The Prosecutor as Problem-Solver: An Overview of Community Prosecution

A Workshop for Prosecutors

Teacher's Guide

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Background on Community Prosecution

Around the country, many prosecutors are taking on new responsibilities beyond conventional case processing. They are working out of neighborhood offices, reaching out to local residents and adding a new measure of achievement, one that tallies success not just by rate of conviction or the number of hardened criminals they've put behind bars but also by the impact their actions have on the community. In one neighborhood, success may mean the eviction of drug-dealing tenants; in another part of town, success translates into an initiative that stops prostitutes from working out of several motels. And in still another neighborhood, success may mean breaking up the operations of a violent youth gang.

This shift in philosophy and approach is called community prosecution. **Community prosecution at its core involves three key ingredients: problem-solving, community involvement and partnerships.**

When prosecutors are problem-solvers, they are doing more than prosecuting individual cases. Instead, they are recognizing that crime does not take place in a vacuum and that the "big picture" – neighborhood context, patterns of criminal activity, identification of "hot spots" that seem to nurture offending – also matters. The problem-solving prosecutor is not satisfied with simply prosecuting a group of drug dealers arrested at a particular corner, but instead asks him or herself: What, if anything, is the link between these individual cases? What makes this corner an attractive setting for drug-dealing and what could be done to make it less attractive? What tools, in addition to the threat of incarceration, can be brought to bear on the problem? What other agencies might have overlapping jurisdiction? The problem-solving prosecutor uses a wide range of tools, including non-prosecutorial approaches, to solve the problem and change the social environment to discourage future offending.

Community engagement and partnerships are the other key ingredients of community prosecution. Rather than dictating to the public how crime and safety issues should be handled, problem-solving prosecutors are asking the public for their opinions. This is not merely an exercise in public relations, but a strategy for finding out what's really on the public's mind. Often, the answers are surprising. For instance, in a project involving Walter Dickey, a University of Wisconsin law professor, law enforcement officials went into an area of Milwaukee "with the highest homicide rate," but instead of a public preoccupied about murders, they found a community whose biggest day-to-day concern was "kids' stealing screen doors." [Greg Berman and Aubrey Fox, "From the Margins to the Mainstream: Community Justice at the Crossroads," The Justice System Journal, Vol. 22, No. 2, 2001].

In addition, through advisory councils, special committees and task forces, neighborhood prosecutors are partnering with community residents, local organizations and other criminal justice agencies. Collectively, these various players are actually helping to set the crime-fighting agenda and, in many cases, participating in the solutions. Prosecutors are finding that by partnering with the community, neighborhood organizations and other agencies, they can improve public safety, boost confidence in the justice system and make communities stronger and more effective.

Community prosecution arose largely out of frustration. In the early 1990s, many prosecutors were finding that simply locking offenders up didn't always translate into meaningful reductions in crime. This seemed especially true at the height of the crack

epidemic, when caseloads skyrocketed and offenders were churning in and out of court with no appreciable reduction in violence or the availability of drugs on the street. It was in response to that challenge that some prosecutors decided to take a different approach. Taking a page from the community policing handbook, they decided to see if they could apply the principles of community engagement and problem-solving in their own work.

An emerging field, community prosecution is dynamic and ever-evolving. The form it takes varies from jurisdiction to jurisdiction, depending greatly on community attitudes, local resources and the outlook of the prosecutors who practice it. In fact, the biggest challenge of teaching community prosecution is that its day-to-day application depends entirely on context. In other words, the solution to a street prostitution problem in Portland, Oregon, might be very different than the solution in Manhattan. Not only does the problem manifest itself differently in the two locations, but community attitudes, resources, laws and the prostitutes themselves vary. These differences in circumstance can lead to different responses and even different measures of success.

Regardless of the form it takes, however, community prosecution appears to be catching on. According to a survey conducted by the American Prosecutors Research Institute of 879 prosecutors' offices, 54.8 percent "indicated that their offices participate in community-based initiatives that correspond with a community prosecution model." community prosecution [Source: Elaine Nugent, Patricia Fanflik and Delene Bromirski, "The Changing Nature of Prosecution: Community Prosecution vs. Traditional Prosecution Approaches, American Prosecutors Research Institute (February 2004)].

This workshop – in three short hours – gives prosecutors a basic feel for community prosecution. It keeps things simple, emphasizing three key principles – problem-solving, community involvement and partnerships – rather than offering an encyclopedic overview. It also provides prosecutors with examples of successful strategies.

At the end of the day, community prosecution is a tool that enhances the bread-and-butter functions of any prosecutor's office. There is no question that prosecutors must still build cases, seek convictions and pursue the incarceration of certain recidivist/ offenders or those prone to violence or incapable of rehabilitation. But prosecutors can also achieve – through community prosecution – other important goals: solving discrete neighborhood problems, addressing low-level offenses that threaten a community's quality of life, and enhancing the public's sense of safety. And the tools of community prosecution can even help with conventional case processing: Prosecutors who are assigned geographically to neighborhoods have better access to witnesses and local information that can help them build better cases. Moreover, those who have worked on community prosecution initiatives report high levels of job satisfaction.

After participating in this brief course, participants will hopefully recognize that community prosecution is not a strange or foreign strategy requiring a complete break with past practice. In fact, community prosecution requires the same kinds of skills that prosecutors use every day. Just as a conventional prosecutor gathers information to build a case, a community prosecutor gathers information about neighborhood problems; just as a conventional prosecutor mulls various strategies for resolving a case, a community prosecutor evaluates various strategies for addressing a local safety issue or concern; and just as a conventional prosecutor negotiates, pleads and argues in furtherance of a

particular legal strategy, so a community prosecutor uses his or her skills as a communicator to carry out a particular plan of action.

The Workshop: An Overview

This workshop is intended to provide participants with a rapid but meaningful introduction to community prosecution. The lesson plan emphasizes the practical nature of community prosecution, underscoring how prosecutors on the front lines can use the strategy to achieve what is arguably their most important goal: enhancing public safety. At the conclusion of the three-hour course, participants should be able to:

- define community prosecution;
- understand and apply a structured approach to community problem-solving – specifically the SARA framework (Scan, Analyze, Respond, Assess.)

Target Audience

This training is designed for anyone in a prosecutor's office – prosecutors as well as non-prosecutors – seeking an introduction to community prosecution. It is suited both for those who plan to practice community prosecution and those who, although they might not use community prosecution strategies on a daily basis, are interested in learning more about it.

(Although the workshop is not intended for prosecutors with extensive community prosecution experience, it may be helpful to have some experienced community prosecutors participate. The community prosecution "veterans" might not learn much new from the training but they can enhance the learning of others by sharing their knowledge and experience.)

The workshop is, arguably, relevant to everyone in an office where community prosecution is practiced – even attorneys who work exclusively in "traditional" units. Community prosecution is most effective when everyone in an office understands its role. Traditional prosecutors, for instance, can use community prosecutors' knowledge of local communities and neighborhood players to gather evidence and identify potential witnesses. Also, community and traditional prosecutors can work together to deliver a one-two punch (conviction of offenders combined with long-term prevention strategies) to end a public safety problem once and for all.

The instructor, in adapting the curriculum, should keep in mind the audience's interests and level of familiarity with the subject. The instructor should choose examples that the audience will find engaging – for instance, examples that reflect local concerns. The instructor may even want to describe in detail the activities of the local community prosecutors – unless the audience already knows enough about it, of course.

Estimated Time

The training can be presented in three hours, although the actual time will vary depending on the extent of audience participation. The three hours includes two 15 minute breaks.

Materials Needed

Handouts

- 1: Key Features of Community Prosecution
- 2: The Conventional Vision of the Prosecutorial Function
- 3: 8 Elements of Effective Community Engagement
- 4: Survey of Community Prosecutors: Focus on Neighborhood Outreach
- 5: Culturally Appropriate Communication
- 6: The SARA Framework
- 7: Community Survey: Denver, Colorado
- 8: Community Survey: Downtown Austin
- 9: Prioritizing Exercise From Denver, Colorado
- 10: Quick Survey: Orange County
- 11: Community Resource Handbook From Indianapolis
- 12: Sample Notification About Illegal Campgrounds
- 13: Sample Form For Reporting Information to Police
- 14: Neighborhood Impact Statement from Kalamazoo
- 15: Problem-Solving Example: Burglary of Vehicles (Austin, Texas)
- 16: Problem-Solving Example: Alcohol-Related Offending: The Capitol Hill Experience
- 17: Community Action Handbook on Liquor License Sanction
- 18: Bibliography

PowerPoint

Blackboard or flipchart with easel

Workshop Agenda:

The workshop is divided into the following three sections:

I. What is Community Prosecution? (45 minutes)
Break: 15 minutes
II. SARA: A Framework for Problem-Solving (45 minutes)
Break: 15 minutes

CHOOSE ONE
III. A. Case Study (1 hour)
or
B. Name a Problem (1 hour)

SECTION I: What is Community Prosecution?

Goal: The goal of this section is to introduce participants to community prosecution. At the end of this hour, participants will:

- know the difference between traditional prosecution and community prosecution;
- be familiar with some real-life examples of prosecutorial problem-solving;

Estimated Time: 45 minutes

Overview for Instructor:
The purpose of this section is to familiarize prosecutors with community prosecution. [For a quick overview, see **Handout 1:** *Key Features of Community Prosecution*]. Toward that end, the instructor will get participants to describe the prosecutor's conventional role. The instructor will then contrast that role with the role played by the community prosecutor. (OPTIONAL: To provide historical context, the instructor may also discuss community policing and its origins.)

The instructor will also offer a real-life example of community prosecution. The instructor can use a local example or draw upon one of the national examples offered in the training. Whatever example is used should emphasize: collaboration between the prosecutor's office and the community; a "problem-solving" approach; and a measure of success that is non-traditional. Traditional measures of success include the number of convictions, number of cases disposed of and time to disposition; less traditional measures include things like a reduction in the incidence of a particular offense, an increase in the public's perception of a neighborhood's safety, the dissolution of a particular youth gang or a reduction in recidivism, measurable improvements in a community's quality of life – such as visible and lasting improvements to a neighborhood park, or the disappearance of scantily-clad street walkers.

(**NOTE**: Instructors should get the participants talking and actively involved. Studies of adult learning suggest that adults retain more information from experiential learning. If this becomes a lecture without significant participation by the attendees, they will likely get bored and stop listening.)

Lesson:

Traditional Prosecution

ASK
Ask participants to list the traditional goals of the prosecutor's office. (Likely answers include: Obtaining convictions and appropriate sentences; winning trials; getting dangerous criminals off the street; making communities safer?) What are prosecutors' primary duties? (Answers will likely include: Investigating and prosecuting cases; presenting evidence at court hearings; negotiating plea agreements and conducting trials.)

How does the prosecutor's office traditionally measure success? (Answers may include: Racking up as many convictions as possible; moving cases along quickly; obtaining long sentences for dangerous criminals; not having verdicts overturned on appeal.)

WRITE
Write the responses on a blackboard or flipchart. Presumably, the definition of the prosecutor as "minister of justice" will emerge. Convicting offenders, punishing wrong-doers, maintaining community safety and closing cases swiftly and efficiently will probably emerge from the discussion. [Refer participants to **Handout 2:** *The Conventional Vision of the Prosecutorial Function* for a more detailed discussion about traditional prosecution. Since the article excerpt is rather long, participants should not read it during the training.]

BEGIN OPTIONAL LECTURE (10-15 minutes)

This section explains the history of community prosecution. It is a more academic lecture than a hands-on discussion and might not be of interest to – or appropriate for -- some audiences. It adds 10-15 minutes to the workshop.

Background: Where did Community Prosecution Come From?

EXPLAIN
Explain that community prosecution arose from other forms of community justice, especially community policing.

ASK
Ask participants what they know about community policing. [The material that follows about community policing was adapted from "Module One: A Framework for Community Policing," Community Policing Consortium, downloaded Dec. 30, 2003 from http://www.communitypolicing.org/mod1.html] Many may be familiar with community policing already, but if they are not, or if there are gaps in participants' understanding, the instructor can provide basic background. The facts to emphasize are that:

- Several decades ago, a new model of policing was developed. Virtually every police department and sheriff's office in the country adopted this model. The model's key components were:
    - preventive patrol
    - rapid response,
    - follow-up criminal investigation
- In the 1970s, the federal government began supporting research into police practices and found, among other things, that preventive patrol didn't really prevent crime or decrease citizens' fear as was intended. They also found that rapid response was helpful in catching the perpetrator at or near the scene of the crime only in the approximately 10 percent of cases in which a victim reports a crime immediately.

- Police began looking for alternatives to rapid response and preventative patrol; one alternative was community policing, which encouraged police to be less reactive, focus on crime prevention and improve community conditions that contribute to crime. Community policing has two main components:
    - community partnerships
    - problem solving
- **The most important thing for the instructor to emphasize about community policing is that departments are trying to become less reactive and work instead on crime-prevention strategies. Police have been getting out of patrol cars and returning to traditional "beats," which has allowed them to become familiar with particular neighborhoods and the stakeholders who live and work there. By convening and attending community meetings, police officers have also been finding that stakeholders are often more concerned about the smaller offenses – like public drunkenness and prostitution – that affect their daily quality of life rather than the big crimes, like rape and murder. And adherents of community policing also started measuring success not just by how quickly they respond to radio calls but by whether they've solved particular problems, like the level of drug dealing in a particular building or the presence of prostitution on a particular corner.**

END OPTIONAL LECTURE

Origins of Community Prosecution

EXPLAIN
Talk about the factors that led prosecutors in the early 1990s to begin experimenting with community prosecution. There were three primary forces:

- *The **crushing caseloads** brought on largely by the crack epidemic.* Prosecutors were putting thousands of offenders behind bars but it wasn't having an impact on the crime problem. The overwhelming amount of work, and the fact that countless offenders were returning to criminal activity as soon as they were released, fostered a desire for new responses and solutions;
- *The **growing distance between prosecutors and their constituents**.* Prosecutors, like police a decade earlier, were increasingly faced with an angry and uncooperative public. The rising tide of crime associated with crack, plus the sense that prosecutors were ignoring many of the smaller "quality-of-life" offenses that affected residents on a daily basis, led to growing public disaffection;
- *The **"broken windows" theory and the success of community policing**.* Community policing, like community prosecution, uses creative problem-solving to address specific crime and safety issues. Prosecutors in the early 1990s, like police chiefs before them, began to see that what affects community members' sense of safety on a day-to-day basis are the lesser offenses: litter on the street, graffiti, noise, disorderly conduct and the like. Academics, like George Kelling and James Q. Wilson, who authored the now famous "Broken Windows" theory,

said it was little offenses and signs of disorder – like broken windows – that created an environment in which more serious crime could flourish. This reinforced the notion that the so-called "little things" a community cares about genuinely matter and also underscored the idea that the context in which crime occurs is also important.

DEFINE

Define community prosecution. [Note: This section corresponds to **Handout 1:** *Key Features of Community Prosecution.*] Note that **there is no universally recognized definition of community prosecution.** As the American Prosecutors Research Institute has noted, "community prosecution remains an amorphous concept." [M. Elaine Nugent, "What Does it Mean to Practice Community Prosecution? Organization, Functional and Philosophical Changes," American Prosecutors Research Institute, Feb. 2004] And as Prof. Anthony Thompson, of New York University Law School, has written: "It is not at all obvious … what the term 'community prosecution' actually means." [1] [Anthony C. Thompson, "It Takes a Community to Prosecute," 77 Notre Dame L Rev. 321 (2002)].

Community prosecution is hard to define because every office seems to do it differently. This is only natural because community prosecution is, above all else, local; thus it reflects local priorities, local resources and local ingenuity. And yet while a specific definition is elusive, **the key features of community prosecution – which all initiatives share – are easy enough to capture. They fall into the following three main categories** (in discussing the following, emphasize how community prosecution is practiced by the host office – if, indeed, it is):

PROBLEM-SOLVING

- Focus on crime prevention;
- Willingness to address problems that are not overtly crime related (e.g., a lack of constructive after-school activities available to teens);
- Varied and non-traditional strategies to address public safety issues and other local problems;
- "Pro-active" (as opposed to reactive) strategies;
- Long-term strategies;
- Emphasis on measuring results.

COMMUNITY INVOLVEMENT

- Inclusion of community stakeholders in problem-solving (e.g., giving stakeholders a role in establishing program priorities as well as developing and carrying out strategies;
- Extra attention paid to problems that are of unique concern to local residents, especially quality-of-life offending (such as graffiti, vandalism, disorderly conduct, prostitution, panhandling, etc.);
- A defined geographic target.

PARTNERSHIPS

- Partnerships among the prosecutor's office and law enforcement agencies, government and private agencies, businesses, community groups and private citizens.

EXPLAIN

Explain that the most novel ingredient in all this for prosecutors is probably the emphasis on community. Ask participants to consider what is involved in introducing community perspectives (apart from victims and witnesses) into a prosecutor's work. How does a role for the community broaden the prosecution function? What information can community members provide that might be helpful to prosecutors? What resources does a community have that might help prosecutors achieve the goal of preventing crime, increasing stakeholders' sense of safety and building better cases? To get a feel for the kinds of things prosecutors do to foster communication with neighborhood stakeholders, refer participants to **Handout 3**: *8 Elements of Effective Community Engagement*, **Handout 4**: *Survey of Community Prosecutors: Focus on Neighborhood Outreach*, and **Handout 5**: *Culturally Appropriate Communication.*

COMPARE

Compare traditional prosecution (as discussed by the group previously) and community prosecution. [See **APPENDIX A**]. This can be done visually by creating two columns on the blackboard/flipchart: one column entitled "traditional" and the other "community prosecution," and writing key characteristics under each heading.

In the discussion, emphasize that traditional prosecution work (convicting offenders) is absolutely essential, and can be part of a community prosecutor's work. Many community prosecutors retain conventional caseloads, and use the information they gather through their many contacts in a neighborhood to build better cases. **Community prosecution is really about broadening prosecutorial resources: instead of relying almost exclusively on conventional case processing to battle crime, community prosecution offers a much wider range of options and strategies.** Some quick examples of this are:

- In Washington D.C., local prosecutors helped rid a neighborhood of a drug problem with a call to the city asking it to haul away an abandoned car that was a stash for drugs.
- In Boston, prosecutors accompanied residents to a liquor-license hearing to help argue for reduced hours for businesses attracting drug-dealing and intimidating crowds of youths.
- In Palm Beach County, Florida, prosecutors turned abandoned buildings in drug-ridden neighborhoods into youth community centers.

[Source for these examples: Sarah Glazer, "Community Prosecution: Should Prosecutors Try to Solve Local Problems?" CQ Researcher, Vol. 10, No. 42 (Dec. 15, 2000)]

What follows are some other points that the instructor might want to stress, especially for a skeptical audience. The first element listed below might be particularly resonant for prosecutors wedded to a traditional lock-'em-up-and-throw-away-the-key attitude.

- ***Community prosecution, while recognizing the importance of quality-of-life offending, is also a tool for addressing major crime.*** In a seminal article by Elizabeth Glazer ("How Federal Prosecutors Can Reduce Crime," The Public Interest, Summer 1999), the former assistant U.S. attorney described how federal prosecutors used problem-solving techniques to go after violent gangs, drug traffickers and other serious offenders. In Washington D.C. and Brooklyn, N.Y., prosecutors have been assigned to geographic zones. This has allowed them to not only better understand neighborhood problems and how to tackle them, it has also helped prosecutors build relationships with potential witnesses and sources of information whom they relied upon to solve and prosecute major cases.

  The instructor can point out that the skills important in conventional prosecution – such as those used in a courtroom – are not so different from the skills a community prosecutor uses in the field: Talking to a room of concerned citizens isn't really that different than talking to a jury; collecting witness testimony and building a case isn't really that different from interviewing community residents and analyzing a neighborhood problem; using a legal strategy to convict an offender at trial isn't so far from developing a legal strategy to keep drug dealers or gang members out of a housing development.

  Similarly, the instructor can point out that the skills acquired by a community prosecutor can help in more traditional settings. The knowledge acquired about a community and its people, for instance, can help a prosecutor build a case, work with witnesses, understand which cases truly matter to constituents and communicate effectively with jurors. Once again, the instructor might take the time to emphasize that community prosecution is not meant to replace traditional prosecutorial functions but enhance them.

- ***Community prosecution, while encouraging inventiveness, more often than not relies on tools and resources that already exist but may be little used or never before applied to the problem at hand.*** As Harvard researcher David Kennedy has pointed out, prosecutors and other players in the criminal justice system often have "a large and varied menu of ways" to disrupt criminal activity. ("Pulling Levers: Getting Deterrence Right," National Institute of Justice Journal, July 1998). But in conventional practice, these tools are often not applied in a coordinated or focused way. Through better coordination, Kennedy says, prosecutors and others can use every "lever" legally available to respond to criminal behavior. This often involves cooperation across agencies, including prosecutors, police, parole and probation and other agencies with law enforcement components (such as health, zoning and even animal control departments).

- ***Community prosecution is characteristically very focused.*** Community prosecutors have found that their strategies work best when they clearly and

narrowly define targets and goals. In Operation Ceasefire, the strategy didn't target something as broad as "youth gangs." It targeted a specific manifestation of youth gangs: violence. Similarly, other community prosecution efforts have not gone after things as broad as "prostitution," but narrowed the focus to street prostitution on a particular corner or the use of a strip of motels for prostitution.

- ***Community prosecution involves a basic shift from reaction to action.*** Instead of just reacting to events (mostly by getting offenders off the streets), community prosecutors are taking a more aggressive approach by seeking to understand communities better, to address community conditions that can fuel crime and prevent more crime from occurring down the road.

RECAP
Briefly recap what has been discussed in the last 45 minutes.

15 MINUTE BREAK

SECTION II: Community Prosecution in Action

Goal: To help participants understand the kinds of problems that community prosecution can effectively address and learn how to analyze and solve community problems using the SARA framework.

Estimated Time: 45 minutes

Overview for Instructor:

For many who stumbled upon community prosecution in the early 1990s, it was a moment of revelation: that there was a different way to serve the public and make neighborhoods safer. This section seeks to get participants similarly excited by offering a concrete method for carrying out the work.

