

COMMUNITY PROSECUTION : A DIFFERENCE

By Michael Genelin

In a June 1988 article for the National Institute of Justice, "Police and Communities: The Quiet Revolution," George L. Kelling noted that change was reshaping American policing. Police were returning to foot patrols; police were surveying citizens to learn what they, the citizens, believed to be their most serious neighborhood problems; police were concentrating on disorder; and organizing citizen groups had become a priority in many police departments. Police departments were increasingly looking for means to evaluate themselves on their contributions to the quality of neighborhood life, not just crime statistics.

"Community" or "problem solving" policing had arrived. It came about because of citizen disenchantment with standardized and/or ineffectual law enforcement policies and services and frustration with the traditional role of the police. This same quiet revolution has come to the prosecution agencies in the United States.

Traditionally the prosecutor's role has been reactive rather than proactive. With some notable exceptions, e.g., grand jury investigations, prosecutors have typically waited for police to bring them cases. However, community prosecution is now a part of the prosecutor's national agenda. Prosecution offices are going from passive partner to active initiator, and that process is accelerating.

Why has the perception of the prosecutor's role changed ? And why is this process accelerating ? Some of the answers are simple if we look at history. The urbanization of our environments certainly played a large role in centralizing law enforcement. This resulted in isolation of crime control management and isolation from the community because of the perception of the needs of the whole. There was massive pressure toward creating uniform services over large areas. When there wasn't centralization or uniformity, the cry of unequal protection was raised - leading to even more uniformity. Unfortunately, uniformity doesn't necessarily mean effectiveness. By attending to "equal enforcement of justice" in our urban sprawls, we mislaid the fact that smaller locations make up the whole of our community. We became myopic. We forgot a simple caveat : lose enough of the parts and you lose the whole.

In the establishment of uniform policies as the immediate priority, the needs of the neighborhoods we served were not served very well. The result was that problems unique to an area tended to enlarge, generating even more crime. The citizens in those areas felt, and still feel, isolated and not part of the whole. A general distrust grew, and persists, between the neighborhoods, the people in those neighborhoods and law enforcement.

It is a habit of central authorities to impose their solutions - solutions not based on substantial input from the community - when local problems are eventually observed in that community. It is, in fact, a quality of human nature and large organizations to be egocentric: slow to change and to perceive one's solution as the solution. Law enforcement organizations are no exception. Unfortunately, many times, imposed solutions are generally half-solutions, perhaps having an immediate palliative effect, with long term permanent solutions and/or needs ignored or misunderstood.

The lesson we are beginning to learn is that in order to have both more effective short-term approaches and long-term solutions to community problems, we must listen to those people who are immediately affected-and to what they " perceive as their problem. We cannot remain hide-bound by tradition or preconceptions in our roles and in our interaction within these neighborhoods. To that end, prosecutors have begun to act in neighborhood needs-conscious ways, expanding services to focus on the smaller parts of the whole.

There are numbers of ways that prosecutors can interact on the community level. As problem solvers, prosecutors should meet with community members and attend local events. The prosecutor can be a mobilized, an identifier of resources and a coalescing force to help propel the program, once developed, toward a successful conclusion. We can facilitate communications and because of the perceived power of the office, ameliorate differences to lead the community toward agreed-upon common goals in the neighborhood.

Once district attorneys become trusted advisors at the neighborhood level, they become trusted in their long-term traditional roles within the overall criminal justice system. By interacting on a community level where the community perceives us serving their best interests, the justice system is seen as visibly constructive. From a position of indifference, or even hostility, the neighborhood can then move to involvement in, and support of, the criminal justice system as a whole.

Prosecutors have always worked at making communities more habitable. With community prosecution, we are simply working in a slightly more non-traditional way. There are a number of programs across the country to draw upon for examples. All of them, in one way or another, have the following aspects of crime control reduction: the diminishment of individual and community fear, neighborhood and/or city physical improvement, aspects of social service delivery and/or increased communication between the public and community/city agencies - particularly law enforcement, public/private partnerships, and the creation of a problem-solving/reduction organization.

In the August 1996 National Institute of Justice Journal, stratagems relating to community involvement by prosecutors and police were discussed. They included these two important aspects: (1) All of the programs developed a simplified strategic plan; and (2) all of them helped themselves, and the plan, by utilizing a partnership approach that customized response to neighborhood needs and which, in the main, utilized community input/activity to flesh out the plan and/or its implementation.

It has long been recognized that people who live in communities which are crime ridden and economically depressed are not active in their neighborhoods. They perceive themselves to be disenfranchised. In fact, the neighborhood people lack community cohesion, engage in little reciprocal guardianship behavior and perceive governmental agencies as "the enemy." This is one of the walls that has to be climbed by law enforcement in going into any area.

