to see how the movement evolves. It seems to have sufficient promise and appeal for many more of these courts to be opened in coming years and for this type of court to become a standard feature in the court system of most states.