Since community prosecution emphasizes creative problem-solving, it is impossible to create a complete list of all the tools and skills a prosecutor, working with a community, will need. The point, after all, is for prosecutors to develop custom-tailored solutions – ones uniquely suited to their own communities' problems and resources. It is possible, however, to offer prosecutors guidance about how to gather information, analyze a problem, put a solution in place and evaluate the results. These steps are embodied in the community policing framework known as SARA (Scan, Analyze, Respond, Assess.)

Lesson:

SARA

INTRODUCE
Introduce the concept of SARA. Among the community policing techniques that prosecutors have found useful is SARA. SARA stands for:

- Scan: (problems are identified)
- Analyze: (learn everything about the problem)
- Respond: (develop and implement long term solutions to problems)
- Assess: (evaluate the effectiveness of the problem response and adjust the response as necessary)

Note that in each step, the main components of community prosecution – problem-solving, community involvement and partnership – are deployed.

DISCUSS
Discuss each of the four elements. Refer participants to **Handout 6:** *The SARA Framework.*

Scan

ASK
Ask participants how they might go about identifying community members' concerns? What tools might they use? To whom would they talk?

Sources of useful data could include: surveys, focus groups, feedback at community meetings, citizen complaints, crime statistics and other information provided by partner agencies, such as the police, courts, probation and non-law enforcement partners as well (such as public health, housing, employment and other government agencies.) In Kalamazoo, Michigan, for example, neighborhood prosecutor Karen Hayter put together a two-page survey that she administered door-to-door with the help of volunteers from a neighborhood watch program. Answers from just 80 people were enough to help Hayter develop a strategic plan. On Staten Island, District Attorney William Murphy sent a survey to 34,000 homes in one area of his district. The survey had a 10 percent response rate and told them that kids' hanging out with nothing constructive to occupy their time was the community's biggest concern. [Refer participants to sample surveys in **Handout 7**: *Community Survey: Denver, Colorado*; **Handout 8**: *Community Survey: Downtown Austin*; **Handout 9**: *Prioritizing Exercise from Denver*; **Handout 10**: *Quick Survey: Orange County*. Also related to this discussion are **Handout 3**: *8 Elements of Effective Community Engagement*; **Handout 4**: *Survey of Community Prosecutors: Focus on Neighborhood Outreach*.]

Ask participants what issues are of concern in their jurisdiction. Some things that might come up are: Assault, Car-Prowls, Chronic Nuisance, Chronic Truancy, Community Building, Drag-Racing, Drug Houses, Elder Abuse, Graffiti, Gangs, Harassment, Illegal Camping, Littering, Loitering, Pan-handling, Public Transportation, Prostitution, Street Dealing, Theft, Trespassing, Vandalism.

Analyze

ASK
Ask participants how they would analyze a targeted problem. What issues would they explore? Ideas that might come up include: **looking for the source of a problem** (is a particular group – youths, homeless, prostitutes and their customers – primarily responsible for the problem you're seeking to address); **dividing the problem into manageable pieces and tackling one piece at a time; researching laws that might be applicable; finding gaps in current law that could be shored up with new legislation; looking at the limits of traditional enforcement** (like arresting wrong-doers); **researching how other communities have addressed a similar problem; consulting experts in the community on the subject** (for instance, if homelessness is a major factor in the problem, prosecutors might want to speak with advocates for the homeless, social service providers who work with the homeless, as well as experts in the areas of housing and job training); **brainstorming with community leaders and partner agencies; taking an inventory of all the potential resources** (grants, partner agencies, volunteers, etc.) at the prosecutor's disposal.

Point out that in some instances technology can also aid in the analysis of a problem. Technology (such as geo-mapping) can help identify patterns of crime or make links between the efforts of separate agencies (for instance, the U.S. Attorney's Office for the Southern District of New York has electronically mapped not only their own investigations but the initiatives of other federal agencies – such as the Drug Enforcement Administration, Alcohol, Tobacco and Firearms, Immigration and Naturalization Service, etc. – to see if the information gathered during different investigations can be better coordinated).

One important thing to point out is that offenders themselves (i.e., gang members, prostitutes, drug dealers, etc.) can often provide excellent feedback. In Austin, Texas, for example, a community prosecutor interviewed convicted car burglars to develop a strategy that successfully cut car break-ins in the downtown area by 40 percent.

Respond

ASK
Ask participants what the conventional response to the problem would entail. What are the limits of such an approach? Then ask them about non-traditional responses. If they were the community prosecutor in the field, how might they respond? With whom do they need to collaborate to achieve the desired result?

Types of responses to a problem include:

- **Strategic** (there are countless examples of this: turning sprinklers on at random times in a Portland park, which effectively eliminated a chronic drug-dealing problem there; using housing and health inspectors to deal with nuisance properties, as was done in Indianapolis; targeting individuals who are responsible for a disproportionate number of criminal acts; focusing on an entire neighborhood, with the understanding that criminal activity within a specific geographic area is often interconnected.)
- **Legal** (such as the creation of drug-free zones that prohibit convicted drug offenders from entering)
- **Social service** (linking offenders – prostitutes, delinquent youth – to appropriate social services, like drug treatment, tutoring, job counseling, etc.)
- **Community service** (requiring offenders to engage in activities that "re-pay" a community for the harm of their offense)
- **Community oversight** (creating boards, like Community Accountability Boards in Denver, Prostitution Impact Panels in Indianapolis or Sentencing Circles in Austin, that bring offenders face-to-face with community members, who provide feedback about the impact of the offense and also have a say in developing an appropriate sanction.)
- **Public education** (through forums and information guides, community prosecutors can give stakeholders what they need to know about solving problems themselves – or helping appropriate agencies solve problems).

(For a general list of responses used by community prosecutors, see **Handout 4:** *Survey of Community Prosecutors: Focus on Neighborhood Outreach*. For examples of specific responses, refer participants to **Handout 11**: *Community Resource Handbook from Indianapolis*; **Handout 12**: *Sample Notification About Illegal Campgrounds*; **Handout 13**: *Sample Form For Reporting Information to Police*; **Handout 14**: *Neighborhood Impact Statement from Kalamazoo;* **Handout 17:** *Community Action Handbook on Liquor License Sanctions*).

Assess

ASK
Ask how participants might assess the result or measure success? What players should be involved in the evaluation process?

The instructor can point out that one of the challenges of community prosecution – as with any community justice initiative – is that its impact is often hard to measure. Instead of looking at process outcomes (number of cases processed, number of convictions obtained, etc.), community prosecutors are looking at *community outcomes* (does the community feel safer? do people feel better about their community?, etc.) These are far more amorphous outcomes, making them hard to define and measure. What many community prosecutors are finding is that improvements might be obvious to those living, working or visiting an affected community, but they may not always show up in a direct link to crime statistics.

Some of the measures that prosecutors have used are:

- **Studying calls for service** (one caveat here is that sometimes an increase in calls for service is a sign of success because it can indicate that a once-apathetic community is now engaged and hopeful that their calls will make a difference);
- **Conducting a follow-up survey of stakeholders**, and comparing results with a pre-implementation survey;
- **Conducting before and after visual inspections** of the affected area (and taking photographs to allow for a comparison);
- **Convening a focus group** and asking members of the affected population about the impact of the initiative (the focus group could consist of community residents or of the targeted group – the homeless, for instance – to see how the initiative might be changing attitudes or behavior);
- **Looking at the effectiveness of non-traditional sanctions** by studying, for example, the compliance rate of those who participate in community service, or the successful treatment rate of those who participate in drug treatment.

One final note: Many prosecutors' offices may not feel equipped to conduct an effective evaluation. If that's the case, the office might consider partnering with a local university that has the knowledge and manpower to conduct a professional analysis.

BEGIN OPTIONAL EXERCISE (20-30 minutes)

This section offers a real-life example of SARA in action. It describes the experience of a community prosecutor in Portland, Oregon. ***APPENDIX B*** *offers other problem-solving examples; as does* ***Handout 15****: Problem-Solving Example: Burglary of Vehicles (Austin, Texas). Section III also offers a problem-solving example from Denver, Colorado (which is repeated in* ***Handout 16:*** *Problem-Solving Example: Alcohol-Related Offending: The Capitol Hill Experience. This exercise will add 20 to 30 minutes to the workshop.*

An Example – Sullivan's Gulch (Portland, Oregon)

To illuminate how SARA works, walk participants through a real-life example of instructor's choosing. If one is not readily available, the instructor can use the following example from Portland, Oregon:

WRITE
Write the words "Sullivan's Gulch" and the following quote on the blackboard or flipchart: "I want you to go out there to talk to people, find out what their problems are and see what you can do about it."

EXPLAIN
Explain the quote. The author of the quote is Michael D. Schrunk, the Multomah County district attorney since 1981. In 1990, he said those words to Assistant Prosecutor Wayne Pearson, whom he had just assigned to the newly created Neighborhood D.A. Program. The idea behind the program was that Pearson was basically supposed to do as Schrunk instructed: meet community members in Portland's Lloyd District, find out about their safety-related concerns and try to address them. Without a how-to manual to guide him, Pearson invented the job as he went along.

Scan

ASK
Ask participants how they might go about assessing community members' concerns? What tools might they use? To whom would they talk?

EXPLAIN
Explain how Pearson "Scanned" or gathered information: Pearson met frequently with stakeholders – the business leaders, store owners, residents and people who worked in the area – to try and understand their most pressing concerns. They told him again and again that they were most concerned and bothered by the low-level offenses that had given the district a seedy reputation: public drinking, prostitution, vandalism, public urination, littering and car thefts.

Analyze

ASK
Ask participants how they would analyze the problem. What issues would they explore?

EXPLAIN
Explain how Pearson "Analyzed" the problem: Pearson first focused on camping in Sullivan's Gulch. The business community considered the large number of transients who called the gulch home a public nuisance and blamed them for a significant number of petty crimes in the area. Pearson researched the law and found that camping in Sullivan's Gulch was technically illegal. However, traditional enforcement – occasional arrests of outstanding troublemakers – wasn't working, and Pearson and the police agreed that it wasn't realistic to commit police resources to continually arrest those who violated the city's no-camping ordinance; since jail space was at a premium, offenders would likely be back on the street within hours of their arrest, and sanctions, if any, wouldn't be imposed for months or even years.

Pearson took stock of his resources. The resources at hand included 12 committed volunteers (some of whom were trained and licensed security officers) from the business community, plus general police coverage of the area. There was also an annual, city-financed cleanup of the gulch. The city sponsored an annual cleanup (at a cost of $40,000) of the gulch every spring, removing the garbage and debris that the transients had left behind over the past year. In years past, the transients returned immediately following the cleanup.

Respond

ASK
Ask participants what the conventional response to the problem would entail. What are the limits of such an approach? Then ask them about non-traditional responses. If they were the community prosecutor in the field, how might they respond? With whom do they need to collaborate to achieve the desired result?

EXPLAIN
Explain how Pearson "Responded": Pearson, in consultation with the police and community, decided to use the annual city-sponsored cleanup as a leaping off point. As soon the cleanup was complete, Pearson had brightly colored "No Camping" signs posted in the gulch. On the back of the signs were shelter locations. (Refer to **Handout 12:** *Sample Notification About Illegal Campgrounds*).

The 12 community members were each assigned a particular section of the gulch to drive by two or three times a week, which they usually did on their way to or from work. These volunteers served, in effect, as an extra set of eyes and ears for both Pearson and the police. When they spotted illegal campsites, they notified Pearson who contacted the district patrol officer by fax. (Refer to **Handout 13:** *Sample Form for Reporting*

Information to Police). In response, an officer went to the campsites and asked the people to leave without making arrests. Almost always, the transients were cooperative.

Pearson drew in other city agencies to clean out brush, making it harder for campers to hide, and install bars under highway viaducts – another location where the transients had previously concealed themselves. Eventually the citizens on patrol began on their own to ask campers to leave – although they asked Pearson first if it was legal for them to do so. Pearson explained that it was well within the law for anyone to tell transients that they were violating a city ordinance by squatting on city property. Emboldened by their knowledge of the law, some of the volunteers even gave the transients garbage bags and asked them to clean up after themselves, Pearson recalls.

Assess

ASK
Ask how participants might assess the result or measure success? What players should be involved in the evaluation process?

EXPLAIN
Explain how the Portland D.A. "Assessed" the result of Pearson's work:
The outcomes of this initiative were:

- a saving of police resources, thanks to the volunteers' willingness to assist in patrolling the area;
- a reduction from about 65 a month to zero in the number of citations issued for illegal camping. (This does not mean that illegal camping was completely eradicated; instead, the reduction to zero indicates the wholesale adoption by police of a completely new strategy: instead of issuing citations in response to a violation, a police officer approaches the violator and asks him or her to leave.)
- a decline in quality-of-life problems on the surrounding streets, according to interviews with stakeholders, police and the community prosecutor's own personal experience;
- an end to the need for the City of Portland to spend $40,000 a year on a cleanup;
- on-going community involvement, reflected in the fact that the citizen patrol was still operating after nearly a decade.

[Example adapted from: Robert Victor Wolf, "Community Prosecution Profiles: Problem-Solving Prosecutors: Community Prosecution in Portland Oregon," Center for Court Innovation & U.S. Department of Justice (2000)]

END OPTIONAL EXERCISE

RECAP
Briefly recap what has been discussed in the last 45 minutes.

15 MINUTE BREAK

SECTION III

A. Case Study (OR PROCEED TO B.)

Goal: The goal of this section is to give participants hands-on practice in solving a neighborhood problem.

Estimated Time: 1 hour

Overview for Instructor: In this hour, participants work in teams to respond to a the problem of alcohol-related offending in a neighborhood of Denver, Colorado. Participants develop their own strategies and then learn how community prosecutors in Denver actually responded to the problem.

Lesson:

WRITE
Write the following problem on the blackboard or flipchart:
"Capitol Hill."

PROVIDE
Provide background and other information that will help participants "Scan" and "Analyze" the situation. The background is as follows: Capitol Hill was selected by Denver District Attorney Bill Ritter as one of four target neighborhoods when he launched his community prosecution program in the mid-1990s. In creating the community prosecution program, Ritter's overall goal was to address what he called the "disconnect" between communities and the criminal justice system. To achieve that goal, he sent neighborhood prosecutors into the community after their workday to hear citizens' complaints, help citizens develop a forum to generate ideas and work with them to implement new initiatives.

In Capitol Hill, Susan Motika, the director of the Community Prosecution Program, met with Capitol Hill stakeholders, including a broad cross-section of citizens, business leaders, members of civic and community organizations, representatives of the faith community, community police officers, public school leaders, recreation center directors, representatives from non-profit agencies serving the community and elected representatives. Motika came up with an idea to create a committee representing a cross-section of stakeholders, including, all of the above. The committee became known as the Capitol Hill Community Justice Council.

The Community Justice Council has from 20 to 35 members chosen by community prosecutors through in-depth interviews. With up to 35 people in a room, community prosecutors have tried to keep the Justice Councils' monthly meetings as focused and productive as possible.

To ascertain community priorities regarding crime and safety, community prosecutors administered a community survey, obtaining 247 completed forms. [See **Handout 7**: *Community Survey: Denver, Colorado* for a copy of the survey.] They then discussed the results with the Capitol Hill Community Justice Council, who added their own feedback to the results. [One technique that community prosecutors in Denver have found to be highly effective in assessing the priorities of such a large and varied group is the "dots exercise." See **Handout 9**: *Prioritizing Exercise from Denver* for more information]. Based on the results of their survey and discussions, members decided to focus on three crime issues for the coming year: family violence, drug sales, and crimes connected to alcohol.

This exercise will focus on the last priority: Crimes connected to alcohol. In particular, residents were fed up with the proliferation of businesses that sell alcohol and problems associated with such businesses. In 1996, there were 804 licenses liquor establishments in Denver, but by the spring of 2002, there were 1,304 such businesses. The resident of Capitol Hill acknowledged that most businesses were law abiding. But a few were linked to numerous problems, such as disruptive and unruly patrons staggering out onto residential streets and patrons urinating and vomiting in alleys and breaking beer bottles. They also said that some stores were selling liquor to minors and visibly intoxicated persons

DISCUSS
Discuss with the group some concrete goals that a community prosecutor, given such an assignment, might develop. Such goals would likely include both long-term and short-term goals. Short-term goals are important because, when achieved, they show the community that they can have an impact. This helps sustain stakeholders as they pursue other, longer-term goals that may be harder to achieve.

Short-term goals might include:

- defining the specific dimensions of the problem. This can be carried out in various ways, including:
    - researching the law around liquor licenses; and alcohol-related crime;
    - creating a map or database that graphically shows the dimensions of the problem (it could be a map showing where alcohol-related citations were issued over the past year or showing the location of establishments that sell liquor; or it could be a chart showing the type and frequency of alcohol-related crimes in Capitol Hill).
- identifying a very specific aspect of the problem (a particular store or street corner linked to alcohol-related crime) and trying to solve it. For instance, if the community seeks to reduce the hours of operation of liquor stores, they could work with commercial landlords who have liquor store tenants to negotiate new leases which could contain shorter hours of liquor store operation.
- aggressively enforcing laws already on the books, such as existing liquor licensing laws (this will require the cooperation of the local regulatory agency that oversees liquor licenses);

- beginning to develop a public awareness campaign on alcohol-related crimes; and
- determining in advance how the success of the initiative can be measured.

Long-term goals might include:

- lowering the number of establishments with liquor licenses in the neighborhood;
- reducing the number of alcohol-related offenses in the neighborhood;
- create an infrastructure that allows for regular community feedback about alcohol-related problems.

PRESENT
Present a specific problem. For the purpose of this exercise, we will focus on a particular trouble spot – a liquor store that neighborhood stakeholders blame for many community problems, including: disruptive and unruly patrons, public urination and minors with alcohol. The store is in an area saturated with businesses that sell liquor: in the 10-block radius surrounding the store, there are at least 113 liquor licenses. In addition, the liquor store has received three citations for violating the liquor code, and a hearing is scheduled to discuss the most recent violation (involving the sale of alcohol to a minor). Community members, at various forums, have said repeatedly that they'd like to see the liquor store closed.

DIVIDE
Divide the group into smaller groups and give them 10 minutes to come up with some ideas about how to achieve the goal of closing the store or mitigating its harms. Participants almost might think of ways to address the bigger problem of alcohol-related offenses in the community.

FEEDBACK
After 10 minutes, have a representative from each group explain their proposed strategy. There is no right or wrong here – the point is to give participants a chance to brainstorm an initial strategy.

EXPLAIN
[The following discussion is summarized in **Handout 16**: *Problem-Solving Example: Alcohol-Related Offending: The Capitol Hill Experience*] If there is time, explain how the situation was addressed in real life – if not, refer them to the handout. Remember, that participants' answers may or may not reflect the experience of prosecutors in Denver in the mid-1990s. The point is merely to offer the Denver experience not as the only "right" answer, but as one approach that proved effective.

The Actual Capitol Hill Experience
The introduction to this exercise dealt with the "Scan" and "Analysis" of the neighborhood; the following offers the Response and Assessment.

Respond

- The community prosecutor and a city attorney created an affidavit form for community members to use to document liquor code violations as they observed them.
- The Capitol Hill Community Justice Council came up with the idea of circulating a petition calling for the revocation of the store's liquor license. When an applicant requests a liquor license, the Department of Excise and License requests signatures in support of the application. There is no provision in the regulations, however, for collecting signatures to make the opposite point. Nonetheless, the Justice Council thought signatures showing that the community wanted the store's liquor license revoked might be persuasive to the hearing officer. Seventy-five signatures were collected.
- The community prosecutor encouraged community members to attend the hearing on the violation. (Fifteen attended and three testified.) (NOTE: This is a common tool, allowing community members to voice directly to those in authority their concerns about a particular problem. Some jurisdictions have developed "Neighborhood Impact Statements," which they have stakeholders fill out and present to the adjudicating body in an attempt to influence the outcome. [See **Handout 14**: *Neighborhood Impact Statement from Kalamazoo.*])
- Prosecutors did legal research to support their arguments in favor of revocation at the hearing. (For instance, a fourth violation against the store had been issued in the interim, and prosecutors found a regulation allowing them to submit evidence about the fourth violation at the hearing at which, technically, only the third violation was supposed to be discussed.)
- Community prosecutors wrote two legal education handbooks on the liquor code. One handbook explains how businesses obtain a new liquor license; the other addresses the process of sanctioning licensees for liquor code violations. [See **Handout 17**: *Community Action Handbook on Liquor License Sanctions.*]
- Community prosecutors, in collaboration with the Denver City Attorney and community groups, sponsored a community forum on new liquor licenses.

Assess

Shortly before the commencement of the hearing on the third violation, an employee of the store relinquished the liquor license at the Department of Excise and License. In other words, faced with a well-organized opposition, the storeowner called it quits.

The community prosecution team handed out a survey to community residents who attended the forum on new liquor licenses. Question 1 asked people to rate whether this topic, new liquor licenses, is an important topic for education in the Capitol Hill neighborhood; 83 percent of the participants responded that this topic is very important. Question 2 asked if the handbook, "A Community Guide to New Liquor Licenses," provides useful information; 88 percent of participants marked this topic as very important. Questions 3 through 7 asked participants how they would rate the various topic that were discussed at the meeting; 55 percent reported that these topics were very helpful.

[Example adapted from material supplied by Susan Motika, director of the Community Prosecution Unit in the office of the Denver district attorney.]

Recap

Briefly recap the discussion.

Feedback

ASK
Ask participants for feedback about the training, soliciting feedback about what they liked and disliked. Adapt the questionnaire in **APPENDIX D** to local needs and distribute, giving participants 5 minutes to complete it.

Thank you

THANK
Thank participants for their contributions to the discussion and wish them good luck in their professional endeavors. Circulate a feedback form.

B. Name a Problem

Goal: The goal of this section is to give participants hands-on practice in solving a neighborhood problem.

Estimated Time: 1 hour

Overview for Instructor: In this hour, participants use SARA to analyze a problem. The problem can be of their choosing or of the instructor's choosing. **APPENDIX C** is offered as an aid to the instructor to prepare a particular problem for analysis.