How do you deal with this potential lack of cohesion and, in fact, very real animosity?

The benefits of any program brought into these neighborhoods has to be demonstrated as benefit-creating to overcome these inertia-creating elements, preferably even before the program begins, and certainly during its operation. To do this, communication has to be continuous both ways, to and from law enforcement groups and the community.

Involvement in this process, then, involves ingenuity, a dash of daring and "non-linear" thinking. Imagination has to be used not only to establish bonds within the community, but also to maintain the constant impetus and generative process that supports any program's success. Example of innovative approaches follow.

Portland, Oregon

Barbara Boland, a fellow with the National Institute of Justice, in her March 1996 article, "How Portland Does It," described the process used in Multnomah County involving Portland's inner-city Lloyd District.

Business leaders mobilized a response to increased criminality and occupant flight from the community by forming an association including the district attorney and Police Bureau. An action plan was drafted, and a special prosecutor was associated with the district. Even more, private funds were obtained to pay for the prosecutor. A substantial number of anti-crime/community recovery measures were generated in this cooperative venture. The result was enormous crime reduction and area rehabilitation.

Los Angeles, California (SAGE Program)

Even more aggressive was the Los Angeles district attorneys approach to financing its SAGE (Strategy Against Gang Environments) program. This was not a community district attorney prosecuting penal violations, but it was a series of planned processes such as civil injunctions/abatements against nuisance and quality of life crimes. There wasn't any money in the budget for such a program. It certainly required initiative to get off the ground. The district attorney surveyed the entire county, including its many municipalities (Long Beach, Pomona, Pasadena, Santa Monica, Norwalk, etc.) and nearly all of its 46 police agencies to pinpoint the problem areas and to measure the extent of these neighborhood difficulties. It also determined whether local funds were available to pay for a community prosecutor to deal with the problem locality and to deal flexibly with the municipality in reference to the funding.

This resulted in a number of cities raising funds to utilize offered services. One-year terms were contracted, and a number of them were subsequently renewed because of demonstrated successes. Ongoing success generated contacts with the board of supervisors. Specific problem areas in singular supervisor's districts were identified from the original surveys. As a result, funds over and above yearly budgeted general expenditures were obtained to create added community prosecutors (in the Los Angeles/Hollywood and Los Angeles/Pico Union areas, etc.). Simply put, where there's a will, there is a way. Proactive initiative was added to traditional reactive response.

Manhattan, New York

The district attorney in Manhattan quickly acknowledged the need for community policing, but he also realized the need to support and expand the strategies undertaken by the police. His approach emphasized partnerships among prosecutors, police and the community. Among other solutions, the department utilized community-based prosecution to increase certainty of judgment, targeted repeat offenders and street level drug dealers, and established programs to ensure long term revitalization of the neighborhood.

The community prosecution program consisted of (1) a Community Affairs Unit dedicated to developing and maintaining lines of communication and the exchange of ideas with community groups, tenant associations, businesses, schools, etc. to generate community involvement and (2) small teams of prosecutors deployed to targeted neighborhoods to focus on crime generated from these areas.

The office also utilized civil remedies, such as evictions of drug dealers, enforcement of civil ordinances and regulations, and asset seizure and forfeiture. Quality of life crimes were attended to, even in one of the busiest court systems in the country. One of the office's approaches was to set up an alternative Sentencing Office to coordinate referrals from Criminal Court judges to community service programs run by city agencies, verifying that sentences for community service were carried out.

Philadelphia, Pennsylvania

In Philadelphia, the Youth Aid Panel (YAP) was developed through the initiative and under the supervision of the district attorneys office. YAP functions as a voluntary pre-trial diversion program for juveniles. A juvenile can avoid criminal prosecution and the risk of a criminal record by appearing before a panel of neighbors to answer for crimes and by complying fully with the punishments meted out by the panel.

The district attorney's office does all the training of panelists and - in consultation with the police department, local probation and school officials - decides if a given youth is eligible for YAP. Offenders have to be enrolled in school and be able to appear before the panel with a parent or guardian. In addition, they must admit guilt in a signed statement. Of all the juveniles who have taken this option, 90 percent have completed their contracts. The recidivism rate of all offenders who have appeared before YAP is an estimated 20 percent -less than a third of the national recidivism rate of juveniles between 10 to 17 who are adjudicated in a traditional court setting.

In part, the YAP program succeeded because of a non-traditional approach to the issue. Costs made it impossible to use salaried individuals, so volunteers from the neighborhoods became the previously untapped resource to whom YAP turned. In the process, the neighborhood itself became empowered, and the empowered inner city became a supporter of the "establishment" because of recognized mutual need and cooperation. Today, the program operates throughout all of Philadelphia's police districts. (The Los Angeles district attorneys office recently received a grant to initiate an experimental program substantially modeled after the Philadelphia YAP prototype.)

