

Courtney Bryan. Executive Director

**Center for Justice Innovation
New York State Joint Legislative Budget Hearing: Public Protection
February 7, 2023**

We begin today’s testimony with an announcement. The Center for Court Innovation has changed its name to the Center for Justice Innovation. Founded in 1996 as the independent research and development arm of the New York State Unified Court System, the Center for Justice Innovation (“the Center”) is today an international leader in justice reform. For over 25 years, the Center has worked to improve justice beyond the confines of the courtroom. It’s time for our name to reflect that.

The Center’s work starts in the community, where it focuses on crime prevention, economic development, and giving communities the resources and support to advocate for programs that enhance safety and opportunity. The Center also works in the criminal and civil justice systems, conducting research and creating programs to improve outcomes for victims, communities, and those who find themselves involved in the legal system. The Center’s ultimate goal remains the same—a more fair, effective, and humane justice system and building public safety through sustainable community-driven solutions.

The Center stands ready to go beyond transforming the legal system into co-leading safety with communities, supporting stable housing, preventing violence, and reducing incarceration. Guided by equity, data, and innovation, the Center supports the vision embraced by the New York State Legislature of building public protection through sustainable evidence-based solutions. The Center’s longstanding partnership with the State over the past 25 years has helped bring this vision to life through programming that spans the entire justice continuum. This year we ask New York State to increase investments in the following strategic areas to increase public safety while balancing fairness:

- Expand support of diversion and alternatives to incarceration options across all parts of the justice system as referrals increase;
- Prioritize upstream engagement and treatment of individuals suffering from mental health issues and/or substance use disorders;
- Invest in new programming that addresses deep drivers of violence in some communities;
- and expand access to comprehensive support to prevent housing instability, a common need among our clients.

The Center's firsthand experience operating direct service programs and conducting original research uniquely positions us to offer insights to the State for consideration in the development of initiatives that respond to needs of all New Yorkers. In each instance, our aim is to provide a meaningful and proportionate response, to treat all people under our care with dignity and respect, to prioritize public safety, and to produce much-needed cost savings for the State. And, as an anti-racist organization, we will ensure that the needs of marginalized New Yorkers are addressed.

Reducing Incarceration: Alternatives to Incarceration & Diversion Programming

The Center is committed to reducing unnecessary incarceration and identifying practical paths to safely shrink the jail system. We played a central role in crafting the plan to shutter the jail complex on Rikers Island by coordinating the Independent Commission on New York City Criminal Justice and Incarceration Reform, otherwise known as the Lippman Commission. The Center has measurable experience in implementing data-driven programs that meaningfully reduce incarceration without decreasing public safety. Alternatives to incarceration and diversion programs can prevent unnecessary disruption to individual lives, while providing linkages to additional services to decrease criminogenic factors that would otherwise grow in confinement. These models are studied to be safe, effective, and cost efficient, and avoid unnecessary incarceration that reduces the long-term adverse impacts it has on individuals, families, and communities.

The Center has expanded its diversion work to include programming at our sites across all of New York City, as well as upstate in Onondaga county. Through this programming, we provide alternatives to incarceration on both misdemeanor and felony cases. Participants come to us through both specialized problem-solving court parts, such as the Brooklyn Mental Health Court, as well as through our programs that have brought those principles and practices to scale, such as Bronx Community Solutions, Brooklyn Justice Initiatives, and Manhattan Justice Opportunities. These larger programs serve the entire centralized courthouses of their respective boroughs and serve a wide range of participants referred from any number of courtrooms, judges, prosecutors, or defense attorneys throughout the building. From January to September of 2022, the Center served 5,044 new participants in alternative to incarceration programming (felony, misdemeanor, and Brooklyn Mental Health Court) across New York City.¹

In New York City, the Center is seeing an increase in referrals for both misdemeanor and felony alternative to incarceration cases. To keep up with these growing caseloads and take on cases with deeper-levels of engagement required, the Center is seeking \$1.8 million in support for misdemeanor cases and \$1.3 million in support for felony cases. Additionally, the Center is piloting a new felony alternative-to-incarceration program in collaboration with the New York City Law Department and Manhattan District Attorney's Office for young people charged with weapon possession and related charges. The Center is seeking \$211,000 in support to expand eligibility and serve a greater number of referrals from family court cases.