Lesson:

Name Your Problem

ASK
Ask participants to name a problem that interests or concerns them. If they can't think of a problem from their own work, ask them to think of a problem affecting the work of a colleague or a problem they have perhaps confronted in the neighborhood where they live. Discuss collectively which problem participants would like to address.

BRAINSTORM
Using SARA and the blackboard/flipchart, work through the problem as a group, putting what they've learned about community prosecution to work. Here are some questions the instructor can use to guide the conversation:

Scan
What kinds of information would be helpful in addressing this particular problem? Where would you go for information about this particular problem? Who are the relevant stakeholders? Would a survey be appropriate (and, if so, what is the target population for the survey and what kinds of questions would you ask?) What agency might have relevant data and how could you obtain it? What links does this problem have to other problems in the community (for instance, if a gang is responsible for the problem, what other types of problems is the gang responsible for?) What does past experience tell us about the problem (for instance, have other strategies failed?)

Analyze
What would you do with the data you've collected? What information is most important? What environmental or social factors contribute to the problem? How would you break potential solutions into reasonable goals (both short-term goals and long-term goals?) How might you eventually measure whether or not the goals have been achieved? Who might be potential partners? If extra funding is needed, where might that be obtained?

Respond
What are some possible responses to the problem? What tools can be brought to bear on the problem? How might existing resources be better coordinated to fight the problem?

What non-conventional legal strategies might be appropriate? What strategies, if any, should be avoided? What role might partners play in the solution? How might the response change over time (if, for example, the problem begins to dissipate, how might success be maintained?)

Assess
How would you define success? What tools can you use to measure success? What "hard data" would be available (for instance, number of complaints and arrest rates?) What "soft data" would be available (for instance, anecdotal impressions that prosecutors obtain at community meetings?) What partners might be available to help in the assessment process (either by supplying data or helping to analyze it?) How can you communicate positive results to stakeholders and policymakers?

DISCUSS
Discuss possible obstacles a community prosecutor might encounter while following the SARA process.

Recap

Briefly recap the discussion.

Feedback

ASK
Ask participants for feedback about the training, soliciting feedback about what they liked and disliked. Adapt the questionnaire in Appendix D to local needs and distribute, giving participants 5 minutes to complete it.

Thank you

THANK
Thank participants for their contributions to the discussion and wish them good luck in their professional endeavors. Circulate a feedback form.

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WEB RESOURCES

Bureau of Justice Assistance
http://www.ojp.usdoj.gov/BJA
Supports innovative programs that strengthen the nation's criminal justice system; offers technical assistance and funding assistance information.

Center for Court Innovation
http://www.courtinnovation.org
Serves as the independent research arm of the New York State Unified Court System, providing technical assistance in New York and around the country to court systems,

prosecutors' offices and other criminal justice agencies interested in adopting a problem-solving approach to crime and safety problems.

Office of Community Oriented Policing
http://www.cops.usdoj.gov/
Promotes and supports strategies to address the cause of crime through problem-solving tactics and community-police partnerships.

Office of Justice Programs
http://www.ojp.usdoj.gov
Provides federal leadership in developing the nation's capacity to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims; offers funding information, program information, publications, and justice announcements.

American Prosecutors Research Institute
http://www.ndaa-apri.org/apri/programs/community_pros/cp_home.html
The American Prosecutors Research Institute's National Center for Community Prosecution, through its partnership with the Department of Justice, Bureau of Justice Assistance, has defined and advanced community prosecution for over ten years. The National Center for Community Prosecution develops and promotes community prosecution initiatives, gives prosecutors the tools to successfully implement them and educates prosecutors on how they can work with their communities to become better leaders in public safety.

Community Policing Consortium
http://www.communitypolicing.org
Provides community policing technical assistance to Office of Community Oriented Policing grantees.

Center for Court Innovation

The winner of an Innovations in American Government Award from the Ford Foundation and Harvard's John F. Kennedy School of Government, the Center for Court Innovation is a unique public- private partnership that promotes new thinking about how courts and criminal justice agencies can aid victims, change the behavior of offenders and strengthen communities. In New York, the Center functions as the State Court System's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, mental health courts and others. Nationally, the Center disseminates the lessons learned from its experiments in New York, helping courts across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice through a variety of written products, including books, journal articles and white papers like this one. The Center also provides hands-on technical assistance, advising court and criminal justice planners throughout the country. Current areas of interest include community prosecution, court technology, drug courts, domestic violence courts, mental health courts and research/evaluation.

For more information, call 212-397-3050 or e-mail info@courtinnovation.org.

The Prosecutor as Problem-Solver: An Overview of Community Prosecution

A Workshop for Prosecutors

APPENDICES

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APPENDIX A

Traditional Prosecution vs. Community Prosecution

[NOTE: Many prosecutors' offices use a combination of approaches]

TRADITIONAL PROSECUTION	COMMUNITY PROSECUTION
• Focuses on individual cases;	• Focuses on safety issues and prevention not just individual cases;
• Gathers evidence; • Identifies witnesses;	• Uses community resources to help address problems;
• Pursues convictions (through plea bargains and trials);	• Engages in problem-solving;
• Usually responds after crime occurs;	• Tries to prevent crime;
• Most of work is in office or courtroom;	• Attends community meetings; often has office in the community;
• Usually assigned cases without regard to geography;	• Has geographic focus (with or without a caseload);
• Develops creative legal strategies to obtain convictions and stronger legal penalties;	• Develops creative, non-traditional strategies to solve neighborhood problems;
• Measures importance of case by severity of charge and offender's criminal history;	• Identifies, prioritizes problems with community's help; • Sees quality-of-life problems as important;
• Measures success by number of convictions and speed.	• Measures success in non-traditional ways (e.g., a reduction in crime, a rise in a community's sense of safety or confidence in the justice system);
	• Partners with neighborhood organizations and other government agencies; • Provides legal strategies/advice to partner groups and agencies; • Serves as a catalyst for planning and action in community.

APPENDIX B

PROBLEM-SOLVING EXAMPLES

Instructors can elect to draw on these problem-solving examples. The following are two examples drawn from two U.S. Department of Justice leadership sites, Indianapolis, Indiana and Brooklyn, New York.

Example No. 1

Indianapolis, Indiana: Nuisance Properties

WRITE
Write "Nuisance Properties" on the blackboard or flipchart.

EXPLAIN
Explain the problem of nuisance properties confronting prosecutors in Indianapolis. In 1996, Indianapolis Prosecutor Scott Newman expanded a small community prosecution program launched by his predecessor and re-named it the Street Level Advocacy Unit (it was recently re-named the Community Prosecution Division and further expanded by Newman's successor). Like Pearson in Portland, the unit was charged with identifying neighborhood problems and trying to solve them.

Scan: Newman divided the city into four quadrants, which overlapped with the city's four police precincts. A community prosecutor was assigned to each quadrant and stationed in an office in the precinct stationhouse. By consulting with police on a daily basis, attending community meetings and literally walking the streets of the quadrant, the community prosecutors developed a list of local complaints and concerns. One of the larger problems they encountered was "nuisance properties" – houses in residential areas where drug dealing, prostitution and other crimes occurred. In some cases, only civil violations, such as excessive noise or garbage in the yard, were involved.

Analyze: Prosecutors realized that conventional law enforcement responses to a problem property were limited. For instance, if someone is dealing drugs out of their home, law enforcement's traditional approach is to make an undercover buy – a resource-intensive option that doesn't always result in an airtight case. And even if a sting is successful and the dealer is ultimately arrested, it may be more than a year – if ever – before the dealer is taken to jail. Besides, experience indicates that repeated arrests of people for drug-dealing or the execution of search warrants may have minimal impact on the activity in a drug house. In addition, evicting a dealer who owns the property is nearly impossible. And seizing the property using civil forfeiture laws, which allow the government to take possession of property used in the commission of certain crimes, requires a fairly high threshold in Indiana – conviction on a C felony or worse. In addition, prosecutors found that some landlords wanted to clean-up their properties – and prevent problems in the

first place – but didn't know enough about the law or managing tenants to do the job on their own.

Respond: Prosecutors in Indianapolis decided to address the problem by partnering with other agencies. Take the case of a woman dealing marijuana out of her house despite repeated arrests. The charges weren't serious enough to send her to jail or pursue forfeiture. But neighbors complained about screams, fights and people coming and going at all hours. The prosecutor's office met with a city councilwoman, police and other government agencies to brainstorm a new approach: The result was a cooperative effort among agencies to target this woman's house and several other nuisance properties.

The county's Health and Hospital Corporation performed an inspection based on the suspicion that the poorly maintained property might be in violation of the health code. Things worked out far better than expected when they found lead-based paint and ordered the woman to move. The woman had no intention of fixing the problem, and so never came back.

Prosecutors learned from this experience that by partnering with other city agencies they could often accomplish what pursuing criminal charges could not: Eviction of problem tenants and cleaning up of eyesore properties. Community prosecutors began leading multi-agency sweeps every couple months. During an average sweep, two inspection teams would go to about 10 houses that had drawn community complaints. The teams were led by a prosecutor or a paralegal and consisted of representatives from the Fire, Zoning and Health Departments as well as Animal Control. Police were also there for safety and to do warrant checks. A health inspector usually approached the property first, explaining to whoever answered to the door that they'd like to conduct an inspection of the property. If the occupant allowed them in, the team of inspectors combed the property with flashlights and notebooks, looking for any violation that they could find.

Community prosecutors also developed a landlord training program to teach property-owners how to better screen potential tenants and how to respond to problems more quickly when they arise.

Assess:
It is hard to measure exactly what impact the elimination of a nuisance property has had on a particular neighborhood or block. However, the prosecutors as they continued to conduct sweeps, found that they were being greeted by neighbors who would come out of their homes to cheer and applaud. Prosecutors can also measure the impact of the sweeps in the development of other innovations. For example, the success of the multi-agency sweeps led prosecutors to set up a hotline for neighborhood groups to phone in complaints and create a task force of inspectors from city and county agencies to respond to them.

Prosecutors have received 3,895 referrals for narcotic convictions, which have resulted in 1,313 actual evictions of drug-using tenants from January 1996 through September 2003. The office has also sponsored dozens of landlord trainings.

[Previous example adapted from Robert Victor Wolf, "Community Prosecution Profiles: Building Partnerships: Community Prosecution in Indianapolis, Indiana," Center for Court Innovation & U.S. Department of Justice (2000) and based on phone interviews conducted by Wolf with Community Prosecutor Michelle Waymire and Paralegal Diane Hannell.]

Example No. 2

Brooklyn, New York: Drugs in Public Housing

EXPLAIN

In 1992, Patrick Daly, a principal of an elementary school in the Red Hook neighborhood of Brooklyn, N.Y., was caught in drug-related shootout and killed. Community outrage over his death and the neighborhood's high crime rate led Brooklyn District Attorney Charles J. Hynes to call for the creation of a community justice center. With the cooperation of the New York State Unified Court System, the Center for Court Innovation, city government and numerous other agencies, the Red Hook Community Justice Center – a multi-jurisdictional community court operating out of a refurbished Catholic school in the heart of Red Hook – opened its doors in 2000.

At Red Hook, a single judge hears neighborhood cases that under ordinary circumstances would go to three different courts – Civil, Family and Criminal. The goal is to offer a coordinated, rather than piecemeal, approach to people's problems. The prosecutors at Red Hook can recommend as part of plea offers sentences that can include community restitution projects, on-site job training, drug treatment and mental health counseling – all rigorously monitored by the court to ensure accountability and drive home notions of individual responsibility. The Justice Center also offers mediation, community service projects that put local volunteers to work repairing conditions of disorder and a Youth Court where teenagers resolve actual cases involving their peers.

Prosecutors also play an essential role in coordinating activities at the Justice Center and participating in task forces and community events designed to target crime problems and improve safety. The following is an example of how prosecutors assigned to the Justice Center spearheaded coordination of a problem-solving effort in the community.

Scan: As part of their assignment at the Justice Center, prosecutors regularly attend meetings of community organizations as well as special task forces created by the Justice Center to address neighborhood safety and quality of life concerns. At these gatherings, participants from the community again and again spoke about the prevalence of drug-related crime in the neighborhood's public housing projects (most of the neighborhood's 11,000 residents live in 90 public apartment buildings).

Complicating matters was the fact that there was a degree of friction between community residents and law enforcement. Some community members complained that a large police presence and frequent drug busts made them feel as if they were living in a police

state (while some, of course, welcomed the police presence.) Some stakeholders also expressed a desire to have a role in improving the neighborhood.

In addition, the Justice Center annually deployed teams of AmeriCorps volunteers to survey neighborhood residents. Those surveys indicated widespread concerns about safety and identified drugs as a significant neighborhood problem. More specifically, many residents of public housing complained that locks were frequently broken and that hallways were often dark and deserted.

Crime data underscored drugs as a problem. In 2002, for instance, the 76th Precinct (which includes the Red Hook Houses) reported 22 burglary arrests, 22 grand larceny arrests, six gun arrests and an astonishing 689 narcotic arrests.

Analyze: The traditional way of responding to drug crime is to impose sentences of jail or treatment. Prosecutors decided that in many cases this traditional approach was appropriate – but could be improved upon.

For one thing, drug treatment was only infrequently offered to misdemeanor offenders. Usually, misdemeanants were offered either community service or jail. In addition, prosecutors discovered that some offenders were slipping through the cracks. For instance, offenders charged with trespass were often involved with drugs as well, but they were never evaluated for treatment eligibility. Furthermore, among the small percentage of defendants ordered into treatment, many never made it from the courthouse to the treatment program but instead absconded. Prosecutors also had to contend with resistance from some police to the idea of offering drug treatment to offenders. To some officers, a treatment mandate was a slap on the hand, little more than a free pass to the streets.

When offenders were referred to treatment, the treatment providers were responsible for monitoring compliance and providing prosecutors with follow-up reports. But prosecutors wondered if they could improve compliance by addressing the problem in a different way. In searching for a successful model for their misdemeanor caseload, they studied the office's experiences with DTAP (Drug Treatment Alternative to Prison Program, created by the Brooklyn D.A.'s Office) and the Brooklyn Treatment Court, both of which link felony offenders to rigorously monitored drug treatment and have a high rate of compliance. Prosecutors culled from each program different best practices, including frequent drug-testing; regular communication between prosecutors and treatment providers; and sanctions and rewards to encourage compliance and discourage bad behavior. In addition, prosecutors in these programs offered these felony offenders who successfully completed treatment a powerful incentive: dismissal of charges. In comparison, misdemeanor offenders were rarely offered a chance to wipe the record clean.

Prosecutors also looked into residents' complaints about conditions of disrepair in public housing. What they found was that problems like broken locks and darkened hallways were rampant and fueled drug-related crime. For instance, it was apparent that drug

sellers were deliberately smashing lights in public spaces to make it easer to conduct business undetected.

Respond: Prosecutors began offering drug treatment more frequently in plea negotiations. They also began evaluating each offender, including those charged with trespass, for potential referral to drug treatment. The Housing Authority agreed to post more "No Trespassing" signs in the apartment complexes and prosecutors began conducting trainings for police officers to improve the quality of complaints and lower the rate of dismissals.

Prosecutors and other staff at the Justice Center made an effort to educate residents at community meetings about these efforts and enlisted their help by forming a tenant patrol. The Justice Center used AmeriCorps volunteers to publicize the tenant patrol and even help in the patrols, which usually consist of two people sitting in the lobby of a building. The idea is that the presence of these two people acts as a deterrent to drug-dealers and their customers who, if left unobserved, might try to conduct their illegal business in the building lobby or stairwells.

AmeriCorps volunteers started repairing conditions of disorder. For instance, they regularly look for and repair broken locks and broken lights. They also escort offenders from the courthouse to drug treatment, thus greatly reducing the likelihood that an offender will disappear before entering treatment. AmeriCorps volunteers also educate the community about the resources available to everyone at the Justice Center. One remarkable thing about the Justice Center is that its services, including referrals to drug treatment, are available to anyone who walks in the door, law-abiding citizen and offender alike.

Prosecutors also engaged in an education effort, particularly of their police partners. They explained the rigors of the drug-treatment mandate, emphasizing its high level of accountability and the fact that failures are sent to jail. In this way, they make clear that drug treatment was a meaningful sanction and not just a slap on the wrist.

In addition, the Justice Center created a Tool Kit Committee, which brings together monthly representatives from the Prosecutor's Office, the Police Department, Housing Authority, government agencies and community groups to discuss neighborhood problems as they arise.

Assess: Drug related crime is still a big problem in the Red Hook Houses. However, there have been improvements.

From April 2000 to October 2003, the Red Hook courthouse mandated 1,014 defendants into drug treatment. In 2003, 87 percent received mandates of 90 days or longer. Overall compliance for defendants mandated to drug treatment and other programs was 74 percent.

Over the course of 2003, AmeriCorps members performed 1,750 inspections of the 90 buildings in the Red Hook Houses, identifying and addressing repair needs and safety concerns. Surveys of residents conducted by AmeriCorps members indicate that perceptions of building safety rose from 1999 to 2002 by about 15 percent.

And there have been less tangible gains as well. The Tool Kit Committee, for instance, has improved communication between participating agencies. In the past, for example, the Housing Authority did not always know when a tenant was convicted of a crime. Now, through relationships fostered by the committee, the police provide the Housing Authority with regular reports, allowing the Housing Authority to respond swiftly by evicting the convicted offenders. The monthly meetings also foster greater accountability by requiring participants to report back with the results of their efforts.

Prosecutors have seen greater support among the police, as well. One indication of this is that some police officers actually call prosecutors to tell them about offenders they think might be appropriate for treatment.

[Previous example based on interviews conducted by Robert V. Wolf with Assistant District Attorney Gerianne Abriano of the Kings County District Attorney's Office (Brooklyn, N.Y.)].

APPENDIX C

Placing a problem within the SARA framework

WORKSHEET

In trying to explain community prosecution, the best examples are drawn from local experience. But not every problem lends itself to the SARA (Scan-Analyze-Respond-Assess) method. This worksheet is intended to help an instructor fit a local problem-solving example into the SARA structure.

1) Describe the problem:

2) Scan:

What kinds of information were helpful in addressing this particular problem? Where did this information come from? Who were the relevant stakeholders? What agencies had relevant data?

3) Analyze:

What was done with the data collected? What information was most important? What environmental or social factors contributed to the problem? What goals (both short-term and long-term) were set? Which partners were tapped? Was extra funding needed?

4) Respond:

What was the response to the problem? What tools were brought to bear? What could have been done differently? Has the response changed over time?

5) Assess:

How was the response evaluated? What tools were used to measure success? What "hard data" was available (for instance, number of complaints and arrest rates?) What "soft data" was available (for instance, anecdotal impressions that prosecutors obtain at community meetings?) What partners were available to help in the assessment process (either by supplying data or helping to analyze it?) Were you able to communicate positive results to stakeholders and policymakers – and if so, how?

APPENDIX D

SAMPLE EVALUATION

The Prosecutor as Problem-Solver: An Overview of Community Prosecution

A Workshop for Prosecutors

EVALUATION

Your views about this training are important and will help improve future trainings. Please answer the following questions, and feel free to make any additional comments. All responses are confidential.

Presentations

1. **Topic: What is Community Prosecution?**

	Low					High	
Subject/Usefulness	1	2	3	4	5	6	7
Presenter(s)	1	2	3	4	5	6	7

Additional Comments:

2. **Topic: SARA: A Framework for Problem-Solving**

	Low					High	
Subject/Usefulness	1	2	3	4	5	6	7
Presenter(s)	1	2	3	4	5	6	7

Additional Comments:

OVER →

3. **Topic: Case Study**

	Low					High	
Subject/Usefulness	1	2	3	4	5	6	7
Presenter(s)	1	2	3	4	5	6	7

Additional Comments:

_____
_____
_____
_____
_____
_____

4. **Please rate the training materials**

Low					High	
1	2	3	4	5	6	7

5. **How would you rate the overall training experience?**

Low					High	
1	2	3	4	5	6	7

Overall comments or suggestions:

_____
_____
_____
_____
_____
_____

APPENDIX E

Sample Agenda

The Prosecutor as Problem-Solver: An Overview of Community Prosecution

Sponsored by [INSERT SPONSORING ORGANIZATION]

[INSERT DATE]

Faculty

[INSERT NAME]
[TITLE]
[AFFILIATION]

[INSERT START TIME] to [INSERT END TIME]

What is Community Prosecution? (45 minutes)

- Define community prosecution;
- Explain how community prosecution differs from conventional prosecutorial functions; and
- Provide some examples of community prosecution strategies that have been used to address specific problems.

Break: 15 minutes

SARA: A Framework for Problem-Solving (45 minutes)

- Learn how to analyze and solve community problems using the SARA (Scan, Analyze, Respond, Assess) framework.

Break: 15 minutes

Case Study (1 hour)

- Work in teams to solve a neighborhood problem.

The Prosecutor as Problem-Solver: An Overview of Community Prosecution

A Workshop for Prosecutors

Participants' Handbook

Prepared by

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October 2004

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Key Features of Community Prosecution

While every office seems to do community prosecution differently, the key features of community prosecution – which all initiatives share – are easy enough to capture. They fall into the following three main categories:

PROBLEM-SOLVING

- Focus on crime prevention;
- Willingness to address problems that are not overtly crime related (e.g., a lack of constructive after-school activities available to teens);
- Varied and non-traditional strategies to address public safety issues and other local problems;
- Focus on a category of problems (e.g., prostitution, truancy, etc.) rather than a specific incident;
- "Pro-active" (as opposed to reactive) strategies;
- Long-term strategies;
- Emphasis on measuring results.

COMMUNITY INVOLVEMENT

- Inclusion of community stakeholders – often from a distinct, geographically defined area within the larger jurisdiction – in problem-solving (e.g., giving stakeholders a role in establishing program priorities as well as developing and carrying out strategies);
- Extra attention paid to problems that are of unique concern to local residents, especially quality-of-life offending (such as graffiti, vandalism, disorderly conduct, prostitution, panhandling, etc.);
- Use of community input in the courtroom (e.g., through community impact statements to obtain longer sentence for a frequent re-offender);
- Use of community feedback when assessing effectiveness of strategies.