Kansas City, Missouri

In Jackson County (Kansas City, Mo.), the prosecuting attorney was faced by an enormously increased drug problem. He spearheaded a drive to pass a countywide sales tax to pay for an anti-drug strategy. This financed a plan that included (1) prosecution, (2) a community service and sentencing program, (3) a drug court, (4) a neighborhood prosecutor program, (5) a drug abatement and response team, and (6) community crime prevention.

Attorneys were assigned to neighborhoods. These prosecutors attended community meetings to maintain a dialogue and establish working relationships. The results were an increase in the quality of assistance from police and the residents of the area in case development through prosecution and sentencing and the closing of well-known drug houses.

Los Angeles, California (C.L.E.A.R. Program)

In Los Angeles, the C. L. E. A. R. (Community Law Enforcement and Recovery) program was generated in response to massive gang problems. The impetus came from the mayor's office. However, a gang intervention coordinator was selected from the Los Angeles County district attorney's office, with representatives and personnel from the Los Angeles Police Department, Sheriff, Probation Department and city attorney - making up the rest of the core group.

Other law enforcement groups were affiliated. A Community Impact Team (C.I.T.) was then developed from the neighborhood that was targeted and where the cure group was housed. Targeting of gang members, particularly the hard-core, became a priority. Quality of life crimes were addressed.

The C.I.T. was used to give input and feedback and to explain to the community what law enforcement, in this program, was all about. As one of the participants noted, "Making government accessible is what motivates the Community Impact Team." The people in the neighborhood were empowered because someone was listening. The result was a 39 percent decrease in violent crimes in the targeted area in the first six months of operation, with a ripple effect in the surrounding area of 35 percent. By contrast, the decrease was only 9 percent in the rest of the area that was not serviced by the group.

Tips for Success

Advocacy for community prosecution in no way gainsays the need for continuing traditional methods of trial advocacy. For instance, general trial units will always be needed; major fraud divisions are essential because of the complexity of the paper trail in corporate America; and vertical prosecution of gang members by specially trained gang prosecutors is a must in our gang-afflicted environments. However, we must engage problems in the most effective ways, use the power of the prosecutor's office to help reduce problems and the harm created by those problems, and utilize creative and constructive approaches. Simply put, we need to deal with events in the best and most responsive way possible.

A common thread runs through all of these community prosecution programs: neighborhood concern, neighborhood action and neighborhood involvement. With a bow to the National District Attorneys Association "Community Prosecution" document, and with hindsight amendments, the following are critical to the success of a community prosecution program :

- 1) Be proactive, not passive. Target offenses of concern to the community.
- 2) Look to improve the quality of life in the community - whether it be by injunctions/abatement, use of civil laws or even simple graffiti removal/clean-up programs. These are the things that breed perceived physical changes that provide for continuing response and support from the community.
- 3) Interact directly with the community and devise a process that allows the neighborhood/community to give you input. It's not only a question of obtaining intelligence, it is a means for you to improve the program and get its objectives into the community with the support of the community.
- 4) Look for your natural partners when you set up the agenda for the program. A cooperative program has synergistic growth. Resources have to be complimentary. If they are, effects are multiplied. You cannot do it all alone.
- 5) Think long term. Hit and run strategies are self-defeating and discouraging to the people who live in the targeted neighborhoods. You want to empower, not destroy.
- 6) Make use of the resources available. All programs should be well funded. But if you lack funds, utilize what is there. Local businesses can contribute a facility to house the program or computers may be donated. Don't wait for the money that may never come.
- 7) Use traditional methods of enforcement if you believe them to be the best method under the circumstances, but don't be constrained by them. If criminal law won't do it, use civil law (i.e., injunctions, building inspections, condemnation, etc.). Do you need a graffiti clean-up program? Have the merchants in the area contribute the paint and brushes, and put the gang members to work painting it out.
- 8) Assess the success of the program. What went right? What went wrong? Don't be afraid to improve and to rectify. We are not the only public offices that are adjusting their methods to meet the needs of our diverse and multicultural citizenry. Recently, the mayor of the largest city in California proposed amending its City Charter to create 86 neighborhood councils to be elected at town-hall meetings for input on planning and land-use matters. Obviously, this was recognition of the need to respect the desires of the many communities that make up the whole of the city. It was also a way to bring them back as involved stakeholders in the civic process. That same thought is what propels the concept of community prosecution.

These are difficult times; these are different times. Remember tradition is remade when methods are successful. Those methods become the new way and the new tradition. And success breeds success.