¹ Center for Justice Innovation. (2023). [ATI data file]. Retrieved from the Justice Center Application case management system.

Misdemeanor Mental Health Courts

One of the Center's newest efforts launched in January 2022, when at the request of our partners at the New York State Unified Court System, the Midtown Community Court and Red Hook Community Justice Center launched two new **Misdemeanor Mental Health Courts** (MMHC), serving Manhattan and Brooklyn, respectively. These currently unfunded problem-solving courts offer community-based interventions and judicial monitoring for misdemeanor cases that are eligible for diversion. The goal of the MMHC is to decrease the use of jail and prison sentences and potentially lead to reduced criminal dispositions.

The Center's MMHCs take on the most complex misdemeanors where participants have high needs, extensive histories with the system, and are facing multiple open cases that bring them into the MMHC. Thus, the level of engagement is different than a typical misdemeanor alternative to incarceration case. The court part is staffed by a team of multidisciplinary professionals who specialize in behavioral health that are responsible for conducting independent assessments, preparing recommendations for court, providing referrals to community-based providers, and offering ongoing case management. The goal of this court part is to provide support and engagement through meaningful individualized programming for persons living with mental health as a case resolution, whether through a pre-plea or post-plea model.

The Center's MMHCs were modeled after the Center's Brooklyn Mental Health Court (BMHC), based in the Brooklyn Supreme Court and launched in 2002 as the first mental health court in New York City. BMHC crafts meaningful responses to participants, including those with felony charges, who have mental illness. Addressing both treatment needs and the public safety concerns of the community, the court links defendants with serious and persistent mental illness (such as schizophrenia and bipolar disorder), who would ordinarily be jail- or- prison- bound, to long-term community-based treatment as an alternative to incarceration. Interventions aim to help participants develop the skills needed to live successfully in the community and avoid future justice system involvement. Over 1,200 participants have satisfied program requirements and graduated successfully. Active participants exhibit a 74 percent compliance rate and are 46 percent less likely to be re-arrested while in BMHC than those in a comparison group. In addition, court participants see a 29 percent reduction in the likelihood of a re-conviction versus a comparison group.²

Pre-Arrest Diversion: Project Reset

In recent years, a critical and growing part of the Center's work has been an effort to develop proportionate responses that shrink the footprint of the justice system and minimize its harms. The Center's early diversion programs have provided offramps even further upstream than existing system responses have allowed for, and we have continued to expand and launch new iterations of these programs.

The Center's **Project Reset**, a pre-arrest diversion program, offers participants the option to avoid court and a criminal record by completing community-based programming. Traditionally, police and prosecutors have had only two responses to choose from: prosecution—

² <https://www.innovatingjustice.org/publications/criminal-justice-interventions-offenders-mental-illness-evaluation-mental-health>

and, in some cases, jail—or releasing people without a meaningful response from the justice system. Project Reset offers a third option, giving participants the possibility to avoid court and a criminal record by completing community-based programming. The program holds people accountable for their actions while promoting healing and strengthening public trust in the justice system.

Since 2015, Project Reset has helped more than 6,000 participants avoid court and the consequences of a criminal record. As of 2021, the program has a 98 percent completion rate.³ An evaluation of 16- and 17-year-old Project Reset participants in Manhattan found they were significantly less likely than defendants in a comparison group to be convicted of a new crime within one year.⁴ Project Reset also documented improved case processing times and case outcomes, as well as positive perceptions of the program. More than 95 percent of participants said they had made the right decision by entering the program and that they would recommend Project Reset to someone in a similar situation.⁵ The success of the program has brought it Citywide over the years, with the Center operating Project Reset for adults ages 18 and older in Manhattan, Queens, Staten Island, Brooklyn, and the Bronx.