PARTNERSHIPS

- Partnerships among the prosecutor's office and law enforcement agencies, government and private agencies, businesses, community groups and private citizens.

The following is an excerpt from Anthony C. Thompson, It Takes a Community to Prosecute, 77 Notre Dame L Rev. 321 (2002).

In "It Takes a Community to Prosecute," Thompson urges prosecutors to employ a "community-based" approach to their work, presenting a wide-ranging critical analysis of community prosecution programs and diagnosing the elements that have enabled some programs to succeed while others have failed.

Thompson is Professor of Clinical Law at New York University School of Law. Before coming to NYU Law, Anthony Thompson worked as a criminal defense attorney, spending nine years as a deputy public defender in California. There, he represented indigent adults and juveniles in both criminal and dependency proceedings. Upon leaving the public defenders office, he opened his own practice that focused on criminal defense, sports and entertainment, and contract law.

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77 Notre Dame L. Rev. 321

I. The Conventional Vision of the Prosecutorial Function

Prosecutors do not frequently find themselves having to define their vision of practice. Like most lawyers and most professionals of any field, prosecutors think mainly in terms of routines, tasks, and deadlines and rarely about the "big picture" that frames their day-to-day labors. This almost inevitable micro-focus typically results in insufficient attention being paid to any aspects of the practice that are tacit or inchoate. If pressed for a conceptual assessment of the nature of the practice, working prosecutors characteristically offer earnest yet incomplete accounts. A fair number invoke images of a crusader or even a gladiator. n11 Some depict themselves as "carni-[*326] vores" n12 or as pursuing "only those things that are right." n13 Others, offering more measured accounts, describe the prosecutor as having a special mandate and set of obligations within the criminal justice system. n14 Yet even these more sober accounts typically are fragmentary rather than thorough.

As a general matter, it seems both feasible and essential to articulate a coherent vision of prosecutorial practice that captures the essential philosophy underlying the thinking and actions of prosecutors. Indeed, the very advent of a community prosecutors' movement suggests the viability of such a project: those within the movement are reacting against a certain idea, philosophy, or vision of prosecution that they regard as incomplete or perhaps too myopic. n15 This new vision seeks to broaden the role of the prosecutor and question the limits of the conventional charge-convict-sentence paradigm that propels most offices. The implicit premise of this exchange of views is that there is, in fact, a

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conventional vision of prosecutorial practice that can be articulated well enough to debate. Thus, before commencing our exploration of the wisdom of replacing the existing approach with a new, community-oriented model, it is useful to first identify the contours of the currently dominant vision of prosecutorial practice. Given our focus on the subject of community prosecution, it seems fitting to begin by considering the conventional model's vision of the constituency to be served.
[*327]

A. The Constituency Prosecutors Serve

The prosecutor's constituency is generally understood to be "the people" of the geographical division that the prosecutor has been elected or appointed to represent. In this regard, the prosecutor's role is a unique one, for she serves as both advocate and "minister of justice." As the Supreme Court has observed, "the American prosecutor [plays a] special role ... in the search for truth in criminal trials" n16 because the prosecutor is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. n17

In defining the prosecution function, the Model Rules of Professional Conduct and the ABA Standards for Criminal Justice similarly articulate a model of an advocate who must take into account considerations that seem fundamentally at odds with the very notion of adversarial advocacy. n18 As minister of justice, the prosecutor must endeavor to represent the interests of society as a whole, including the interests of those individuals who have run afoul of the law. n19

Yet the very concept of serving "the people" is inevitably imprecise, even amorphous. Prosecutors certainly initiate prosecutions in the name of "the people" and maintain a trustee's obligation to safeguard the people's interest. But the extent to which prosecutors actually serve the people themselves or instead serve the government remains unclear. By imposing standards of conduct and applying laws against offenders, prosecutors necessarily act as an enforcement arm of the government against the people. And when one filters prosecution through a pragmatic political lens, it seems obvious that decisions about whom prosecutors serve and how they serve them will inevitably be influenced - and at times determined in part - by legislative-funding choices. n20 In a world of limited resources, prosecutors must act in accordance with the priorities of their funding authorities. That rationing [*328] of services and targeting of problems may determine and limit whom prosecutors actually serve. n21

Yet, in trial arguments and sentencing colloquies, prosecutors regularly, almost reflexively, invoke the people's name and authority. In so doing, they seem to intend that their positions be accorded special weight because they convey the backing of the general public. Assuming this rhetorical stance is adopted in good faith, n22 the question inevitably arises: to what extent is a prosecutor obliged to maintain close contact with the community she serves, consult representatives of that community on relevant matters,

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and provide members of the community with an opportunity to offer input on exercises of prosecutorial discretion?

As a matter of public policy, most (possibly all) prosecutors would accept that they have an obligation to articulate and defend their views of how best to attend to the needs and concerns of the people. But those working within the conventional paradigm of prosecution work typically regard this obligation as election-driven. n23 Only elections - and election concerns - are viewed as triggering the obligation to make public pronouncements about the choices that are being made and the reasons for those choices. n24 Otherwise, prosecutors generally view themselves as free to implement their general mandate as they see fit. They need not regularly describe or explain their unfolding decisions. n25 They need not involve their constituents or anyone [*329] else in the process of defining and enforcing standards of conduct. n26 They need only stand for elections that determine who can, until the next election, envelop their judgments and actions with the imprimatur of "the people." n27

For some, this institutional stance may be shaped, at least in part, by ethical standards and rules that call for proper professional detachment. n28 Indeed, some commentators have been critical of prosecutors for wielding their discretionary powers in a manner designed to garner popular support from the electorate in future elections. n29 Interestingly, however, even the prosecutors who are prone to shade their discretionary judgments in this manner do not take steps to solicit the views of the community; instead, they act on their own personal assessments of the tide of public opinion.

What, then, accounts for the traditional prosecutor's tendency to maintain distance from the constituency she has been elected or appointed to represent? Many, perhaps most, prosecutors who adopt this stance would say that distance is a necessary precondition for the independence that prosecutors need in order to perform their functions. n30 Prosecutors seem to depend on distance as a means of maintaining perspective as the arbiter of right and wrong and as the "mediator" between broad legislative proscriptions and the equities of individual cases. n31

Such distance is hardly mandated by political theory, however. Indeed, one could regard close, regular contact with those who are being served as elemental to the discharge of a prosecutor's obligations. Over the years, some have faulted the prosecutor's traditional stance of detachment on this ground. n32 They have urged that "serving [*330] the people" must mean something more than merely election-driven activities. Instead, it has been said, prosecutors and their constituents should aim to achieve a relationship that mutually informs and shapes their agendas and their strategies. But the difficulty of persuading others to join in this effort has had the net effect of reinforcing the hold that the conventional wisdom has on the minds and actions of most prosecutors. The conventional view of a prosecutor's legal and political obligations has come to feel not just correct, but natural.

B. The Definition of the Central Mission, the Nature of the Work, and the Criteria for Evaluation

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Prosecutors, like virtually everyone else, view crime as a grave problem. They understand that the crime problem is interwoven with complex social and economic forces, but they regard themselves (as do others who operate within the conventional vision) as politically and legally authorized - and professionally able - to address only part of this nexus: the enforcement of the criminal law. That judgment certainly reflects the conventional interpretation of political and legal mandates that define the prosecutor's service to the people. But this view of the matter also follows from a particular understanding of the kinds of functions that lawyers are trained and expected to perform. n33

The category of "enforcing the criminal law" is defined by many prosecutors as largely consisting of a single function: prosecuting those individuals who have allegedly violated criminal law statutes. n34 Of course, even the prosecutors who hold this view are typically aware of, and probably even value, preventative efforts. Moreover, these prosecutors may, on occasion, take actions that fall outside the category of "case prosecution." n35 They may comment on the wisdom or [*331] flaws of proposed legislation. n36 They may publicly decry the inadequacies of the criminal law or the criminal justice system as it is currently configured. n37 And they may comment on the ways in which the larger social and economic forces - labor markets, families, and youth services - bear upon prosecutors' ability to fulfill their mandate (as they have defined it). But their interest in these matters, while not simply personal, does not alter their bottom-line conclusion: their role, as they envision it, is to enforce the existing criminal law.

Given the current culture of high prosecutorial caseloads, this view arguably makes sense. No system of deterrence and punishment can possibly work without a vigorous, resourceful, and effective prosecution regime. A single-minded focus on case processing enables individual prosecutors and prosecution offices to handle an extremely high volume of cases in an efficient manner. It satisfies legislators and funding authorities that prosecutors are taking measurable steps to address the crime problem.

Having defined their mandate to be the effective enforcement of criminal violations, prosecutors use sensible measures to gauge their effectiveness at fulfilling this mandate. First, they often focus on conviction rates. n38 If the office has prevailed in its prosecutions and secured jury verdicts or negotiated guilty pleas, then it can point to tangible evidence that its litigation strategies have succeeded. Second, press coverage and the attendant public perception of prosecutorial successes (either within an individual high-profile case or across the board in terms of overall convictions) permit both prosecutors and those outside the office to herald convictions as proof that the office can curb crime. n39 Third, the rise or fall of crime rates in the area may offer some indication that the prosecutors' efforts have contributed to the general safety of the community. n40

[*332] Obviously some, including prosecutors themselves, worry about whether even their best efforts can adequately address the crime problem. n41 Some prosecutors express concern about whether their strategies actually stem the tide of particular chronic problems. n42 And the larger problem of crime, including the social and economic forces

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that give rise to it, do not escape their notice. n43 But they traditionally take the position that these larger problems fall outside the purview of the prosecutor's job description. They maintain that prosecutors can provide only a part of the answer, doing what they can do and doing it well.

C. The Individuals with Whom Prosecutors Work

For those prosecutors who operate within the conventional framework, there is no need to involve anyone outside the prosecutor's office in the ultimate decisions of how to define and enforce standards of social conduct. But once the prosecutor's office has settled upon its conception of the types of cases to prosecute, the implementation of that vision will require that the prosecutor work effectively with other actors within the criminal justice system.

Prosecutors invariably coordinate efforts with law enforcement officers and other investigators. Initiating and successfully managing a criminal prosecution depends on thorough investigation and competent arrests by police officers. Expert witnesses (sometimes police specialists, sometimes experts from the private sector) often serve along with the police on the prosecution team in a particular case. Lay witnesses (the complainant, percipient witnesses) often are crucial to the prosecution's ability to prove its case, but they are far less likely to be regarded as part of the "team." Even when it comes to the complainant, many prosecutors view the individual in instrumental terms as a vehicle for telling the prosecution's side of the story rather than a [*333] teammate who should be consulted on important decisions regarding the case.

Prosecutors also must work in loose coordination with their institutional adversaries: public defenders and other defense attorneys. At trial, the prosecutor's role as an effective advocate is largely dependent on her opposing counsel vigorously performing her role. n44 In negotiating a disposition short of trial, prosecutors typically structure the terms and then coordinate the effort to bring about a particular resolution of the case with the defendant through her counsel. n45 On those occasions when defense lawyers represent individuals who have turned in "state's evidence," the interaction between prosecutors and defense counsel perhaps more closely resembles collaboration: they work together - albeit with different motivations - to ensure that the witness will provide meaningful assistance to the prosecution. n46 But in looking at the working arrangements with criminal justice players as well as civilians, prosecutors appear largely to control the nature and extent of interaction. Indeed, the prosecutor prescribes the boundaries.

On a systemic level, prosecutors' offices may develop less formal relations with other enforcement arms of the criminal justice system. They may establish limited working relations with probation and parole authorities; they may also maintain communications with corrections authorities, so as to be alerted to systemic concerns. Some state prosecutors' offices also maintain close working relationships with their federal counterparts.

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Some have questioned the relatively narrow band of players with whom prosecutors regularly work. n47 These commentators ask why the list typically does not include all other agencies with prosecutorial power. n48 Why don't prosecutors coordinate their efforts with, for example, [*334] health departments and wage and hour divisions of local and state government? And why don't they collaborate with other types of agencies and institutions that have a relevant perspective, such as social service agencies, mental health centers, employment agencies, and faith-based organizations?

Some of the prosecutors who adhere to the conventional model have responded to, and even anticipated, such criticisms. n49 If only to [*335] serve election-driven concerns, these prosecutors fashion loose professional ties with other groups and, on occasion, team up with others on particular campaigns. n50 But far more typically, prosecutors respond to such suggestions by declaring that collaboration with such agencies fall outside the role of the prosecutor (as these offices have defined that role). Working with the more extended group of people and institutions would divert, they maintain, the prosecutor from her ability to perform her "real job" and would inappropriately squander the limited resources available to the prosecution.

D. Office Design and Management

A prosecutorial office's embrace of the conventional model of prosecution necessarily drives certain design and management decisions. The very location of the office can be seen as an outgrowth of the organizing vision of prosecution work. Prosecutors' offices tend to be located in the central court complex, typically far removed - physically and figuratively - from the places where the crimes take place and where the victims of those crimes live.

The choice of vision also has reverberations in the staffing patterns of a prosecutor's office. The goal of efficient prosecution of individual cases is usually best achieved with hierarchical staffing patterns that delineate clear lines of authority, coupled with centralized management to ensure consistency in policies and approaches. The principal design scheme seeks to maximize both efficiency and convictions as the office processes an ever-expanding volume of cases. More often than not, prosecutors' offices assign cases to different investigators and different attorneys, often in separate sections or units within the office. While this system may, in fact, offer the most efficient means to process individual cases quickly, the structural fragmentation can cause an office to overlook connections between cases. n51 Moreover, the case-specific focus may lead these offices to overlook or ignore patterns that might suggest systemic approaches to preventing particular types of crimes.

Many offices have sought to increase their efficacy by dividing the office into units based on types of crimes. n52 These specialized units - [*336] such as career criminal units or domestic violence divisions - enable investigators and lawyers to coordinate their efforts in prosecuting the cases. Because the caseload is specialized, prosecutors can develop expertise in investigating, evaluating, and resolving often complex cases. For example, the repetition involved in trying a succession of drug cases enables an individual

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prosecutor (and ultimately the unit) to establish practice routines to ease the pressure caused by a high volume of cases. But, here again, the emphasis is on processing the cases rather than thinking more broadly about patterns of crime or prevention efforts.

NOTES

n12. See Elizabeth Glazer, Thinking Strategically: How Federal Prosecutors Can Reduce Violent Crime, 26 Fordham Urb. L.J. 573, 576 (1999).

n13. See John J. Douglass, Ethical Issues in Prosecution 31 (1988) (quoting Stephen Trott, Address to J. Frank Coakly National Symposium on Crime (May 1987)).

n14. See Stanley Z. Fisher, In Search of the Virtuous Prosecutor: A Conceptual Framework, 15 Am. J. Crim. L. 197, 215-26 (1988) (arguing that we have failed to give prosecutors a coherent understanding of their quasi-judicial role); Kenneth Melilli, Prosecutorial Discretion in an Adversary System, 1992 BYU L. Rev. 669, 671-72 (discussing different standards in the exercise of prosecutorial charging discretion); Fred C. Zacharias, Structuring the Ethics of Prosecutorial Practice: Can Prosecutors Do Justice?, 44 Vand. L. Rev. 45, 49 (1991) (arguing that prosecutors should not prosecute unless they have a good faith belief that the defendant is guilty and that prosecutors must ensure that the basic elements of the adversary system exist at trial).

n15. I wish to thank the State's Attorney of Montgomery County, Maryland, Douglas Gansler, for a number of conversations that helped to describe the tension between the traditional role and the community prosecution efforts.

n16. Strickler v. Green, 527 U.S. 263, 281 (1999).

n17. Id. (quoting Berger v. United States, 295 U.S. 78, 88 (1935)).

n18. See Model Rules of Prof'l Conduct R. 3.8 cmt. 1 (1999); Model Code of Prof'l Responsibility DR 7-103 (1981); The Prosecution Function, in 1 Standards for Criminal Justice, Standard 3-1.1 (A.B.A. 1992).

n19. See Angela Jordan Davis, Prosecution and Race: The Power and the Privilege, 67 Fordham L. Rev. 13, 51-52 (1999).

n20. See William J. Stuntz, The Uneasy Relationship Between Criminal Procedure and Criminal Justice, 107 Yale L.J. 1, 22 (1997) (noting that prosecutors' activities are governed by their budgets).

n21. See id.

n22. There may well be occasional abuses. An individual prosecutor may invoke "the people" precisely in hopes of misleading. With the aid of this rhetoric, she may seek to induce her audience to believe that the people she serves in fact support a policy or action

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about which they have no idea - indeed about which they have been kept ignorant, sometimes as a deliberate matter. But, in most cases one can assume that the prosecutor is legitimately invoking the name of "the people" to remind listeners that she has earned the political and legal discretion to make policies and choices in the name of the people.

n23. See Carol J. DeFrances et al., Prosecutors in the State Courts, 1994, in Bureau of Justice Statistics Bulletin 1, 2 (1996) (some chief prosecutors are elected and others are appointed); Robert L. Misner, Recasting Prosecutorial Discretion, 86 J. Crim. L. & Criminology 717, 730 n.78 (1996) (in all but four states, prosecutors are elected officials).

n24. Some have argued that the electoral process has forged a system of direct accountability to the people in an increasingly bureaucratic society. See, e.g., Abraham S. Goldstein, History of the Public Prosecutor, in 3 Encyclopedia of Crime and Justice 1286, 1286 (Sanford H. Kadish ed., 1983) (suggesting that full-time elected prosecutors are more accountable).

n25. See James Vorenberg, Decent Restraint of Prosecutorial Power, 94 Harv. L. Rev. 1521, 1522 (1981); see also Angela Jordan Davis, The American Prosecutor: Independence, Power and the Threat of Tyranny, 86 Iowa L. Rev. 383, 397 (2001).

n26. See Davis, supra note 19, at 51-52.

n27. See Davis, supra note 25, at 387.

n28. Standards for Criminal Justice Prosecution Function and Defense Function, Standard 3-1.3(f) (A.B.A. 1993).

n29. See H. Richard Uviller, Virtual Justice: The Flawed Prosecution of Crime in America 163 (1996) (finding "the political factor in the calculation of discretion to be profoundly offensive, bordering on unethical").

n30. See, e.g., Walker A. Matthews, Proposed Victim's Rights Amendment: Ethical Considerations for the Prudent Prosecutor, 11 Geo. J. Legal Ethics 735, 748 (1998) (examining the ethical obligations that may be implicated by the recent expansion of victims' rights in the criminal justice process); Joan Meier, The "Right" to a Disinterested Prosecutor of Criminal Contempt: Unpacking Public and Private Interests, 70 Wash. U. L.Q. 85, 89-90 (1992).

n31. See Daniel C. Richman, Old Chief v. United States: Stipulating Away Prosecutorial Accountability?, 83 Va. L. Rev. 939, 958 (1997).

n32. See William T. Pizzi, Understanding Prosecutorial Discretion in the United States: The Limits of Comparative Criminal Procedure as an Instrument of Reform, 54 Ohio St. L.J. 1325, 1339 (1993) (suggesting the importance of some connection with the people as a measure of accountability).

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n33. Carrie Menkel-Meadow, Narrowing the Gap by Narrowing the Field: What's Missing from the MacCrate Report - Of Skills, Legal Science and Being a Human Being, 69 Wash. L. Rev. 593, 594 (1994) (criticizing the MacCrate Report for being too heavily oriented towards litigation).

n34. See David Nissman & Ed Hagen, The Prosecution Function 2 (1982); Davis, supra note 25, at 408-10 (expressing concern over extensive discretion afforded prosecutors through increasing numbers of laws and statutorily defined crimes); George T. Felkenes, The Prosecutor: A Look at Reality, 7 Sw. U. L. Rev. 98, 99 (1975); Eric H. Holder, Jr., Community Prosecution, Prosecutor, May/June 2000, at 31, 31-32 (distinguishing community prosecution from the conventional vision); Vorenberg, supra note 25, at 1522; Zacharias, supra note 14, at 53.

n35. See Kristan Trugman, Prosecutors Down Neighborhood Bully: Program Strives for Proactive Tactics, Wash. Times, Nov. 13, 1998, at C11 (quoting Washington D.C. Assistant United States Attorney Clifford Keenan, Chief of the Community Prosecution Section of the U.S. Attorney's Office). According to Keenan,

for too many years, [prosecutors] have taken it on themselves to be case processors. Community Prosecution is not a program or a project, it is a philosophy. It is looking at offenders and offenses and how each figures into what is going on in a community. We cannot still look at cases in a vacuum.

Id.

n36. See Newman Flanagan, Message from the Executive Director, Prosecutor, Jan./Feb. 2000, at 6, 6 (providing commentary by the Director of National District Attorneys Association).

n37. See Holder, supra note 34, at 32; see also Glazer, supra note 12, at 573-74.

n38. See Stuntz, supra note 20, at 46.

n39. See id.

n40. John Marzulli & Barbara Ross, Murder Takes a Hit: Manhattan Slays on Pace To Hit Low Not Seen Since 1937, Daily News (N.Y.), July 14, 2000, at 17 (noting dropping homicide rates and District Attorney Robert Morgenthau's response, which included crediting prosecution efforts directed at gang activity, and dismissing the notion that a better economy played a role); see also Holder, supra note 34, at 31 ("Local prosecutors deserve much of the credit for bringing crime rates down to these historic lows... .").

n41. See Glazer, supra note 12, at 573-74 (arguing that traditional "case-processing" prosecution is an ineffective method for reducing crime).

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n42. See id. at 574.

n43. See Holder, supra note 34, at 32 (arguing that prosecutors cannot lower crime without understanding the community problems that give rise to crime); Glazer, supra note 12, at 596 (arguing that prosecutors must understand and address the social and economic factors that increase or decrease crime within a community).

n44. See Melilli, supra note 14, at 696.

n45. See Mae C. Quinn, Whose Team Am I on Anyway? Musings of a Public Defender About Drug Treatment Court Practice, 26 N.Y.U. Rev. L. & Soc. Change 37, 58 (2000). Quinn discusses frequent areas of collaboration in drug-treatment court practice:

In the traditional adversarial setting there are many instances of collaboration between the prosecution and defense. For instance, prosecutors and defense attorneys may work together to convince a reluctant judge that a particular disposition for a case is appropriate, or to stipulate to certain evidence in the course of a hearing or trial.

