New York’s Problem-Solving Courts: At A Glance

O ver the past decade, under Chief Judge Judy S. Kaye’s leadership, New York State has implemented a range of problem-solving courts which look to the underlying issues that bring litigants into our court system. The state’s problem-solving courts vary from treatment models, such as drug and mental health courts, to accountability models, such as sex offenses and domestic violence courts. At the same time, these various court models have much in common: trained judges and court staff; dedicated dockets; coordination with outside services and agencies; and closer engagement with victims and litigants. As members. Hon. Judy Harris Kluger, Deputy Chief Administrative Judge for Court Operations and Planning, oversees and supports problem-solving courts statewide. Below are summary descriptions of the various types of problem-solving courts now operating statewide.

**Drug Courts** are designed to halt the revolving door of addiction and arrest by linking nonviolent, drug-addicted defendants to court-supervised treatment and rigorous judicial monitoring. What distinguishes drug courts is their approach to treatment: upon voluntary entry into court-supervised programs, appropriate nonviolent addicted offenders become part of a dramatic intervention process that involves coordination among defense attorneys, prosecutors, treatment and education providers and law enforcement officials. Rules of participation are defined clearly in a contract agreed upon by the defendant, the defendant’s attorney, the district attorney and the court. Offenders who complete treatment through the drug court and comply with court orders earn dismissal of their charges or a reduced penalty.

Results have been overwhelmingly positive, with an evaluation of drug treatment courts completed in October 2003 showing significant reductions in recidivism that extend beyond the period of active judicial supervision.

**Domestic Violence Courts** handle criminal domestic violence cases and are designed to improve victim safety and increase offender accountability by facilitating victim access to needed services, providing judicial monitoring and promoting coordination among the justice system, community stakeholders and social service providers.

Building on the domestic violence court concept, Integrated Domestic Violence (IDV) Courts respond to a historic problem in the court system: domestic violence victims and their families have traditionally had to appear in different courts before multiple judges to address their legal issues. By allowing a single judge to hear all related criminal, family and matrimonial matters, IDV courts seem only to interrupt, not address the problem. In many instances, victims often have to appear in a criminal court, a family court and a matrimonial court in order to avoid further worsening of their situations.

**Community Courts** differ from some of the other problem-solving courts in that they are focused on a particular neighborhood rather than being limited to a particular kind of case or defendant. Attempting to harness the power of the judicial system to address local problems, Community Courts provide litigants access to programs such as job readiness, HIV prevention and tutoring. These courts can take many forms, but all engage in creative partnerships and problem-solving, testing new and aggressive approaches to public safety rather than merely responding to crime after it has occurred.

**Mental Health Courts** seek to provide mentally ill criminal defendants with the comprehensive services and structure they need in order to avoid further criminal behavior. These courts link defendants, where appropriate, with ongoing long-term treatment — in combination with intensive court supervision — as an alternative to incarceration. Mental Health Court Connections, a comprehensive program, seeks to extend the benefits of a Mental Health Court to counties that do not currently have one.

**Sex Offense Courts** handle criminal sex offense cases. These courts aim to enhance public safety by preventing further victimization through early intervention, post-disposition monitoring, consistency and accountability. For more information, visit www.nycourts.gov/courts/problem_solving/.

**Statewide Symposium Focuses on Problem-Solving Courts**

NEARLY 200 JUDGES and practitioners from across New York met in Cooperstown, New York, in October for the state’s first Annual Problem-Solving Courts Symposium. Symposium attendees discussed the evolution of New York’s problem-solving courts and best practices to reduce the cycle of crime.

Deputy Chief Administrative Judge Judy Harris Kluger, who oversees the state’s problem-solving courts, welcomed the group the first evening of the conference. "We have come a long way in a short time and together we have radically changed the legal landscape for litigants in our courts," Judge Kluger said. "[Chief] Judge [Judith S. Kaye’s] vision of expanding problem-solving courts throughout the state has only increased because of the hard work, commitment and support of everyone in this room." Traditional adversarial methods seemed only to interrupt, not end, revolving-door patterns of criminal behavior that can destroy individuals and families and corrode neighborhoods," Judge Kaye told conference attendees, also recounting two murder-suicides — both domestic violence incidents — occurring shortly after she became chief judge 14 years ago that helped inspire the establishment of New York’s problem-solving domestic violence courts statewide.

Domestic violence courts strive to promote victim safety and hold offenders accountable for their actions. They are characterized by intensive judicial monitoring and coordination between the court, service providers and communities.

Day two of the symposium kicked off with a session titled "Problem-Solving Courts and the Media," with participants viewing an ABC-TV “20/20” segment about domestic violence survivor Susan Still — a symposium participant who suffered over a decade of abuse at the hands of her husband, Ulner Lee Still, before taking action. “As victims of abuse, we endure some very unbelievable and unthinkable stories," Still said. “We really don’t care to share these stories with anyone, ever, let alone the whole world. A number of things made Ms. Still’s case unique: her supervisor kept a record of the times Susan came to work battered and bruised; also, in the spring of..."
NEW YORK STATE’S FIRST ANNUAL PROBLEM-SOLVING COURTS SYMPOSIUM

The story of Brooklyn’s Red Hook Community Justice Center — the nation’s first multi-jurisdictional community court — began on Dec. 17, 1992, with the murder of local school principal Patrick Daly, who was killed in the crossfire of rival drug gangs while looking for a truant schoolchild.

“It was a horrible crime,” said Red Hook Community Justice Center Presiding Judge Alex Calabrese during the Cooperstown symposium’s session on community courts. “...but Red Hook, in the middle of citywide and national news, and one national magazine [labeled Red Hook] as one of the top 10 crack-infested communities in the United States.”

At the time of Daly’s murder, plans were already in place for the 1993 opening of the country’s first community court in mid-Manhattan — where Judge Harris Kluger was the initial presiding judge — to help stem the growing number of misdemeanor crimes in the Times Square area. Following Patrick Daly’s death, Chief Judge Kaye decided that Red Hook too could benefit from a community court.

Working with local stakeholders, community courts address addiction, mental illness, unemployment and other problems that contribute to low-level crime. “If you concentrate on the lower-level cases, crime comes down,” he said.

New York State is currently home to eight community courts, including Bronx Community Solutions, one of the newest problem-solving court initiatives in the country. Patterned after the Red Hook model, Bronx Community Solutions is a problem-solving approach to nonviolent crimes such as drug possession, prostitution and shoplifting at the busy Bronx criminal courthouse, said its executive director, Audrey Fox.

Community courts are also expanding nationally, with over two dozen in operation around the country. Additionally, they now exist in England, Australia and South Africa and are in the planning stage in Scotland and Vancouver, Canada.

“The great legacy to which I fell heir, of course, is not the problem — it’s the avenue toward confronting, and ameliorating, the problem. And that was the birth of our problem-solving initiatives, beginning back in 1993 with our Manhattan Community Court, and continuing to this day with nine community courts: more than 200 drug courts, 15 mental health courts, 35 domestic violence courts, 39 integrated domestic violence courts and seven sex offense courts, that deliver justice and serve as a model across the nation and the world.”

Chief Judge Kaye addresses the symposium...