Pre-arraignment diversion programming can be utilized in a variety of jurisdictions, particularly where stakeholder investment and collaboration with an array of practitioners—including legal and community-based agencies alike—is strong. Leveraging the Center’s expertise operating Project Reset, as well as providing national training and technical assistance, the Center proposes leading a 9-month needs assessment process to identify suburban and urban jurisdictions outside of New York City who are interested in planning, implementing, and could sustain Project Reset as a pre-arraignment diversion program. The Center, in partnership with the local actors, would determine the best way to proceed with planning and implementing pre-arraignment in jurisdictions outside New York City.

The proposed needs assessment will review and analyze data, speak to key partners from the New York State Unified Court System, Department of Criminal Justice Services, district attorney offices, community-based organizations, and other key stakeholders. Data collected during this process will include, but not be limited to, top charges, desk appearance tickets issued, and current case outcomes. These data points will be used to answer questions surrounding how best to engage interested prosecutors’ offices and the New York State Court system in moving forward, as well as exploring if releasing a request for proposals should be considered or if jointly approaching specific jurisdictions is best. The needs assessment process will culminate in a roadmap on how to expand pre-arraignment diversion programming beyond New York City.

Early Diversion and the Overdose Crisis

The Center operates direct services, conducts original research, and provides expert assistance at the intersection of criminal justice and the overdose crisis. We are committed to

³ Center for Justice Innovation. (2022). [Project Reset data file]. Retrieved from the Justice Center Application case management system.

⁴ <https://www.innovatingjustice.org/publications/projectreset-evaluation>

⁵ Ibid at citation 4

providing a meaningful and proportionate response to opioid use disorder, geared toward prevention and rehabilitation, treating all impacted individuals with dignity and respect, and prioritizing public safety.

Building on the successful Project Reset model, and addressing the growing overdose crisis in New York State, the Center piloted the **Bronx Heroin Overdose Prevention and Education (HOPE)** program. Bronx HOPE addresses substance use issues at the precinct-level by giving individuals brought in on a controlled substance Desk Appearance Ticket (DAT) charge the option of accessing community services as an alternative to arraignment and prosecution. By giving clients the option of accessing community services instead of appearing in court, Bronx HOPE gives Bronx residents the opportunity for rehabilitation and connection to community rather than jail or options that don't address the underlying issues. If an individual chooses to participate, they meet with a case manager who works with the individual to develop a holistic plan of care, identify services that address their needs, and provide support in the completion of programming.

Bronx HOPE's Peer Specialists are dispatched to the precinct to engage with individuals immediately at the time of their arrest. The Center's Peer Specialists provide solutions that match local needs and resources, foster trust and buy-in among program participants, and ensure that those who are directly impacted have a voice in decision-making. Bronx HOPE demonstrates that eligible cases are more likely to engage in programming with peer presence at the precinct. In 2021, Bronx HOPE had a contact rate of 79 percent for dispatched cases.⁶ Of those cases that were dispatched and enrolled in programming, 84 percent completed their services, thereby preventing the need for those participants to appear in court and face criminal charges.⁷

As the State continue to allocate opioid manufacturer settlement dollars across New York, the Center is prepared to conduct needs assessments, and bring the Peer Specialist HOPE model to neighborhoods outside of the Bronx.

Upstream Supports for Individuals with Complex Behavioral Health Needs

Behavioral health and the justice system cannot be siloed; they are inextricably intertwined. Properly addressing the mental health and substance use needs of all New Yorkers—necessary now more than ever before with the stressors of COVID-19 weighing heavily on already under-resourced communities—will allow us to lessen harmful interactions with the justice system and law enforcement. We can also ensure that contact with the system is humane, with an emphasis on providing culturally competent treatment and programming.