Id.

n46. See Melilli, supra note 14, at 695.

n47. See Holder, supra note 34, at 32 (noting the need to develop relationships with community members, law enforcement, and other public and private agencies).

n48. See, e.g., Am. Prosecutors Research Inst., Beyond Convictions: Prosecutors as Community Leaders in the War on Drugs 11 (1993) (explaining that the increase in drug cases has resulted in prosecutorial approaches aimed at increasing citizen involvement and responding to community needs). In a 1992 survey of 290 chief prosecutors across the country, 65% said that their offices met with community groups during the year and 54% reported that they talked with students at public schools. John M. Dawson et al., Prosecutors in State Courts, 1992, in Bureau of Justice Statistical Bulletin 1, 7 (1993).

n49. Many traditional projects exist in which prosecutors collaborate with different organizations and individuals to fulfill their case-processing role. Denver District Attorney Bill Ritter shared this experience from his collaborative community prosecuting work:

We owe a great deal to the victims and their advocates, who toiled mightily to educate us about the dynamics of domestic violence and who then assisted us in developing protocols to improve our response. A coalition ... that has met since the early '80s -- representing law enforcement, the courts, probation, treatment providers and victims -- has played a significant role in developing the protocols and policies that have improved our response ... .
Law enforcement in Denver enjoys a good relationship with many of the agencies that care passionately about this issue. We constantly work with battered women shelters and

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with nonprofit victim advocacy groups to assist victims with safety plans that could save their lives.

Bill Ritter, Curbing Domestic Violence, Denver Post, Nov. 12, 2000, at M1; see also Michael A. Fuoco, Prosecution and Prevention Cut Gang Crime Here, Pittsburgh Post-Gazette, Oct. 3, 1997, at A1 (reporting that then U.S. Attorney Frederick W. Thieman "began meeting with a wide spectrum of community institutions and groups and floated his plan to coordinate prevention programs," and participated in a retreat with the mayor, as well as representatives from schools, churches, unions, neighborhood groups, etc., to help get the community prosecution model up and running.); Al Kamen, Woman Gets Year in Jail as City Presses Anti-Prostitution Drive, Wash. Post, August 13, 1981, at B1 ("Under the new [anti-prostitution] campaign, prosecutors are working with community organizations ... asking citizens to present their views at sentencing hearings in order to pressure judges to mete out harsher penalties."); Steve Rubenstein, Shampoo, Trim and Help Save a Life, S.F. Chron., Oct. 2, 2001, at A18 (Helene Rene "was one of seven San Francisco hairdressers who took part in the Hairdresser Project, a half-day training program sponsored by the San Francisco district attorney's office" where "[a] doctor, a prosecutor and several counselors from battered women's shelters coached the beauticians on what to look for, how to talk to clients about it and how to persuade them to get help."). According to Khalid Raheem, president and CEO of the National Council for Urban Peace and Justice:

The considerable decrease in gang-related violence and activities can be attributed to the intensive, hard work of community-based organizations working for violence prevention and intervention ... . Now people are better informed and better organized and are finding ways to adequately respond to the issue.

Id.

n50. See sources cited supra note 49.

n51. See Holder, supra note 34, at 32.

n52. See, e.g., Bill Varian, Opponent Attacks; Attorney Defends, St. Petersburg Times, Aug. 26, 2001, at 1 (Hernando Times) (Henry Ferro, a candidate for state attorney, "proposes creating a division that would focus on crimes against the elderly," adding specialty programs that would target drunk drivers and domestic abusers, and reorganizing the office to allow prosecutors to specialize in particular types of crime, while the incumbent, Brad King, "says his office is already doing much of that with a special unit tackling white-collar crimes and focusing on abuse of the elderly."); Community Prosecution; Montgomery Relocates Law Enforcement to the Neighborhoods, Wash. Post, July 11, 1999, at B8 ("Traditionally, local prosecutors' offices have been organized according to type of crime--i.e., homicide, sex offenses, narcotics, felonies and misdemeanors.").

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8 ELEMENTS OF EFFECTIVE COMMUNITY ENGAGEMENT

Why engage the community?
Community prosecution initiatives are designed to build stronger connections between citizens and the justice system; community outreach is therefore a crucial component of any planning effort. Engaging the community should be the top priority from the beginning — above staffing, fundraising, even program planning. There are three principal reasons for this.

Reason No. 1
The first, perhaps, is obvious. If prosecutors' offices seek to work in partnership with community members to solve local problems and strengthen a neighborhood, that partnership needs to start early. People who live and work in the neighborhood should be involved in identifying issues, setting priorities and crafting solutions. And planners must earn the trust of skeptical communities by listening attentively and demonstrating that they are there for the long haul.

Reason No. 2
A second reason for beginning the conversation with local players is that community prosecution initiatives are designed to address the unique needs and concerns of their target neighborhoods. There is no one-size-fits-all model. Different communities have different problems. And different problems merit different responses.

Reason No. 3
The third reason for engaging the community is more pragmatic. The basic job of a planner is to organize financial, political and material resources on behalf of his or her project. This means building support among funders, social service providers, elected officials, community leaders and the media. The only way to develop these kinds of partnerships is to be an active and visible presence in the neighborhood — attending public meetings, interviewing local stakeholders and convening discussion groups.

[Adapted from: Greg Berman and David C. Anderson, "Engaging the Community: A Guide for Community Justice Planners," Center for Court Innovation & U.S. Department of Justice (1999)]

THE ELEMENTS

1) Identify Stakeholders:

What groups have an interest in the welfare of the community, and who speaks for them? The list of possibilities is long: local politicians, churches, schools, students and their parents, merchants, tenant and block organizations, fraternal orders, ethnic societies and other social or civic clubs, sports teams, youth groups, precinct-based police, health care clinics, drug treatment groups, literacy programs, other social service providers. There is also the less visible community — young people who aren't in school, older people who are unemployed, welfare mothers, the elderly who stay at home. Even defendants can be included as stakeholders.

In the first phase of community engagement, planners should identify all such groups and craft strategies for reaching them. The goal is to get answers to some fairly basic questions: What do local residents think about the quality of life in their neighborhood? What are the community's strengths? What issues are chronic problems? How do people feel about the criminal justice system? And what do they expect from it? Too often, planners presume that they understand what is going wrong in a neighborhood without asking the people who really know — the citizens who live and work there.

[Adapted from: Greg Berman and David C. Anderson, "Engaging the Community: A Guide for Community Justice Planners," Center for Court Innovation & U.S. Department of Justice (1999)]

2) Conduct Interviews

In order to gain a full understanding of a community's problems, there is no substitute for simple communication. Talking with a broad spectrum of local voices —the approach should be straightforward and humble: planners should emphasize that they are engaging in this process to learn about the community. This approach can go a long way towards disarming skeptical residents, who may be unaccustomed to government officials taking a deferential tone.

Possible questions include: What do you think of your neighborhood? Is this a good place to live? To do business? To own property? What are the main sources of aggravation, of fear, of crime? Are there street conditions — rowdiness, noise, prostitution, drug dealing — that seem to be out of control? What do you think is causing them? Do the people involved in crime live in the neighborhood, or do they come here from somewhere else? How do you think these problems might be curbed? What's it like for children and teenagers here? What do you think of the schools? Are too many children and teenagers on the street when they should be in school? Are there things for kids to do after school and on weekends? Is there a problem with gangs? What resources exist in the neighborhood already? What are the community's strengths? Which churches, social

service providers and community groups are the most respected? What do people in the neighborhood think about the way the police patrol the community? About the way defendants are prosecuted? About how probation and parole work? About the way the court system handles crime, family matters and housing disputes?

Be open to surprises. In one case, community prosecution organizers went into a neighborhood armed with reams of statistics about drugs, violence and other serious crime, only to be told by community members that stray dogs were their most vexing problem. Taking these issues seriously and devising strategies to address them will do much to win community support.

[Adapted from: Greg Berman and David C. Anderson, "Engaging the Community: A Guide for Community Justice Planners," Center for Court Innovation & U.S. Department of Justice (1999)]

3) Hold Focus Groups

The idea here is to get input from people who are not necessarily leaders: people who reside or work in the community, who raise children there, own or rent property, use its streets, its schools, its parks. Why is this important? While community justice planners must respect the authority, experience and knowledge of the "official" leaders of their community (ministers, politicians, tenant leaders), they must also make sure that this leadership accurately reflects the opinions and concerns of their constituents. To do this, planners should assemble several groups of about 10 people each (fewer than that may not yield many different views; more may become unwieldy to manage) and meet with them for an hour or two.

Some sessions can be easily organized through formal channels: ask a local minister to invite a dozen parishioners to a conversation at the church or the head of the P.T.A. to assemble a group of school parents. Planners can also try to organize some discussions less formally. Does someone have a friend of a friend who lives in the neighborhood? Ask her to invite several neighbors over for an evening of conversation.

Like the individual interviews, these "focus groups" or "discussion sessions" should begin with a basic explanation of the project and questions about the neighborhood. Again, the approach is to ask for help: How do neighbors feel about community problems? What are the neighborhood's strengths and weaknesses? Has the neighborhood gotten better or worse in recent years? Do they have confidence in local law enforcement and the courts? Successful meetings of this sort require careful preparation. It's important to choose the right setting and to create a relaxed atmosphere — serving simple refreshments goes a long way towards helping people feel welcome and comfortable. Planners also need to think about how to keep the meeting under control. Group dynamics can be tricky: given an audience, some people may be tempted to make speeches or engage in personal attacks. Planners lacking experience with the process should consider hiring a professional facilitator.

[Adapted from: Greg Berman and David C. Anderson, "Engaging the Community: A Guide for Community Justice Planners," Center for Court Innovation & U.S. Department of Justice (1999)]

4) Administer a Survey

Community surveys can give planners a detailed picture of a community's priorities, expectations, and self-image. A survey — whether conducted by phone, on the street, or from door to door — gathers information from hundreds and potentially thousands of stakeholders. Surveys also sort data in a form that is perfect for analysis. Rather than gathering anecdotal impressions during a focus group, a well-designed survey crystallizes information into quantifiable data. For instance, a statewide survey in Vermont found that only 37 percent of residents had a favorable impression of the state's Department of Corrections, but 93 percent would support the creation of reparative boards (panels of citizens who oversee probation terms for nonviolent offenders). The results of this survey gave planners valuable information that helped them make the case to funders and elected officials that reparative boards were worth trying.

A survey can be administered by phone or in person. It can be mailed out and filled in by respondents on their own or filled in by trained surveyors. It can cover one topic or several topics. It can be conducted in-house, by consultants, or by volunteers. Regardless of the method used, a survey should be simple and short. Remember that you are asking citizens to volunteer time; do not keep them any longer than absolutely necessary or you may cause resentment. Some surveyors conduct a survey test run with a few community members and then ask for their feedback. Sample feedback questions include the following: Were there questions you did not like or that did not make sense? Was the wording confusing? Were there questions missing that you wish had been asked?

[Adapted from: Leslie Paik, "Surveying Communities: A Resource for Community Justice Planners," Bureau of Justice Assistance, U.S. Department of Justice (2003)]

5) Attend Community Meetings

In addition to convening their own meetings, planners should respect the existing infrastructure of the neighborhood by appearing at regular sessions of community groups: the P.T.A., the block association, the tenants' organization, the community board. Here the approach needs to be a bit more formal: begin with a five to 10 minute talk about the idea of the community justice initiative, where it came from and who supports it. This introduction could also explain how community prosecution is working in other places, the problems it has addressed and the ways that community justice efforts incorporate input from neighborhood residents.

Following the talk, planners should invite questions from the audience and lead a discussion of how the generic concept of community justice should be adapted to this particular neighborhood.

[Adapted from: Greg Berman and David C. Anderson, "Engaging the Community: A Guide for Community Justice Planners," Center for Court Innovation & U.S. Department of Justice (1999)]

6) Work with Partners

Planners should reach out to all possible partners, including: government agencies, both those within the justice system and those whose work intersects with the system (welfare, foster care, education, public housing and others); social service organizations; faith-based groups; business and community associations; tenant groups, etc.

Planners should take pains to understand their audience: it makes sense to emphasize different elements of the project to different listeners. For example, meetings with the local health department might focus on social services, emphasizing the needs of criminal justice populations. Meetings with board of education officials might concentrate on ways that law enforcement currently handles juveniles as well as on crime and disorder — rowdiness, noise, drug dealing, thefts, mugging of students going to and from school — that disrupt the school day.

Even if community policing already exists in your jurisdiction, don't forget to reach out to the police. Meetings with police might emphasize ways that prosecutors can complement community patrol initiatives. Since police are inevitably the criminal justice agency that is most visible and active in the life of a neighborhood, planners should consider paying special attention to its officers at an early stage — accompanying them on patrol, sharing lunch or dinner, hanging out with them after hours in order to get to know them and learn from their insight into the community and its problems.

The bottom line is partnership. The goal of meeting with tenants, ministers, social service providers, police officers, health officials, educators, welfare specialists and others is to bring them into the fold, engaging their expertise and manpower to solve neighborhood problems. The importance of building personal connections with their representatives cannot be overstated.

[Adapted from: Greg Berman and David C. Anderson, "Engaging the Community: A Guide for Community Justice Planners," Center for Court Innovation & U.S. Department of Justice (1999)]

7) Create Opportunities for Involvement

Giving partners – community members, social-service providers, educators, other government agencies, etc. – a chance to be involved in a new initiative accomplishes a number of goals. Among other things, it gives participants a stake in the outcome, fosters good-will, harnesses un-tapped resources and strengthens communities so that they are better able to respond to other problems as they arise. There are countless ways to foster involvement. Some ideas include:

Community Impact Panel: A group of volunteers who meet with offenders, telling them what impact their offending has had on the community. Community participants can include residents, business people, representatives from social service agencies, police officers, etc.

[Adapted from: Robin Campbell, "No Victimless Crimes: The Role of Community Impact Panels," National Center for Victims of Crime/Networks, Vol. 18, Nos. 1-2 (Winter/Spring 2003)]

Community Advisory Board: Many projects create community advisory boards to ensure that the community has an on-going voice. The role of an advisory board, however, must be clearly defined. In what areas so planners seek community input? What elements of the program are not up for debate? Try to be as honest as possible. Very few community residents will expect to run the show. Most will respect boundaries as long as they are rational and clearly articulated..

[Adapted from: Greg Berman and David C. Anderson, "Engaging the Community: A Guide for Community Justice Planners," Center for Court Innovation & U.S. Department of Justice (1999)]

Volunteer Corps: Volunteers can be harnessed for any number of activities – to staff a local patrol, tutor at-risk youth, perform office duties to free-up staff for more technical responsibilities, etc. Care must be taken to properly train the volunteers and match them to appropriate work. Some criminal justice offices have used volunteers to serve as mentors or tutors to at-risk kids; to patrol local parks and staff tenant patrols; answering phones and inputting data; and conducting community surveys.

[Adapted from: Robert Victor Wolf, "Public Safety and National Service: How Volunteers Can Help Make a Safer America," DRAFT, on file with the Center for Court Innovation.]

Joint Task Force: Joint Task Forces take many forms, but they all involve multiple agencies or organizations working together for a common purpose. Examples of this include the Multi-Agency Task Force deployed by prosecutors in Indianapolis to investigate and address complaints against nuisance properties and the Street Outreach Services at the Midtown Community Court in Manhattan, which has sent teams of police officers partnered with social workers into the community to talk to homeless individuals, encouraging them to take advantage of free court-based services that can help them get off the street (and thus reduce the likelihood that they will be charged with an offense down the road.)

[Sources: David C. Anderson, "Street Outreach Services," Center for Court Innovation & U.S. Department of Justice (1999); and Robert Victor Wolf, "Community Prosecution Profiles: Building Partnerships: Community Prosecution in Indianapolis, Indiana," Center for Court Innovation & U.S. Department of Justice (2000)]

8) Communicate Results

Publicize accomplishments. Success stories give community residents and organizations tangible evidence that the criminal justice system is accountable to the community.

It is not enough for community prosecution initiatives to develop internal mechanisms for accountability. They must also provide regular feedback to their constituents about the work they are doing. Those constituents include not just people who live and work in the community but also partner organizations. By providing regular feedback on problem-solving strategies, alternative sanctions, case outcomes and other results, community prosecutors can create a greater sense of community among all their partners.

[Adapted from: John Feinblatt and Greg Berman, "Community Court Principles: A Guide for Planners," Center for Court Innovation & U.S. Department of Justice (1997) and John Feinblatt, Greg Berman and Michele Sviridoff, "Neighborhood Justice: Lessons from the Midtown Community Court," Center for Court Innovation & U.S. Department of Justice (1998)]

Survey of Community Prosecutors: Focus on Neighborhood Outreach

The following is an excerpt from:

Elaine Nugent and Gerard A. Rainville, "The State of Community Prosecution: Results of a National Survey," presented at the American Society of Criminology 2000 Annual Meeting, San Francisco, California, November 13-17, 2000.

... The development of the community prosecution approach, which began in the mid-1980s, was a cautious and gradual one. Several case studies of nuisance abatement programs in large northeastern cities signaled the first recognition of a quiet revolution in prosecutorial approaches. Throughout the early 1990s, prosecutors in Multnomah County, Oregon; Indianapolis, Indiana; Washington, D.C.; Howard and Montgomery Counties, Maryland; and Brooklyn and Manhattan, New York, experimented with practices including meeting regularly with community members and interest groups, establishing community-based task forces and vertical prosecution.

The experiences of these prosecutors and a handful of others merged into a broadly defined movement known as community prosecution. ... As of December 2000, more than 90 prosecutors' offices had received grants from the Bureau of Justice Assistance to plan, implement or enhance community prosecution efforts. However, the number of offices engaged in some form of problem solving or community prosecution is believed to be much higher, although there has been no empirical evidence to support this belief. In an effort to better understand the extent to which prosecutors' offices are engaging in community prosecution and the types of activities they undertake in this role, the American Prosecutors Research Institute (APRI) conducted a survey of a nationally representative sample of prosecutors' offices.[1]

Information about the Survey

APRI surveyed a random sample of 308 offices across the nation to identify jurisdictions that are currently engaged in or are planning to implement community prosecution in the next year. Respondents were asked to report whether or not line prosecutors meet with various groups and whether or not the chief prosecutor meets with various groups. In addition, APRI asked the respondents if they felt that their office was currently involved in community prosecution or was planning to implement it. APRI received 192 completed surveys for a total response rate of 56 percent.

In addition to the above survey, APRI selected a random sample of respondents who indicated some level of involvement in community prosecution (as defined above). A total of 90 offices were selected for in-depth telephone interviews. The purpose of the telephone interviews was to gather more detailed information about the nature of their

community-oriented work. A total of 50 interviews were completed for a response rate of 62 percent. …

Nature of Community Prosecution
The reasons for becoming involved in community prosecution can be varied and driven by a number of social, economic and political factors. … APRI asked respondents to identify their primary reason for implementing community prosecution. Analysis of the results revealed four distinct reasons:

- To address a particular community concern, reported by 42 percent of respondents;
- As a result of information obtained at a conference or seminar, reported by 11 percent of respondents;
- In response to community policing, eight percent; and
- To obtain grant funding, eight percent.[2]

…

Community Outreach

[Community prosecution] involves more outreach and coordination with "non-traditional" groups; organizations, agencies and individuals outside the law enforcement community that prosecutors generally do not involve in their efforts to enforce the law and protect citizens. This is not to say that prosecutors never work with such groups, but rather that the frequency and extent to which such coordination occurs is different from traditional prosecution.

In general, offices that report practicing community prosecution are more likely than offices that don't practice community prosecution to discuss non-case specific activities with community groups, businesses, civic groups and schools. In addition, community prosecution offices are more likely to coordinate with police on problem-solving initiatives and to participate in task forces. Specifically, the percentage of offices overall that coordinate with these different groups and agencies is as follows:

- Police (91 percent of all offices that responded)
- Judges (70 percent)
- Corrections and probation (62 percent)
- Schools (61 percent)
- Community members (60 percent)
- Civic associations (53 percent)
- Special interest groups (49 percent)
- Business community (42 percent)
- Private service providers (31 percent)
- Other city agencies (26 percent)

- City attorney (19 percent)
- Faith community (12 percent)
- Victims' advocacy groups/crime victims (8 percent)
- Other groups (26 percent)

… Another element of community prosecution is the type of strategy(ies) put in place to address the identified problems. APRI asked survey respondents to define all the strategies their offices use as part of their community prosecution efforts. The results demonstrate that offices that practice community prosecution engage in a wide range of activities to improve the quality of life in their communities and to address the problems underlying more serious crimes. Specifically, the results show:

- 68 percent of offices conduct outreach to community groups to identify and prioritize strategies for addressing community concerns;
- 58 percent report initiating educational programs in schools;
- 53 percent have prioritized citizens' traffic concerns;
- 50 percent prioritize their cases according to community concerns;
- 42 percent participate in community problem-solving activities;
- 29 percent focus on addressing quality of life issues;
- 16 percent are engaged in nuisance abatement activities, work with victims groups, and have implemented truancy prevention programs and after school programs;
- 13 percent have implemented elder abuse initiatives; and
- 11 percent use community courts to address community concerns and quality of life issues.

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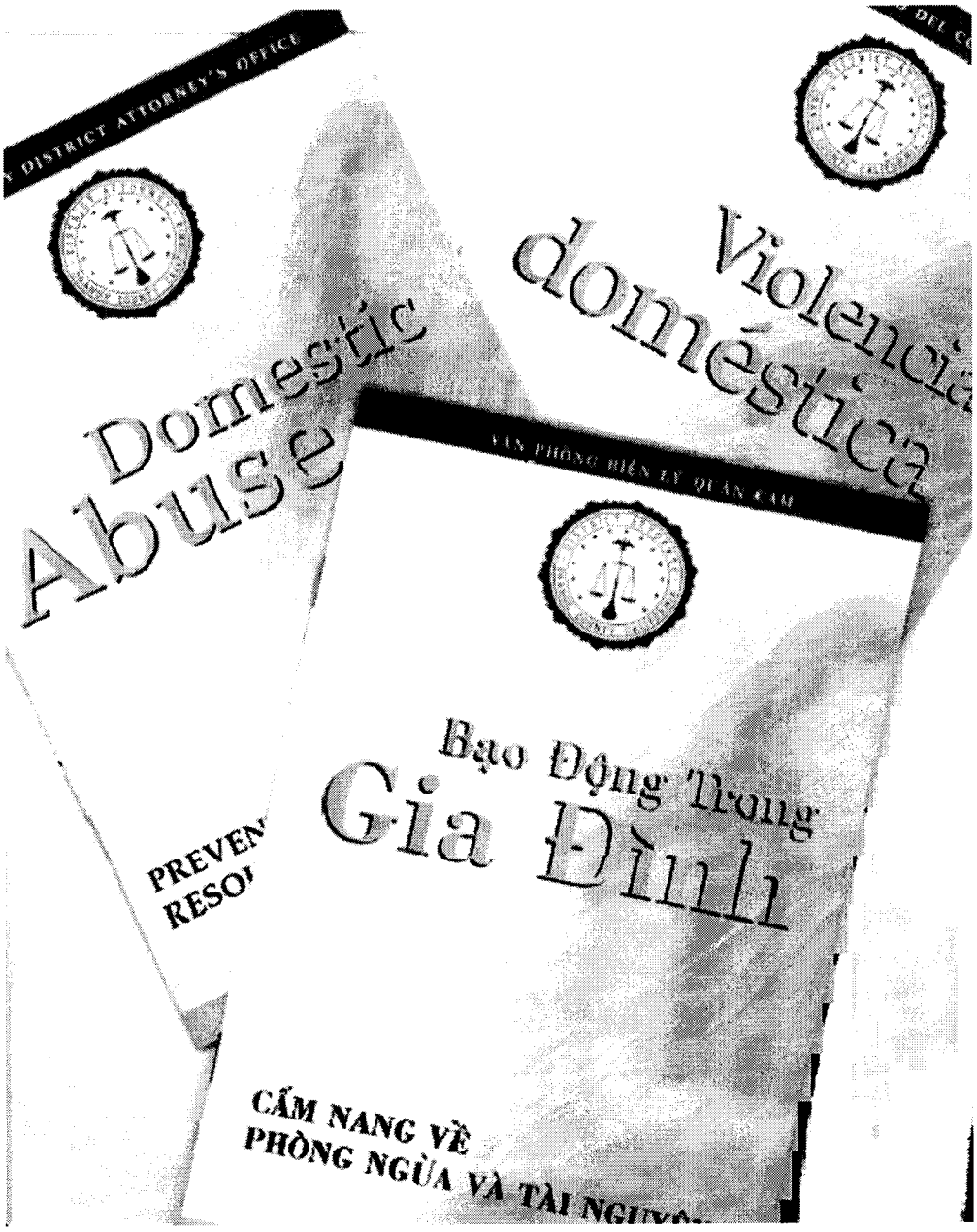
[1] The survey was conducted under a subcontract with Roger Conner, visiting fellow at the National Institute of Justice.

[2] The remaining 31 percent reported that they didn't know why their office had implemented community prosecution or cited another unspecified reason.

Culturally Appropriate Communication

When significant portions of a community don't speak English, community prosecutors need to find ways to communicate. Hiring bilingual staff is one way. Another is to produce publications in multiple languages. The District Attorney's Office in Orange County, California, for example, has literature in English, Spanish and Vietnamese.



SARA FRAMEWORK

SARA was developed for community police officers but also works well for community prosecutors and others taking a problem-solving approach to community crime, safety and quality-of-life concerns. It offers a framework to organize the prosecutors work and thinking.

SARA stands for:

- Scan
- Analyze
- Respond
- Assess

The following are questions to help guide a prosecutor as she or he approaches each step:

Scan

Who are the relevant stakeholders in the community?
How do stakeholders' feel about crime, community safety, the justice system, etc?
What are the top concerns of stakeholders, community organizations and partner agencies?
What data or other sources of information might be helpful in understanding the problem?

Analyze

What does the relevant data reveal about the problem?
What environmental or social factors contribute to the problem?
What are the goals (both short-term and long-term) of the prosecutor's office, community stakeholders and partner agencies?
What resources are available to address the problem?

Respond

Given the resources and nature of the problem, what is the best response?
What tools can be brought to bear?
How can available resources be used to maximum effect?
Will the response need to be changed over time?

Assess

What are the anticipated outcomes?
How can the outcomes be measured?
What "hard data" is available (for instance, number of complaints and arrest rates?)
What "soft data" is available (for instance, anecdotal impressions that prosecutors obtain at community meetings?)

What partners are available to help in the assessment process (either by supplying data or helping to analyze it?)
How can you communicate results to stakeholders and policymakers?

SARA IN ACTION:
2 PROBLEM-SOLVING EXAMPLES

The following are two examples drawn from Indianapolis, Indiana and Brooklyn, New York, both of which were identified in 2003 as community prosecution leadership sites by the U.S. Department of Justice.

Example No. 1

Indianapolis, Indiana: Nuisance Properties

In 1996, Indianapolis Prosecutor Scott Newman expanded a small community prosecution program launched by his predecessor and re-named it the Street Level Advocacy Unit (it was recently re-named the Community Prosecution Division and further expanded by Newman's successor). Like Pearson in Portland, the unit was charged with identifying neighborhood problems and trying to solve them.

Scan: Newman divided the city into four quadrants, which overlapped with the city's four police precincts. A community prosecutor was assigned to each quadrant and stationed in an office in the precinct stationhouse. By consulting with police on a daily basis, attending community meetings and literally walking the streets of the quadrant, the community prosecutors developed a list of local complaints and concerns. One of the larger problems they encountered was "nuisance properties" – houses in residential areas where drug dealing, prostitution and other crimes occurred. In some cases, only civil violations, such as excessive noise or garbage in the yard, were involved.

Analyze: Prosecutors realized that conventional law enforcement responses to a problem property were limited. For instance, if someone is dealing drugs out of their home, law enforcement's traditional approach is to make an undercover buy – a resource-intensive option that doesn't always result in an airtight case. And even if a sting is successful and the dealer is ultimately arrested, it may be more than a year – if ever – before the dealer is taken to jail. Besides, experience indicates that repeated arrests of people for drug-dealing or the execution of search warrants may have minimal impact on the activity in a drug house. In addition, evicting a dealer who owns the property is nearly impossible. And seizing the property using civil forfeiture laws, which allow the government to take possession of property used in the commission of certain crimes, requires a fairly high threshold in Indiana – conviction on a C felony or worse. In addition, prosecutors found that some landlords wanted to clean-up their properties – and prevent problems in the first place – but didn't know enough about the law or managing tenants to do the job on their own.

Respond: Prosecutors in Indianapolis decided to address the problem by partnering with other agencies. Take the case of a woman dealing marijuana out of her house despite repeated arrests. The charges weren't serious enough to send her to jail or pursue forfeiture. But neighbors complained about screams, fights and people coming and going at all hours. The prosecutor's office met with a city councilwoman, police and other government agencies to brainstorm a new approach: The result was a cooperative effort among agencies to target this woman's house and several other nuisance properties.

The county's Health and Hospital Corporation performed an inspection based on the suspicion that the poorly maintained property might be in violation of the health code. Things worked out far better than expected when they found lead-based paint and ordered the woman to move. The woman had no intention of fixing the problem, and so never came back.

Prosecutors learned from this experience that by partnering with other city agencies they could often accomplish what pursuing criminal charges could not: Eviction of problem tenants and cleaning up of eyesore properties. Community prosecutors began leading multi-agency sweeps every couple months. During an average sweep, two inspection teams would go to about 10 houses that had drawn community complaints. The teams were led by a prosecutor or a paralegal and consisted of representatives from the Fire, Zoning and Health Departments as well as Animal Control. Police were also there for safety and to do warrant checks. A health inspector usually approached the property first, explaining to whoever answered to the door that they'd like to conduct an inspection of the property. If the occupant allowed them in, the team of inspectors combed the property with flashlights and notebooks, looking for any violation that they could find.

Community prosecutors also developed a landlord training program to teach property-owners how to better screen potential tenants and how to respond to problems more quickly when they arise.

Assess:
It is hard to measure exactly what impact the elimination of a nuisance property has had on a particular neighborhood or block. However, the prosecutors as they continued to conduct sweeps, found that they were being greeted by neighbors who would come out of their homes to cheer and applaud. Prosecutors can also measure the impact of the sweeps in the development of other innovations. For example, the success of the multi-agency sweeps led prosecutors to set up a hotline for neighborhood groups to phone in complaints and create a task force of inspectors from city and county agencies to respond to them.

Prosecutors have received 3,895 referrals for narcotic convictions, which have resulted in 1,313 actual evictions of drug-using tenants from January 1996 through September 2003. The office has also sponsored dozens of landlord trainings.

[Example adapted from Robert Victor Wolf, "Community Prosecution Profiles: Building Partnerships: Community Prosecution in Indianapolis, Indiana," Center for Court Innovation & U.S. Department of

Justice (2000) and based on phone interviews conducted by Wolf with Community Prosecutor Michelle Waymire and Paralegal Diane Hannell.]

Example No. 2

Brooklyn, New York: Drugs in Public Housing

In 1992, Patrick Daly, a principal of an elementary school in the Red Hook neighborhood of Brooklyn, N.Y., was caught in drug-related shootout and killed. Community outrage over his death and the neighborhood's high crime rate led Brooklyn District Attorney Charles J. Hynes to call for the creation of a community justice center. With the cooperation of the New York State Unified Court System, the Center for Court Innovation, city government and numerous other agencies, the Red Hook Community Justice Center – a multi-jurisdictional community court operating out of a refurbished Catholic school in the heart of Red Hook – opened its doors in 2000.

At Red Hook, a single judge hears neighborhood cases that under ordinary circumstances would go to three different courts – Civil, Family and Criminal. The goal is to offer a coordinated, rather than piecemeal, approach to people's problems. The prosecutors at Red Hook can recommend as part of plea offers sentences that can include community restitution projects, on-site job training, drug treatment and mental health counseling – all rigorously monitored by the court to ensure accountability and drive home notions of individual responsibility. The Justice Center also offers mediation, community service projects that put local volunteers to work repairing conditions of disorder and a Youth Court where teenagers resolve actual cases involving their peers.

Prosecutors also play an essential role in coordinating activities at the Justice Center and participating in task forces and community events designed to target crime problems and improve safety. The following is an example of how prosecutors assigned to the Justice Center spearheaded coordination of a problem-solving effort in the community.

Scan: As part of their assignment at the Justice Center, prosecutors regularly attend meetings of community organizations as well as special task forces created by the Justice Center to address neighborhood safety and quality of life concerns. At these gatherings, participants from the community again and again spoke about the prevalence of drug-related crime in the neighborhood's public housing projects (most of the neighborhood's 11,000 residents live in 90 public apartment buildings).

Complicating matters was the fact that there was a degree of friction between community residents and law enforcement. Some community members complained that a large police presence and frequent drug busts made them feel as if they were living in a police state (while some, of course, welcomed the police presence.) Some stakeholders also expressed a desire to have a role in improving the neighborhood.

In addition, the Justice Center annually deployed teams of AmeriCorps volunteers to survey neighborhood residents. Those surveys indicated widespread concerns about

safety and identified drugs as a significant neighborhood problem. More specifically, many residents of public housing complained that locks were frequently broken and that hallways were often dark and deserted.

Crime data underscored drugs as a problem. In 2002, for instance, the 76th Precinct (which includes the Red Hook Houses) reported 22 burglary arrests, 22 grand larceny arrests, six gun arrests and an astonishing 689 narcotic arrests.

Analyze: The traditional way of responding to drug crime is to impose sentences of jail or treatment. Prosecutors decided that in many cases this traditional approach was appropriate – but could be improved upon.

For one thing, drug treatment was only infrequently offered to misdemeanor offenders. Usually, misdemeanants were offered either community service or jail. In addition, prosecutors discovered that some offenders were slipping through the cracks. For instance, offenders charged with trespass were often involved with drugs as well, but they were never evaluated for treatment eligibility. Furthermore, among the small percentage of defendants ordered into treatment, many never made it from the courthouse to the treatment program but instead absconded. Prosecutors also had to contend with resistance from some police to the idea of offering drug treatment to offenders. To some officers, a treatment mandate was a slap on the hand, little more than a free pass to the streets.

When offenders were referred to treatment, the treatment providers were responsible for monitoring compliance and providing prosecutors with follow-up reports. But prosecutors wondered if they could improve compliance by addressing the problem in a different way. In searching for a successful model for their misdemeanor caseload, they studied the office's experiences with DTAP (Drug Treatment Alternative to Prison Program, created by the Brooklyn D.A.'s Office) and the Brooklyn Treatment Court, both of which link felony offenders to rigorously monitored drug treatment and have a high rate of compliance. Prosecutors culled from each program different best practices, including frequent drug-testing; regular communication between prosecutors and treatment providers; and sanctions and rewards to encourage compliance and discourage bad behavior. In addition, prosecutors in these programs offered these felony offenders who successfully completed treatment a powerful incentive: dismissal of charges. In comparison, misdemeanor offenders were rarely offered a chance to wipe the record clean.

Prosecutors also looked into residents' complaints about conditions of disrepair in public housing. What they found was that problems like broken locks and darkened hallways were rampant and fueled drug-related crime. For instance, it was apparent that drug sellers were deliberately smashing lights in public spaces to make it easer to conduct business undetected.

Respond: Prosecutors began offering drug treatment more frequently in plea negotiations. They also began evaluating each offender, including those charged with

trespass, for potential referral to drug treatment. The Housing Authority agreed to post more "No Trespassing" signs in the apartment complexes and prosecutors began conducting trainings for police officers to improve the quality of complaints and lower the rate of dismissals.

Prosecutors and other staff at the Justice Center made an effort to educate residents at community meetings about these efforts and enlisted their help by forming a tenant patrol. The Justice Center used AmeriCorps volunteers to publicize the tenant patrol and even help in the patrols, which usually consist of two people sitting in the lobby of a building. The idea is that the presence of these two people acts as a deterrent to drug-dealers and their customers who, if left unobserved, might try to conduct their illegal business in the building lobby or stairwells.

AmeriCorps volunteers started repairing conditions of disorder. For instance, they regularly look for and repair broken locks and broken lights. They also escort offenders from the courthouse to drug treatment, thus greatly reducing the likelihood that an offender will disappear before entering treatment. AmeriCorps volunteers also educate the community about the resources available to everyone at the Justice Center. One remarkable thing about the Justice Center is that its services, including referrals to drug treatment, are available to anyone who walks in the door, law-abiding citizen and offender alike.

Prosecutors also engaged in an education effort, particularly of their police partners. They explained the rigors of the drug-treatment mandate, emphasizing its high level of accountability and the fact that failures are sent to jail. In this way, they make clear that drug treatment was a meaningful sanction and not just a slap on the wrist.

In addition, the Justice Center created a Tool Kit Committee, which brings together monthly representatives from the Prosecutor's Office, the Police Department, Housing Authority, government agencies and community groups to discuss neighborhood problems as they arise.

Assess: Drug related crime is still a big problem in the Red Hook Houses. However, there have been improvements.

From April 2000 to October 2003, the Red Hook courthouse mandated 1,014 defendants into drug treatment. In 2003, 87 percent received mandates of 90 days or longer. Overall compliance for defendants mandated to drug treatment and other programs was 74 percent.

Over the course of 2003, AmeriCorps members performed 1,750 inspections of the 90 buildings in the Red Hook Houses, identifying and addressing repair needs and safety concerns. Surveys of residents conducted by AmeriCorps members indicate that perceptions of building safety rose from 1999 to 2002 by about 15 percent.

And there have been less tangible gains as well. The Tool Kit Committee, for instance, has improved communication between participating agencies. In the past, for example, the Housing Authority did not always know when a tenant was convicted of a crime. Now, through relationships fostered by the committee, the police provide the Housing Authority with regular reports, allowing the Housing Authority to respond swiftly by evicting the convicted offenders. The monthly meetings also foster greater accountability by requiring participants to report back with the results of their efforts.

Prosecutors have seen greater support among the police, as well. One indication of this is that some police officers actually call prosecutors to tell them about offenders they think might be appropriate for treatment.

[Example based on interviews conducted by Robert V. Wolf with Assistant District Attorney Gerianne Abriano of the Kings County District Attorney's Office (Brooklyn, N.Y.)].

Community Survey: Denver, Colorado

In order to build effective partnerships with the community, prosecutors need to gather information about community concerns and priorities. One way to build this knowledge is by surveying stakeholders. This document is a survey used by community prosecutors in Denver, Colorado, to gauge stakeholders' perceptions of safety, the criminal justice system and community problems in general.

DENVER DISTRICT ATTORNEY'S COMMUNITY PROSECUTION PROGRAM

CAPITOL HILL COMMUNITY SURVEY

1/2/98

SAFETY IN YOUR COMMUNITY

How safe do you feel in your home? A. in the daytime	*please circle one:* 1 - very safe 2 - somewhat safe 3 - uncertain 4 - somewhat unsafe 5 - very unsafe
B. in the nighttime	1 - very safe 2 - somewhat safe 3 - uncertain 4 - somewhat unsafe 5 - very unsafe
How safe do you feel your home is when you are not there?	1- very safe 2 - somewhat safe 3 - uncertain 4 - somewhat unsafe 5 - very unsafe
How safe do you feel your children are? A. in your community	1 - very safe 2 - somewhat safe 3 - uncertain 4 - somewhat unsafe 5 - very unsafe
B. playing in the neighborhood	1 - very safe 2 - somewhat safe 3 - uncertain 4 - somewhat unsafe 5 - very unsafe
C. in the surrounding area (parks, shopping centers)	1 - very safe 2 - somewhat safe 3 - uncertain 4 - somewhat unsafe 3 - very unsafe

What kinds of criminal activity concern you and your neighbors the most?
-- (please check all that apply)

_____ **Drug Dealing**

If you checked drug dealing, please answer the following questions:

A. What type of drug activity do you see? -- (check all that apply)
_____street corner sales _____drug houses
_____selling at schools

B. Do you see evidence of drug dealing (needles, crack pipes, etc.)? YES NO

C. Do you see guns associated with drug dealing? YES NO

____ **Gang Violence**

If you checked gang violence, please answer the following questions:

A. What kinds of gang problems do you see (check all that apply)

_____drug dealing _____drive by shootings _____kids being recruited into gangs

_____gang members loitering with colors

B. Which gangs cause the most problems? _____

C. What problems do they cause? _____

____ **Violent Crimes Against People**

If you checked violent crimes against people, please check what crimes cause the most problems:

_____homicide _____sexual assault _____robbery _____domestic violence

_____elder abuse _____other assaults other_____

_____ **Property Crimes**

If you checked property crimes, please check what crimes cause the most problems:

_____graffiti _____arson _____burglary _____car theft

_____theft of car radios/CD players/cassettes _____other theft crimes

Have You Been a Victim of Crime?

Have you ever been a victim of crime? YES NO

If yes, what type of crime_____

Has someone in your family ever been a victim of crime? YES NO

If yes, what type of crime_____

THE CRIMINAL JUSTICE SYSTEM AND YOUR COMMUNITY

Police Response

Have you called the police in the last six months? YES NO

About what kind of problem? _____

Were you satisfied with the response? YES NO

If you answered "No", please explain. _____

_____

Do you believe the police have treated you fairly? YES NO

Please explain your answer. _____

_____

Did the police listen to you and respect you when they responded? YES NO

Please explain your answer. _____

_____

Do you know your neighborhood police officer? YES NO

What steps can the police take to be more effective in your community? _____

_____

_____

_____

District Attorney Response

Within the last year, have you talked with the District Attorney's Office about a crime or criminal activity? YES NO

A. If yes, for what type of crime?_____

B. Were you a crime victim or witness?_____

C. Were you satisfied with the response of the District Attorney's Office? YES NO

D. Why did you answer "Yes" or "No"?_____

_____

Do you know about the District Attorney's Community Prosecution Program? YES NO

What steps can the District Attorney's Office take to be more effective in your community?

_____

_____

Court Response

In the last six months, have you gone to court as a crime victim or witness? YES NO
Were you satisfied with the response of the court system (judges)? YES NO
Were you satisfied with the response of the probation officer (if applicable)? YES NO
Do you feel that the community has an adequate say in the courts when people are sentenced for crimes in your community? YES NO
Would you like to be involved in setting sanctions (punishment) for people who commit crimes in your community? YES NO
How can someone who commits a crime in your community pay your community back?

_____

What other steps can the court system (judges) take to be more effective in your community?

_____

_____

OTHER COMMUNITY PROBLEMS

What are the other problems in your community? (Please check all that apply)

_____lack of parental supervision
_____lead paint
_____unsafe/unsanitary housing
_____lack of affordable housing
_____poor management and screening of Section 8 tenants
_____absentee property owners
_____alcoholism
_____substance abuse
_____tobacco sales to minors
_____pollution in the soil
_____pollution in the air
_____pollution in the water
_____changes in welfare law
_____lack of recreation centers
_____lack of youth programs
_____teenage pregnancy
_____HIV/AIDS
_____lack of affordable day care
_____lack of trash collection
_____prostitution
_____lack of housing code & zoning enforcement
_____illegal businesses in homes
_____lack of affordable health care
_____infant mortality
_____unemployment
_____homelessness
_____truancy
_____lack of ESL (English as a Second Language) and GED classes
_____lack of opportunities for trade school/college
_____public school drop out rate
_____lack of affordable legal services
_____changes in immigration law
_____lack of organized sports teams
_____lack of role models for youth
_____lack of jobs for youth
_____lack of after-school programs
_____trouble getting child support
_____lack of stop signs at railroads
_____lack of info. about liquor laws/bar licensing
_____noisy bars
_____lack of trespass/loitering enforcement
_____panhandling
_____abandoned and junk cars
_____lack of accessible transportation

other _____

CRIME PREVENTION AND EDUCATION

The Denver District Attorney's Office can provide community education about the following crime prevention topics. (Please check all that would be of help to you)

_____making your home safe
_____elder fraud
_____child abuse
_____domestic violence
_____your rights as a crime victim
_____juvenile crime
_____elder abuse
_____sex assault
_____public nuisance

TELL US ABOUT YOURSELF (optional)

Name _____

Address _____ Phone _____

I would like to be called by the District Attorney's Community Prosecution Program to give more information about the questions on this form.