In 1993, Midtown Community Court, a project of the Center, opened its doors to address low-level crimes and violations that defined the Times Square/Hell's Kitchen neighborhood at the time. Over one-quarter of a century later, the Midtown Community Court works with some of Manhattan's most vulnerable individuals—those who are homeless, battling mental illness and/or substance use disorders—in community, to prevent involvement with the criminal justice

⁶ Center for Justice Innovation. (2022). [Bronx HOPE data file]. Retrieved from the Justice Center Application case management system.

⁷ Ibid at citation 6

system and ensure their needs are met. Poverty, housing insecurity, unemployment, the justice system, and now COVID-19, disproportionately and devastatingly impact this population. The Times Square Alliance (the Alliance) approached Midtown Community Court to implement a solution that offers a more holistic approach. With seed funding from the Alliance, Community First launched in April 2021, in partnership with two additional social service organizations: Breaking Ground and Fountain House.

Midtown Community Court recognizes the value in offering holistic services that respond to a clients' needs, while not relying solely upon traditional policing to solve emerging community concerns. Instead, crisis response should be embedded within a holistic, integrated, health care and public health system with high quality, accessible and equitable services.⁸ Community First links individuals to social and wellness services, while coordinating voluntary follow-up engagement built on relationships developed through consistent outreach. Specifically, Community First employs Community Navigators who partner with community-based organizations to engage individuals in social services, substance use treatment, and mental health services.

Community Navigators build trust by learning clients' stories, offering essentials like food, blankets, and access to bathroom facilities, and, over time, connecting them to long term support like housing, employment, and/or drug treatment through the program's partnerships with Breaking Ground and Fountain House. The Navigators have become a staple in the Times Square community, building meaningful connections with individuals frequenting Times Square and developing credibility with local businesses, community-based organizations, and other Times Square entities.

This credibility has allowed participants to successfully access supportive services and other opportunities. Often, the largest barriers community members face is the lack of knowledge of the systemic landscape and the prerequisites required to formally enroll in programming or receive services, and the inability of the system to meet growing demands. Navigators also connect individuals to Midtown Community Court's other programs and clinical services, as needed. *"This work is extremely important to me as someone with lived experience with substance use and justice involvement,"* one Community Navigator wrote. *"My past allows me to form a deep connection to my clients and have a glimpse into some of the barriers they may be facing that other outreach workers may not understand... This work helps to remind me of the dark place where I was, while also advocating for the respect and dignity of those who are experiencing hard times."*

From July 2021 to December 2022, the Community Navigators have reached more than 604 individuals residing in or frequenting the Times Square area.⁹ Early data demonstrates that individuals are willing to continuously engage with Navigators, and over time begin to address their more substantive needs. The Community First team has over 1,628 interactions with community members, providing support to individuals working towards a range of

⁸ <https://www.fountainhouse.org/reports/from-harm-to-health>

⁹ Center for Justice Innovation. (2023). [Community First data file]. Retrieved from the Justice Center Application case management system.

meaningful outcomes.¹⁰ This data demonstrates that time spent building trusting relationships through consistent outreach is a key first step to addressing clients' more substantive needs, which ultimately must be met for a successful transition off the street.

This consistent outreach of Community Navigators is showing promising initial results, and we hope it will develop into a model that can be replicated throughout New York to support individuals experiencing homelessness and housing insecurity. The Center's Upstate Office is implementing the Community First model in Syracuse, New York.

Gun Violence Prevention

The Center has a history of unique knowledge and expertise in working to reduce gun violence and increase public safety, including serving as the original site for Cure Violence in New York City. The Center's research team has evaluated programs that address gun violence in New York City and New York State, and recently conducted a unique study examining why young New Yorkers carry guns. This work has provided the Center with lessons learned for effectively reaching target populations, as well as understanding the importance of consistent and quality implementation and evaluation to achieve the results these models have demonstrated in the past.