YES NO

Age____ Sex ___ Male ___Female Occupation _____

Number of children? _____ Age(s) of Boys _____ Age(s) of Girls ____

How long have you lived in your present community? _____

A. Has it changed since you first moved in? YES NO

B. Describe how it has changed. _____

What youth activities do your children take part in? _____

What community organizations do you belong to? _____

What community issues are you currently working on? _____

What religious organizations do you participate in? _____

What steps has your community already taken to combat crime? _____

What other steps should be taken? _____

How does crime in your neighborhood affect you and your family? _____

How does crime in your community affect local businesses? _____

Would you like to be involved in the District Attorney's Community Prosecution Program? YES NO

Would you like to be involved in a neighborhood watch program? YES NO

What else would you like us to know? _____

How else can we help you and your community? _____

Community Survey: Downtown Austin

Surveys can help enhance a prosecutor's understanding of community concerns. Surveys do not have to be long or involved, however. Below is a survey that was used by community prosecutors in Austin, Texas, to identify stakeholder priorities regarding crime and safety. A prosecutor distributed the seven-question survey to local residential and business associations as well participants at meetings he attended, obtaining about 250 responses.

Ronald Earle
Travis County District Attorney

Crime Survey
Downtown Austin

The Travis County Neighborhood District Attorney, in cooperation with APD and community groups, would like your input to address and improve quality of life issues as they relate to crime and disorder in the Downtown Austin area. Please take a few minutes to fill out the following survey.

1. **What do you feel are the major crime or crime-related problems occurring in the Downtown Austin community?** _____

   _____

2. **Mark the top five crime/disorder problems in this community in your opinion.**
   - __ drug dealing
   - __ gang-related activity
   - __ loitering
   - __ public intoxication
   - __ graffiti
   - __ burglary of home/business
   - __ auto theft/burglary
   - __ violent crime
   - __ underage drinking
   - __ DWI/DUI
   - __ robberies of persons/businesses
   - __ neglected properties
   - __ assaults
   - __ juvenile crime
   - __ family violence
   - __ theft
   - __ prostitution
   - __ sexual assault
   - __ urinating in public
   - __ other _____

3. **How safe do you feel in the Downtown Austin community?**

   During the day:
   __ very safe __ safe __ somewhat unsafe __ unsafe __ very unsafe

   During the night:
   __ very safe __ safe __ somewhat unsafe __ unsafe __ very unsafe

4. **Identify the location(s) or area(s) in Downtown Austin that has the worst crime problem (be as specific as possible in describing location).**

   _____

5. **How would you describe the quality of life in Downtown Austin?**
   __ very good __ good __ fair __ bad __ very bad

Comments: _____

_____

6. **What is your relationship to the Downtown Austin community?**
   - __ resident
   - __ business owner
   - __ law enforcement
   - __ government employee
   - __ property owner
   - __ member of community organization
   - __ service provider
   - __ UT/ACC student, staff or faculty
   - __ visits area to utilize services, businesses, schools and/or churches
   - __ other _____

7. **What is the zip code of your home address?** _____

Thank you for your assistance.
Please return completed surveys to:

Eric McDonald, Neighborhood District Attorney
Office of the District Attorney
PO Box 1748, Austin, TX 78767

Prioritizing Exercise:
A Technique from Prosecutors in Denver, Colorado

There are many ways to collect information from community stakeholders. Perhaps the most common way is by gathering feedback at community meetings. The challenge, however, is to collect and effectively organize information gathered in these settings, which can often be heated and at times chaotic. The following describes a technique used by prosecutors in Denver to help organize and prioritize stakeholder feelings about crime and community safety.

Crime Problem Priority Setting

Drug Sales: ●●●●●●●●●	Speeding: ●	Graffiti at Bus Stops: ●●
Repeat Drug Offenders: ●●	Gang Violence: ●	Crime Committed by Day Labor Population: ●
Crack Pipes and Other Drug Paraphernalia on Street: ●●	Crimes against Children: ●●●	Fear of Crime Among Low-Income Population:
Prostitution:	Fights: ●●	Criminal Offenders Who Move From Place to Place: ●
Drinking in Public: ●●●●	Aggravated Assault:	Urinating in Public: ●
Hate Crimes: ●●	Crimes Connected to Alcohol Abuse: ●●●●●●●	Trespass: ●●●
Other Issues Identified at the April 28, or May 19, 1999, meetings:		
●●●●●●●●● Fear of Crime	●●●●●●●● Domestic/Family Violence	

By launching a community prosecution program in August of 1996, Denver District Attorney Bill Ritter began seeking to make the community a full partner in dealing with local crime and safety problems.

To make this partnership work, Ritter's office created Community Justice Councils in the neighborhoods served by the community prosecution program. Stakeholders who sit on the councils represent local schools, recreation centers, service organizations, law enforcement, the faith community, city officials, youth, and businesses. Their primary tasks are to prioritize local safety and quality-of-life issues and craft solutions. To help prioritize the most pressing issues, Denver community prosecutors use a tool called the Dots Exercise.

This is how the exercise worked when the Capitol Hill Community Justice Council held its first meeting on March 2, 1999:

1. Before the meeting, staff from the community prosecution program met individually with dozens of people who live and work in the neighborhood and asked them to talk about local concerns.

2. Based on information gathered through the individual conversations, meeting organizers created charts listing community issues. Room was left on the charts so that additional issues could be added during the meeting.

3. After a brief introduction to the exercise, the participants in the Community Justice Council reviewed the problems listed on the charts then discussed possible additions.

4. Everyone at the meeting received an unlimited number of green dots and two red dots. Each council member placed one or more green dots next to *any* issue they felt was a neighborhood problem. The more serious they felt an issue to be, the more green dots they placed next to it. They then placed their two red dots next to the issues they felt were the most important. Participants were allowed to place both their red dots on a single issue.

5. The number of red dots next to each issue gave the group a concrete measure of which issues were of greatest collective concern, so they could move their discussion forward in the most unified way.

The graphics on this page illustrate how the list of issues looked after Capitol Hill Community Justice Council members applied their red dots.

Quality of Life Issue Priority Setting

Parking Shortage:	Trash:	Lack of Facilities for Youth: ●●●●●●●
Parking Violations:	Transient Population: ●●●●●●●●	Lack of Play Access for Youth: ●●
Abandoned Vehicles: ●	Animal Nuisances:	High School Drop-Outs: ●
Need for One-Way Streets:	Couches and Other Large Furniture Left on Sidewalks:	Lack of School Programs: ●
Street People who Act Abusive: ●●●	Gentrification: ●●● For / ●●● Against	Kids Alone/ No Supervision: ●●●●
Pan Handling: ●	Lack of Permanent Housing For Homeless: ●●●●●●●	Lack of Resources for Kids: ●●●●●
Too Many Liquor Licenses: ●●●●	Alcohol Abuse: ●●●●●●	Lack of Arts Programs: ●
Noise: ●	Affordable Health Care:	Discrimination Issues: Gender/ Sexual Pref ●● / Race ●
Other Issues identified at the April 28, May 19, 1999, Meetings:		
● Landlord/Tenant Issues	●● Lack of Living Wage Jobs	●●●●●● Oversight of Halfway Houses and Drug Treatment Facilities

Quick Survey: Orange County

There are many ways for prosecutors to better understand their constituents. Surveys are on obvious tool, but distributing surveys can be a challenge. The Orange County (California) District Attorney's Office brings this survey to community fairs, and when community members approach to ask questions or get a free gift (such as a small toy car for their child), they are asked to fill out this short questionnaire.

1. **Who is your District Attorney?**

   _____

2. **What is the role of the District Attorney's Office in our community?**

   _____

3. ***Do you know if there is any assistance for victims of crime in Orange County?***
   yes ___ no___ Where? _____

4. ***Do you think people report crime...***
   - ❑ Always
   - ❑ Some times (Depends) _____
   - ❑ Seldom
   - ❑ Never

5. ***In your Opinion what are some of the reasons why people do not report crime ?***
   - ❑ Fear of retaliation
   - ❑ Language Barriers
   - ❑ Distrust in the legal system
   - ❑ Cultural differences
   - ❑ Other_____

What topic would you be interested in learning more about? Select no more than 5

○ Domestic Violence	○ Elder Abuse	○ Fraud targeting minorities
○ Questions and myths about the justice system	○ Child Support dependants/supporters	○ What if I am a witness to a crime?
○ Child Abuse	○ Crime Prevention	○ Gang Prevention
○ Victims Rights	○ Reporting Crime	○ Sexual Assault/Rape

What question would like to have answered?

Handout #11

Community Resource Handbook from Indianapolis

Below is the cover and table of contents of a guide produced by the Indianapolis Prosecutor's Office. The guide lists contact information and describes services provided for all the agencies listed in table of contents.

Improving Quality of Life in your Neighborhood

Community Resource Handbook

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Abandoned Vehicles 1
Adult Probation Department 2
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Indianapolis Police Department Neighborhood Crime Watch 19
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Marion County Prosecutor's Office Narcotics Eviction Program 21
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Marion County Sheriff's Department 26
Ten Point Coalition 27
Youth Emergency Services 28

Sponsored by
Marion County Prosecutor's Office
Street Level Advocacy Division

Revised October 2, 2002

Sample Notification About Illegal Campgrounds

The following poster was used by community prosecutors in Portland, Oregon, as part of a response to illegal homeless encampments in a section of the city. For a comple discussion of prosecutors' response, see Robert V. Wolf, "Problem-Solving Prosecutors: Community Prosecution in Portland, Oregon," Center for Court Innovation and U.S. Department of Justice, 2000.

NOTICE: ILLEGAL CAMPGROUND

It is the policy of the City of Portland to provide 24-hour notice before removing shelters erected at illegal campgrounds. All other illegal campgrounds will be subject to immediate cleaning and removal.

Shelter is available in Portland through several nonprofit service agencies. For more information about shelter and other services, contact Transition Projects, 435 NW Glisan, telephone 274-7850.

To reclaim property removed from this campsite, call 823-1750. Property unclaimed 30 days after the property is removed will be destroyed.

NOTICIA: CAMPAMENTO ILLEGAL

Es la politica de la Ciudad de Portland de dar 24 horas notificación antes de mover refugios construido en campamentos illegales. Otro campamentos illegales seran sujeto a limpiado y eliminacion inmediatamente.

Refugios estan colocados en la Ciudad de Portland por medio de varias agencias. Para mas información de estos refugios y otros servicios necesita ponerse en contacto con los Proyectos Transición, 435 NW Glisan, telefono 274-7850.

Llame 823-1750 para recuperár posesiónes que se movieron de este campamento. Posesiónes que no sean recuperádos dentro de 30 dias seran destruido despues de remoto de las posesiónes.

Sample Form For Reporting Information to Police

The following fax transmittal was used by community prosecutors in Portland, Oregon, as part of a response to illegal homeless encampments in a section of the city. For a comple discussion of prosecutors' response, see Robert V. Wolf, "Problem-Solving Prosecutors: Community Prosecution in Portland, Oregon," Center for Court Innovation and U.S. Department of Justice, 2000.

DATE: _____

REPORTING NUMBER: _____

TO: Carol Koher, NR-PCA
North Precinct
Portland Police Bureau

FROM: Wayne Pearson
Holladay District Prosecution

RE: (Previous Reporting Number): _____

Together with this notice, we are faxing you maps of both the previous report and the present citing. The Holladay District representative, listed on the map, reports that as of today, the campers are still there or have returned to the area(s) circled on the map. Would you please pass this information to the District Officer for follow-up investigation? After the matter has been resolved, please mark the appropriate response listed below, and fax this form back to me at ***FAX NUMBER: 248-3652.*** Thank you for your help and participation in this process.

( ) No campsite was located, as noted on the map.

( ) The ***ATTENDED*** camp was warned, and upon return the next day:

The campers(s):
( ) Had moved
( ) Were cited
( ) Other

The refuse (if present):
( ) Was disposed of by officer
( ) Due to the volume of refuse, Stanton Yard was notified.

( ) The ***UNATTENDED*** camp was posted, and upon return the next day:

The campers(s):
( ) Had moved
( ) Were cited
( ) Other

The refuse (if present):
( ) Was disposed of by officer
( ) Due to the volume of refuse, Stanton Yard was notified.

Neighborhood Impact Statement from Kalamazoo

Some community prosecutors have sought to improve communication between the courtroom and the community by giving stakeholders a voice in the process. They have done this by inviting neighborhood representatives to hearings that the community deems important and by giving them an opportunity to convey to a sentencing judge how a particular offense or offenders has harmed the community. The following is a Neighborhood Impact Statement used by community prosecutors in Kalamazoo, Michigan, to communicate stakeholders' feelings about a particular offense, particularly how it affects quality of life and safety.

NEIGHBORHOOD IMPACT STATEMENT

Kalamazoo County
Neighborhood Prosecuting
Attorney Program

People v _____

Police Agency: _____

Complaint No. _____

Neighborhood Association:_____

This Impact Statement will be reviewed by the Sentencing Judge and the parties in the case to assist in assessing the impact this crime has had on your neighborhood. You may attach additional documents and pages.

Quality of Life: Explain how the quality of life in your neighborhood has been affected by this crime.

_____

_____

_____

_____

_____

Safety Issues: Describe how this crime affects your feelings of safety.

_____

_____

_____

Retaliation: Explain any threats made or fear of retaliation related to this case.

_____

_____

_____

_____

Sentencing: Describe your thoughts on an appropriate sentence. Include your opinions about restitution and community service.

_____

_____

_____

_____

Other Comments or Concerns:

_____

_____

_____

_____

Signature: _____ Date: _____

☐ Executive Director ☐ President ☐ Secretary ☐ Resident

Return to:
Karen M. Hayter
Kalamazoo County Neighborhood Prosecuting Attorney Program
227 West Michigan Avenue, Suite 500
Kalamazoo, MI 49007
(616) 384-80789

For participants seeking more examples of "SARA" – Scan, Analyze, Respond and Assess – in action, the following describes the response of community prosecutors in Austin to burglary of vehicles.

Problem-Solving Example: Burglary of Vehicles (Austin, Texas)

By Robert V. Wolf, Center for Court Innovation

Assistant District Attorney Eric McDonald had been on the job for only six months when District Attorney Ronald Earle asked him to work as the neighborhood district attorney in the downtown area. McDonald accepted, saying he was intrigued by the idea of focusing on the "overall problems in the community" rather than addressing problems in the courtroom, one offender at a time.

His aim initially was to establish a rapport with the community. He walked the streets of the district and introduced himself to storeowners and residents. He attended meetings of established community groups. And he actively brought community members together by establishing a crime advisory board. The board consists of representatives of social service providers, faith-based groups and law enforcement, as well as area residents and business owners.

"The goal of the board is to get the community involved and get a good cross section of everybody who is participating and working on downtown issues. It also helps prioritize what we want to focus on in the downtown area," McDonald said. The board has about 30 invited members, about half of whom regularly show up at monthly meetings to identify hot spots and brainstorm solutions.

McDonald's understanding of community concerns was enhanced by a survey that he distributed to local residential and business associations as well participants at meetings he attended. The seven-question survey, which about 250 people completed, asked questions like, "What do you feel are the major crime and crime-related problems in the downtown Austin community?" and "How safe do you feel in the downtown area during the day and night?"

It was the feedback from all these sources – community meetings, the crime advisory board and the survey as well as police data – that led McDonald to focus on burglaries of vehicles as a top priority.

"The commander of the area told me if you can reduce our burglary of motor vehicles you could go a long way in dropping the overall crime rate," McDonald said, noting that police had recorded an average of 110 car burglaries a month. "Also, residents in the downtown area were telling us that they themselves or visitors they knew had had their cars broken into. It seemed to be an issue that really needed to be looked at, and one we thought we could have an impact on without simply making more arrests."

Created a Task Force

McDonald created a task force to look at the issue. The task force included two

officers from the Austin Police Department, a security manager from a large hotel, the president of the downtown area neighborhood association, a member of the downtown business association, a bar owner, an advocate for the homeless and someone representing the city's lighting department. McDonald said he recruited participants based on their interest in the issue and the skills and knowledge they could bring to the topic.

"The first thing we did was look at Police Department stats and make hot spot maps to see where it was most prevalent. Then we actually visited the locations during the day and at night to check out what environmental changes could be made," McDonald said. "That's when we got this guy from Austin City Lighting involved, because we saw some areas where the lighting was bad." In another hot spot, task force members noted that trees were overgrown. They also found that vehicle burglaries were three to four times more common at night.

Feedback from Offenders

Ultimately, the best information about the problem came from the offenders themselves. McDonald and a crime analyst from the Police Department actually interviewed about 15 convicted burglars. "It was amazing the similarity of the stories," McDonald said. "Most were addicted to crack, although some were alcoholics. All for the most part were living on the street or on the verge of living on the street. Most admitted to being responsible for multiple car break-ins that they were never caught doing. One guy said he did over 700. He was a young kid, and he may have been lying a little bit, but who knows?"

The burglars said they could get in and out of a car in a matter of two minutes. They believed the probability of getting caught was fairly slim. "I could see how one person could be responsible for five or six of them in one night," McDonald said. "The bottom line was that it didn't matter if the car was a Mercedes, or old Honda, what would cause them to try and break in was if there was something of value that was visible when walking by, CDs, cell phones, quarters just sitting out. They didn't break into the car to go digging."

The information from these interviews led the task force to conclude that simply hiding valuables from view would put a dent in the number of burglaries. The focus then turned to education – that is, how to help potential victims reduce their vulnerability to theft.

The task force decided to create a flier in the form of a "vehicle inspection" survey (See pages 2 and 3). Beat officers and rangers (who are employed by the Downtown Austin Alliance, a business group) slip the survey, which offers a pass or fail grade, under windshield wipers. A "Pass" goes to vehicles with locked doors and no visible valuables. For those who fail, the survey warns in all capital letters, "Caution! You could have been a victim." Under "Fail" is a checklist of risks: property openly displayed; vehicle left open; parked in poorly lit or hard to observe location.

"When we first began to distribute the fliers, 70 percent of the cars had something of value visible," McDonald said.

A local insurance company printed 10,000 flyers, which were distributed during the last four months of 2002. The flyers led to an immediate and significant drop in the number of burglaries the very first month – from about 110 to about 65, McDonald said.

The task force also encouraged a couple of businesses to put better lighting in adjacent alleys and the city replaced a number of street lights that had burnt out. Some bars and night spots also equipped their doormen and parking lot attendants with communication equipment so they could immediately report suspicious behavior. "A lot of the burglaries were happening in parking lots so we tried to educate the parking attendants to tell customers about stowing away their items. We actually posted 10 metal signs in the public parking garages that say 'Stow away your items,'" McDonald said. "If we could keep it up on a monthly basis, I think that number of 65 or 70 a month would continue to drop. The key is to be committed to it for the long term," McDonald said.

☐ PASS

CONGRATULATIONS!

TASK FORCE MEMBERS DID NOT OBSERVE ANY FACTORS THAT COULD INCREASE YOUR CHANCES OF BECOMING A VICTIM OF A MOTOR VEHICLE BURGLARY

HANK YOU FOR DOING YOUR PART

OR IMMEDIATE ASSISTANCE OR TO REPORT A CRIME IN PROGRESS PLEASE CALL 9-1-1

CALL 3-1-1 TO REPORT INCIDENTS AND SITUATIONS THAT ARE NOT EMERGENCIES, NON -LIFE THREATENING, OR NOT CURRENTLY IN PROGRESS

☐ FAIL

CAUTION! YOU COULD HAVE BEEN A VICTIM

☐ **PROPERTY OPENLY DISPLAYED**
- WALLET, PURSE, BAG, BRIEFCASE(even if itis empty)
- CELL PHONE, RADAR DETECTOR
- COMPUTER EQUIPMENT
- CLOTHING
- ID CARDS, ASH TRAY CHANGE
- CDs, TAPES
- TOOLS

☐ **VEHICLE LEFT OPEN**
- DOORS UNLOCKED
- WINDOW OPEN OR CRACKED

☐ **PARKED IN POORLY LIT OR HARD TO OBSERVE LOCATION**

(This inspection is for information only. **NO RESPONSE REQUIRED.**)

Did you know…?

-Your vehicle can be burglarized in less time than it takes to complete this inspection.

-Most commonly stolen items include

- Wallets, purses, briefcases and backpacks
- Cellular phones
- Radar detectors
- Portable electronics
- Compact discs
- Small personal items

-There are fewer burglaries where actual parts from the vehicle are taken, radios being an example.

-Many victims do not lock their vehicles or roll up their windows.

-If your wallet/purse is stolen, you could become a victim again, this time of fraud. Thieves use stolen credit cards and information to make fraudulent purchases. It takes a great deal of time to straighten out these problems with creditors, and your credit may be damaged.

-Finally if you happen to walk up on your vehicle while this crime is in progress, this incident has the potential of becoming violent.

AUSTIN POLICE DEPARTMENT

DOWNTOWN AREA CRIME TASK FORCE

VEHICLE INSPECTION

Handout #15

For participants seeking more examples of "SARA" – Scan, Analyze, Respond and Assess – in action, the following describes the response of community prosecutors in Denver to alcohol-related violations.

Problem Solving Example

ALCOHOL-RELATED OFFENDING: THE CAPITOL HILL EXPERIENCE

By Robert V. Wolf, Center for Court Innovation

SCAN

Capitol Hill was selected by Denver District Attorney Bill Ritter as one of four target neighborhoods when he launched his community prosecution program in the mid-1990s. In creating the community prosecution program, Ritter's overall goal was to address what he called the "disconnect" between communities and the criminal justice system. To achieve that goal, he sent neighborhood prosecutors into the community after their workday to hear citizens' complaints, help citizens develop a forum to generate ideas and work with them to implement new initiatives.