The Center starts by getting an understanding of the target population for violence prevention work. Gun violence in New York City is often attributed to youth gang conflicts, and young people are often the primary victims and perpetrators of gun violence. There has been scant research into the contexts for urban gun use, and there hasn't been a qualitative study that elicits participants' own stories and experiences since the early 1990s. To fill this void, the Center began a research program on the drivers of urban gun violence five years ago. The report from the first study the Center undertook, *'Gotta Make Your Own Heaven': Guns, Safety, and the Edge of Adulthood in New York City*, involved interviewing more than 330 young people in neighborhoods with historically high rates of gun violence to determine their reasons for seeking out firearms. The findings demonstrated widespread feelings of diminished safety and pervasive experiences of violence and trauma that motivated the 'security' of carrying a gun.¹¹

Study participants—many of whom had been shot at and most of whom had experienced someone close to them being shot—pointed to disputes between rival gangs and housing projects, as well feeling a lack of protection from law enforcement, as major factors in their decisions to carry. Above all, findings suggest that effective public safety strategies must begin with the perspectives of young people, build community trust and well-being, and account for the violence—both interpersonal and systemic—that shapes young people's daily lives.¹²

Experience in running programming and conducting research with this population has shown that to access young people who carry guns, programs must hire people with the street and cultural knowledge—gang experience, music, social media—that allow them to build trust and create safety. Credible Messengers can be a key component of many of these programs, but

¹⁰ Ibid at citation 9

¹¹ <https://www.courtinnovation.org/publications/gun-violence-NYC>

¹² Ibid at citation 11

they must be credible with the target population *in the present moment* for them to be effective. Data shows these programs require someone within current street networks to validate them for young people to safely and regularly engage in the support services they want and need.

This research, in tandem with the Center’s success with multi-disciplinary and inter-agency collaboration, violence interruption work, and research/deep engagement of gang- and gun-carrying youth, have inspired new thinking in programmatic interventions. One such pilot in Crown Heights, Brooklyn, is known as **The Heights**. The Heights is the next generation of gun violence prevention programming, harnessing the power of existing gang networks to build lasting community safety and well-being. Data indicates that young people’s gun-carrying exists in complicated relationship to their involvement in gangs and the underground economy. Pushing beyond “credible messenger” models, The Heights acknowledges that in reality gang leadership are frequently the only community members with sufficient power and influence to get young people to put down their weapons and maintains that lasting solutions to gun violence cannot be found without their insights and support.

The model consists of four tiers: Tier One functions fluidly with “the block” and provides all gun-carrying and street-involved community members access to food, toiletries, and other basic needs, and short-term workshops in “protected space,” where they can get respite from the hyper-vigilance most of them live with constantly. Tiers Two through Four focus in on the most entrenched gun carriers, those referred to by study participants as “shooters.” Shooters work closely with influential local gang members and those involved in the streets, as well as a wide array of service providers and CBOs, in ongoing workshops and sessions to build critical consciousness, access skill-building opportunities, and engage different healing modalities to help balance their nervous systems. All Tiers are engaged in ongoing community conversations and activism around public safety to begin the hard work of shifting network norms around gun use, conflict resolution, and well-being.

Groundwork for this pilot is already in place, including interest and excitement from three national gangs and key staff. To address concerns around gun violence in New York, the Center seeks State support for this innovative pilot program.

Housing Justice: Preventing Eviction through Comprehensive Housing Support

Access to quality, sustainable, and safe housing is a crucial element to the conversation around social justice and equity. By proactively addressing factors like access to housing and housing resources, we hope to reduce the likelihood of individuals intersecting with the justice system. Three Center programs—the Red Hook Community Justice Center, the Harlem Community Justice Center, and Legal Hand—work directly with New York City residents who are facing housing instability, whether through the threat of eviction, the need for permanent housing, or living conditions that pose risks to their safety and well-being.

The Center conceives broadly of addressing the factors that lead to housing instability by providing tailored services through a predictable series of stages at which a client facing the potential loss of housing can be helped so as to avoid that potentially devastating outcome.¹³ The

¹³ <https://www.innovatingjustice.org/publications/eviction-prevention-mental-health>

Center introduced the Eviction Intervention Stage Model, which identifies junctures at which supportive, problem-solving interventions can ensure the necessary community supports and legal representation (Appendix A).¹⁴ We believe that integrating these procedural protections and problem-solving interventions across the eviction process continuum, including but not limited to housing court, will support people with mental health conditions in retaining stable housing.

While New York City has made significant investments in attorneys for low-income residents, tenants are more likely to remain stably housed when they have assistance beyond legal representation in Housing Court. Support with organizing files, evidence, evidence-gathering, and other written requests, prior to legal filings have been noted to improve legal representation. We have found that a problem-solving approach in and beyond Housing Court helps both tenants and landlords connect to resources to address challenges like building repairs and back rent.

The Center's unique positioning—a community-based organization with programs across all five boroughs and individuals already engaging in this work—means that we can bridge those gaps to ensure that our most vulnerable residents do not fall through. We seek funding from the State to support the Center's **New York City Housing Justice Corps** in launching a city-wide, community-based project dedicated to preventing evictions while promoting housing stability, affordability and tenant protections for vulnerable tenants and public housing communities through a network of trained housing navigators and mobile pop-up events in all five boroughs. The New York City Housing Justice Corps is currently supported by congressional funding that is due to sunset in late 2023.

Conclusion

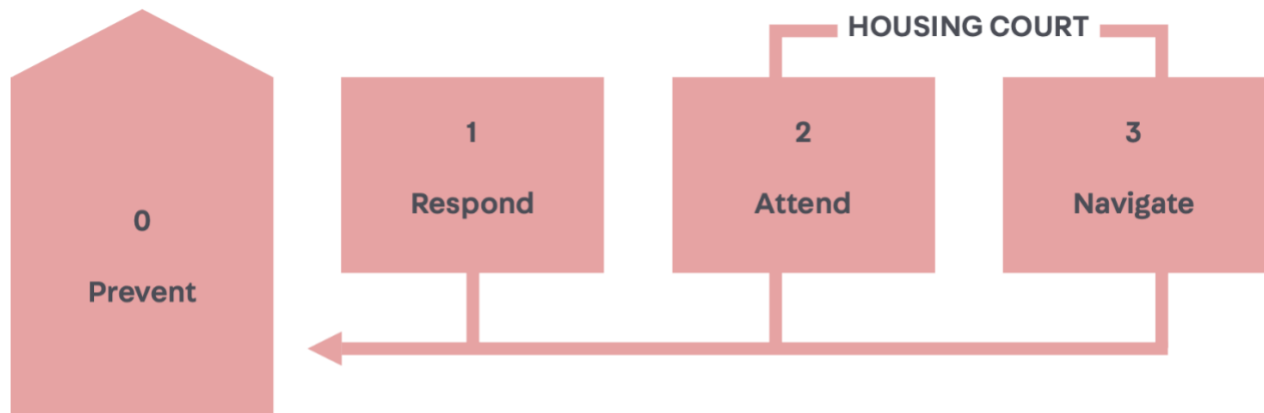
By partnering with the Center, New York State can go beyond transforming the system to cultivating vibrant and prosperous communities that center public safety and security for all its members. We thank the State for its continued partnership and are available to answer any questions you may have.

¹⁴ Ibid at citation 14

Appendix

A.

The Eviction Intervention Stage Model and Representative Interventions



- **Stage 0: Prevent**, in which housing stability is maintained through housing affordability and access to support services as needed.
- **Stage 1: Respond**, in which the person receives the first notice of the housing problem, e.g., rent non-payment or nuisance complaint.
- **Stage 2: Attend**, in which the person has to navigate the Housing Court process.
- **Stage 3: Navigate**, in which the person has to navigate the tasks necessary to address the complaint in between Housing Court hearings.