In Capitol Hill, Susan Motika, the director of the Community Prosecution Program, met with Capitol Hill stakeholders, including a broad cross-section of citizens, business leaders, members of civic and community organizations, representatives of the faith community, community police officers, public school leaders, recreation center directors, representatives from non-profit agencies serving the community and elected representatives. Motika came up with an idea to create a committee representing a cross-section of stakeholders, including, all of the above. The committee became known as the Capitol Hill Community Justice Council.

The Community Justice Council has from 20 to 35 members chosen by community prosecutors through in-depth interviews. With up to 35 people in a room, community prosecutors have tried to keep the Justice Councils' monthly meetings as focused and productive as possible.

ANALYZE

To ascertain community priorities regarding crime and safety, community prosecutors administered a community survey, obtaining 247 completed forms. They then discussed the results with the Capitol Hill Community Justice Council, who added their own feedback to the results. [One technique that community prosecutors in Denver have found to be highly effective in assessing the priorities of such a large and varied group is the "dots exercise." See **Handout No. 8** for more information]. Based on the results of their

survey and discussions, members decided to focus on three crime issues for the coming year: family violence, drug sales, and crimes connected to alcohol.

This exercise focuses on the last priority: Crimes connected to alcohol. In particular, residents were fed up with the proliferation of businesses that sell alcohol and problems associated with such businesses. In 1996, there were 804 licenses liquor establishments in Denver, but by the spring of 2002, there were 1,304 such businesses. The resident of Capitol Hill acknowledged that most businesses were law abiding. But a few were linked to numerous problems, such as disruptive and unruly patrons staggering out onto residential streets and patrons urinating and vomiting in alleys and breaking beer bottles. They also said that some stores were selling liquor to minors and visibly intoxicated persons

For the purpose of this exercise, we will focus on a particular trouble spot – a liquor store that neighborhood stakeholders blame for many community problems, including: disruptive and unruly patrons, public urination and minors with alcohol. The store is in an area saturated with businesses that sell liquor: in the 10-block radius surrounding the store, there are at least 113 liquor licenses. In addition, the liquor store has received three citations for violating the liquor code, and a hearing is scheduled to discuss the most recent violation (involving the sale of alcohol to a minor). Community members, at various forums, have said repeatedly that they'd like to see the liquor store closed.

RESPOND

- The community prosecutor and a city attorney created an affidavit form for community members to use to document liquor code violations as they observe them.
- The Capitol Hill Community Justice Council came up with the idea of circulating a petition calling for the revocation of the store's liquor license. When an applicant requests a liquor license, the Department of Excise and License requests signatures in support of the application. There is no provision in the regulations, however, for collecting signatures to make the opposite point. Nonetheless, the Justice Council thought signatures showing that the community wanted the store's liquor license revoked might be persuasive to the hearing officer. Seventy-five signatures were collected.
- The community prosecutor encouraged community members to attend the hearing on the violation. (Fifteen attended and three testified.)
- Prosecutors did legal research to support their arguments in favor of revocation at the hearing. (For instance, a fourth violation against the store had been issued in the interim, and prosecutors found a regulation allowing them to submit evidence about the fourth violation at the hearing at which, technically, only the third violation was supposed to be discussed.)
- Community prosecutors wrote two legal education handbooks on the liquor code. One handbook explains how businesses obtain a new liquor license; the other addresses the process of sanctioning licensees for liquor code violations.

- Community prosecutors, in collaboration with the Denver City Attorney and community groups, sponsored a community forum on new liquor licenses.

ASSESS

Shortly before the commencement of the hearing on the third violation, an employee of the store relinquished the liquor license at the Department of Excise and License. In other words, faced with a well-organized opposition, the storeowner called it quits.

The community prosecution team handed out a survey to community residents who attended the forum on new liquor licenses. Question 1 asked people to rate whether this topic, new liquor licenses, is an important topic for education in the Capitol Hill neighborhood; 83 percent of the participants responded that this topic is very important. Questions 2 asked if the handbook, "A Community Guide to New Liquor Licenses," provides useful information; 88 percent of participants marked this topic as very important. Questions 3 through 7 asked participants how they would rate the various topic that were discussed at the meeting; 55 percent reported that these topics were very helpful.

[Example adapted from material supplied by Susan Motika, director of the Community Prosecution Unit in the Office of the Denver District Attorney.]

Community Action Handbook

The following is a "Community Action Handbook" produced by the Denver District Attorney's Office with the help of community residents and the Denver City Attorney's Office. It was created as part of a multi-pronged response to alcohol-related crime, which had grown in the late 1990s and early 2000s along with the number of liquor licenses. In 1996, for example, there were 804 licensed liquor establishments in Denver, but by the spring of 2002, there were 1,304 such businesses.

Residents complained that a few of these businesses were linked to numerous problems, such as disruptive and unruly patrons staggering out onto residential streets and patrons urinating and vomiting in alleys and breaking beer bottles. Residents also said that some stores were selling liquor to minors and visibly intoxicated people. Problems were compounded by procedural obstacles, so that even if residents wanted to raise objections before city regulators, it was difficult for them to do so. Residents were given little or no advance notice of liquor licensing hearings; they also were ill equipped on their own to meet the exacting standards for denying, revoking or imposing conditions on existing licenses. (One problem, prosecutors discovered, was that legal notices about liquor licensing are printed in a New Jersey-based publication that is available only by subscription in Denver.)

Prosecutors decided to focus on a particular trouble spot – a liquor store that neighborhood stakeholders blamed for many community problems. The prosecutors, working closely with community residents and other city agencies, responded by, among other things, circulating a petition calling for the revocation of the store's liquor license, doing extensive legal research to support arguments in favor of revocation at the hearing and writing two legal education handbooks on the liquor code for community members, which can serve as a resource in the future for community residents acting on their own. One handbook explains how businesses obtain a new liquor license. The second handbook, which follows, addresses the process of sanctioning licensees for liquor code violations.

Handbook Reproduced with Permission of the Denver District Attorney's Office

Community Action Handbook

Liquor License Sanctions

Denver District Attorney's Office
201 W. Colfax Ave., Dept. 801
Denver, CO 80202

Park Hill Community Justice Initiative
in cooperation with
Denver City Attorney
Park Hill Community Justice Council

December 3, 2002

Handbook Reproduced with Permission of the Denver District Attorney's Office

Introduction

In many Denver neighborhoods, residents complain about problem liquor establishments. While most establishments are law abiding and respectful of the residents in the area, some are not "good neighbors". Disruptive and unruly patrons, a pattern of sale to minors and visibly intoxicated patrons, traffic, noise, and congestion problems are some of the primary complaints associated with these businesses. Community members are also frustrated that the legal system does not provide an effective forum for residents to express how these problematic liquor establishments impair their safety and security. These concerns may be due to the increasing number of liquor licensed establishments in the Denver Metro area. In 1996 there were 804 licensed establishments and by April 18, 2002 there were 1,304 licensed establishments.[1]

There are two principal legal steps in the issuance and regulation of liquor licenses. The first is the initial application for the license, which is addressed in another handbook produced by the Community Justice Unit, entitled "New Liquor Licensing Procedures." The second is the process of sanctioning a licensee for conduct that violates the State Liquor Code or other laws, which is the subject of this handbook.

In response to these concerns, the Denver District Attorney's Community Justice Unit prepared these materials in cooperation with the Denver City Attorney and the Denver Department of Excise and Licenses. We hope this guide can serve as a starting point for neighborhood organizations and activists in determining how to effectively participate in the liquor license sanctioning process.

Acknowledgements

This guide was written by Susan Motika, Director of the Denver District Attorney's Community Justice Unit and Melissa Boutin, a third year law student at the University of Denver College of Law. We could not have accomplished this without editorial assistance, research, comments, and inspiration from Kurt Stiegelmeier, former Denver Assistant City Attorney; Mark Nachtigal and Kathi Anderson of The Unsinkables Neighborhood Organization; Park Hill activists Geneva Goldsby and Odell Holleman; John Poley, Denver Assistant City Attorney; Michele Wheeler, Park Hill Community Justice Advocate; and Helen Gonzales, Director, Excise and Licenses, City of Denver.

Complaint Process

When the Department of Excise and Licenses receives a complaint concerning a violation at a licensed premise, the Denver Police Department detective assigned to the Department of Excise and Licenses first evaluates the complaint.[2] As there is no formal complaint form used by the Department of Excise and Licenses, it is best for community members to submit complaints by letter and fax. (The address is Department of Excise and Licenses, 201 W. Colfax Ave., Dept. 206, Denver, CO 80202; the telephone number is 720-865-2800; and the fax is 720-865-2882.) There are several possible courses of action the detective may take. These include:

- further investigation
- referral to another government agency
- referral to the Denver City Attorney for possible legal action
- meeting with the licensee to discuss voluntary resolution of the complaint[3]

For complaints that are determined to warrant prosecution, the Department of Excise and Licenses sends a notice of a "show cause" hearing including the date, time and location where the licensee must "show cause" as to why the liquor license should not be suspended or revoked.[4] The city has to prove that the licensee (or employee) committed the violation. Witnesses are sworn under oath; and the hearing officer may also issue subpoenas to require people to be present or produce documentation necessary to the introduction of evidence supporting or refuting the complaint.

The hearing officer then issues a Recommended Decision and both sides can file objections within 10 days of the date of the decision. After any objections are received, the director issues a final decision. If the licensee is found to have not violated the law or regulation charged in the complaint, the charge will be dismissed.[5] Although there are no strict guidelines in the State Liquor Code for the setting of sanctions, the issues generally reviewed in determining any sanction include:[6]

- Past violations
- Number and frequency of violations
- Severity of the violation
- If the violation was committed negligently or knowingly
- If falsehood or fraud was involved
- Whether the licensee made efforts to voluntarily correct the problem
- Whether the licensee was prompt in correcting the problem

- Likelihood of recurrence

Common Violations

There are many reasons why liquor licenses are suspended, revoked or denied renewal. The primary reasons for holding administrative hearings include any alleged violations of federal, state, or municipal law, or liquor code regulation. At the administrative hearing, the City Attorney presents evidence of the violation and a neutral hearing officer determines what penalty, if any, the licensee should receive for the violation. Some of the more common violations of the law in the liquor-licensing arena include:

- Sale of liquor to persons under 21[7]
- Sale or service to a visibly intoxicated person[8]
- Failure to maintain legal possession of the premises (lease, ownership, rent, etc)[9]
- After hours sale or consumption of alcohol at a tavern or restaurant[10]
- Transfer of stock (when licensee is a business) without notice to department[11]
- Removal of drinks from premises of tavern or restaurant[12]
- Conduct on the establishment[13]
- Modification (change of physical property or type of business) of premises without prior written approval from the department[14]
- Employees begging, procuring or soliciting customers to buy drinks[15]
- Books and records not available for police inspection[16]
- Premises not available for inspection[17]

However, as described below, the licensee's action does not have to violate a liquor code regulation or state statute to be a violation that is subject to sanction by the Department of Excise and Licenses.

Offensive Conduct

In addition to liquor related violations, a licensee may also be subject to discipline for any violation of the criminal code even if the violation is not liquor related. For example, in

Continental Liquor Co. vs. Kalbin, the licensee was convicted of sexual assault on a thirteen-year-old employee.[18] The court upheld the boards' revocation of the license "inasmuch as [the licensee's] president's acts would constitute a violation of the criminal codes, and since such a violation is presumptively offensive to the senses of the average citizen. . . [19] Conduct on the licensed premise "that is not criminal but is indecent, disorderly, lewd or offensive to the average citizen or residents of the neighborhood" is subject to evaluation by the department for possible suspension or revocation.[20]

Regulation 47-900(A) (2002) states,

> Each person licensed under Articles 46, 47, and 48 of Title 12, and any employee or agent of such licensee shall conduct the licensed premises in a decent, orderly and respectable manner; and shall not permit on the licensed premises the serving or loitering of a visibly intoxicated person or habitual drunkard, nor shall the licensee, his employee or agent knowingly permit any activity or acts of disorderly conduct (as defined by and provided for in Colorado Revised Statute 18-9-106)[21], nor shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.

The licensee can be found to have knowledge of the conduct even if the licensee did not participate in or authorize the offensive conduct. If an employee participates in offensive conduct, the licensee is automatically responsible for that act.[22] In addition, the licensee may also be responsible for offensive conduct committed by patrons. If the offensive conduct had occurred before and the licensee failed to do anything to prevent it from recurring, the licensee may be deemed to have "knowledge" of the act, and thus, be subject to sanctioning. Second, if the offensive conduct occurs in the open, where a reasonable person could see it, the licensee may be found to have "knowledge" of this act, whether or not he or she actually witnessed it.

Although the legal authority for this section has been challenged, the Colorado Supreme Court has decided that the regulation is constitutional and "appropriate based on crime prevention considerations directly related to the promotion of public safety and welfare."[23]

Summary Suspension

The department may suspend the license prior to any hearing for up to 15 days (a summary suspension).[24] "Any license may be summarily suspended by the issuing licensing authority without notice pending any prosecution, investigation, or public hearing."[25] For example, in New Safari Lounge, Inc. vs. City of Colorado Springs, the establishment's license was suspended pending a hearing regarding a violation of the liquor code. The Colorado Supreme Court has found that the suspension is a constitutionally valid method of acting pending the hearing.[26]

If such a summary suspension is imposed, which is very rare, a hearing must be scheduled within 15 days. At the hearing, the City Attorney must prove that the violation

occurred and the licensee can present evidence in his/her defense.[27] The recommended decision by the hearing officer will be issued immediately after the hearing and mailed to the licensee.[28] Objections can be filed by the City Attorney and by the licensee. After review of any objections, the Director of the Department of Excise and Licenses will issue the final decision.[29]

Citizen Participation

There are two different times when citizens can become involved in the process of sanctioning liquor licensees. The first time is after a license has been approved and the licensed establishment has begun operating in the community. The second is after an establishment has been charged with a violation. During both periods, there is opportunity for community members to actively participate in the process.

Pro-active involvement

The primary way community members can be involved before any violation by the licensed establishment is by being active in the original licensing of the establishment. Community member participation in this process is detailed in the community handbook titled *New Liquor Licensing Procedures,* available through the Denver District Attorney's Community Justice Unit.

Once a license is issued, community members can also contact the Department of Excise and Licenses concerning any alleged violations of law or regulation.[30] These complaints are first referred to the Denver Police detective assigned to the department. Although the complaint may be referred for further action after an investigation, the department may determine that mediation is a useful strategy where the complaints are for conduct such as:[31]

- inappropriate behavior of patrons when they leave the licensed premises
- noise
- trash and litter
- parking

If mediation is conducted, upon agreement by the licensee and the neighbors, a Department of Excise and Licenses hearing officer serves as mediator.[32] The goal of the mediation is to reach a mutually acceptable written agreement and possibly become a part of the license depending upon the circumstances involved.[33]

A procedure suggested by former Assistant City Attorney Kurt Stiegelmeier, during a recent sanctioning hearing for a Capitol Hill licensee, was for community members to use affidavits to document violations committed by licensed establishments. If the complaint is regarding a violation of the law (such as sale to a minor or a visibly intoxicated person), the complaint would need to include specific information. (An affidavit is a signed statement made under the pains and penalties of perjury that can be admitted in the hearing as evidence.) The individual writing the affidavit must disclose his/her identity, contact information, and be willing

to testify regarding the activity he/she witnessed. Such an affidavit would need to include detailed information such as:

- what particular alcoholic beverage was involved
- what indicated that the person was visibly intoxicated or under age
- date and time of the sale of alcohol
- what the clerk/server looked like

Hearing involvement

The department may issue a "show cause" order to any licensee alleged to have committed any violation of the law, ordinance or liquor code.[34] At this hearing, the licensee must present evidence (show cause) why the license should not be suspended or revoked.[35]

At the administrative hearing, the city must prove the accusation that was the basis for the "show cause" order.[36] The Department of Excise and Licenses has the authority to place people under oath and issue subpoenas for individuals and papers that are necessary for the hearing.[37] First, the City Attorney's Office presents its case through the use of evidence and witnesses. The licensee can cross-examine witnesses for the City.[38] Then, the licensee (who may use an attorney) can present evidence as a defense including information to mitigate the charge.[39]

If the hearing officer finds that the licensee did commit "the charged violation or any other violation, evidence and statements in aggravation of the offense shall also be permitted".[40] If the licensee is found not to have committed the violation he/she was charged with, but a separate violation of a law, rule or regulation, the licensee is allowed to present evidence to defend or explain that incident *if they are prepared at the hearing to do so*.[41] If the licensee is not prepared to do so, the hearing can be recessed for up to 10 days. However, prior to obtaining this continuance, the licensee must disclose to the hearing officer the substance of any evidence that is not then available. If such a recess is granted, the hearing continues as if there were no break.[42] If the licensee is not found to have violated any law, rule or regulation, the charges will be dismissed by the hearing officer.[43]

Citizen involvement at the "show cause" hearing is primarily testimony used by the city attorney to present evidence of the charge. Once a violation is found to have occurred, then the role of citizens expands to include testimony and petitions as evidence of aggravation for the hearing officers' consideration in determining the penalty.

Challenges and opportunities for citizen involvement

The Unsinkables Neighborhood Organization in Capitol Hill had a long history of problems with the property at 1300 Pearl Street, which had operated as a liquor store for approximately 20 years. Neighborhood residents had complained about the operation of the then Howerds Liquor Store for many years. Less than a year after its license was renewed in 1996, Howerds was allowed to sell the license rather than face sanctioning for a third liquor code violation. The license was sold to Bonanza Liquors, but residents' problems did not abate.

In June 2002, the owners of Bonanza Liquor Store voluntarily surrendered it's liquor license immediately before a sanctioning hearing was to take place. While there was, thus, no decision "on the merits," this case is illustrative of the potential opportunities for citizen involvement in the sanctioning process.

The June 2002 sanctioning hearing involved a third violation of selling liquor to a minor. Using Regulation 47-600(D) the City Attorney intended to introduce evidence of a violation that occurred after the violation at issue (there was evidence that the establishment had sold to an intoxicated person after the third violation for selling to minor). A community member and a Neighborhood Police Officer witnessed the violation and both were prepared to testify regarding the violation.

The City Attorney also intended to use Regulation 47-600(C) to elicit testimony from area residents regarding the effect the establishment had on their everyday quality of life. Regulation 47-600(C) states that once the charged violation, or any other violation, is found to have occurred, "evidence and statements in aggravation of the offense shall also be permitted."[44]

Sanctions

Suspension

The Department of Excise and Licenses can order the suspension of a liquor license for up to six months.[45] The State Liquor Code does not specify when or how the suspension must be completed. For example, a suspension can be completed in installments instead of all at once. The suspension can also be delayed to give the licensee time to prepare for closure during the suspension. It is not rare for part or all of the suspension to be deferred (called "in abeyance"), but if the licensee commits another violation the suspension held "in abeyance" is activated. However, the imposition of the suspension does not prevent a sanction for the most recent violation. Upon suspension, the department may order the licensee to post two notices in obvious places that are two-feet long and 14-inches wide with lettering no smaller than ½ inch. Such notices shall state:

NOTICE OF SUSPENSION
ALCOHOL BEVERAGE LICENSES ISSUES
For These Premises Have Been
Suspended by Order of the
STATE-LOCAL LICENSING AUTHORITY
For Violation of the COLORADO LIQUOR/BEER CODE[46]

Fines

If the suspension is for 14 days or less, the licensee can petition the Department of Excise and Licenses to pay a fine for part or all of the suspension to avoid the closure.[47] When this petition is filed, it must include the previous six months financial records, including at least the

two weeks prior to the projected date of closure. These financial records are then used to determine the daily average gross revenue of the business to determine the amount of the fine. The amount of the fine is the equivalent to 20% of the licensee's estimated gross revenues from the sale of alcohol during the time of the proposed closure of the business (although it cannot be less than $200 or more than $5,000).[48] For example:

Gross revenue for 180 days = $90,000
$90,000 ÷ 180 = $500 (per day gross revenue)
$500 x 14 day suspension = $7,000
$7,000 x 20% = $1,400 fine

The fine must be paid in full at least two business days before the closure is to begin. A fine can not be substituted for a suspension if the license had been suspended, revoked or if any suspension was stayed by paying a fine in the two years before the date of the complaint that led to the current suspension.[49]

Compliance Check Violation Penalties

The police department may investigate reports of establishments serving or selling alcohol to individuals under 21 years of age. Should the investigation find that the licensed establishment did sell to a minor, the state regulations have set forth general guidelines for the department to use in determining the sanction:[50]

- First offense - a written warning up to a 15-day suspension (which is eligible for a fine for 14 of the days). However, if the licensee provides training to their employees, it is recommended that they receive a written warning.

- Second offense (within one year) - five to 30 day suspension (if on the first offense no fine was paid, the licensee can now pay a fine) which is eligible to be held in abeyance.

- Third offense (within one year) - 20 to 45 day suspension (no option for fine or abeyance).

- Fourth offense (within two years) - 45 day suspension to revocation.

The regulation states that these guidelines are advisory so the hearing officer is not required to follow them and can consider other factors.[51] (See page 3 for the list of factors considered by the hearing officer in determining the penalty.) However, this issue is currently being evaluated in a Denver District Court case.[52]

Imposition of New Conditions on License

Colorado statutes state that a license can be denied renewal if the licensee violated a condition or term imposed in a prior disciplinary proceeding.[53] Although not specifically stated, it is implied that the department can impose new conditions on the license in a disciplinary proceeding.[54] If this special condition or term is violated, the Department can refuse to renew the license at renewal.[55]

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[1] These numbers are based upon research conducted by The Unsinkables, a Capitol Hill neighborhood organization, in the Spring of 2002.

[2] Department of Excise and Licenses Policies and Procedures March 2001 at page 18.

[3] See note 2.

[4] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-600(B) (2002).

[5] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-600(E) (2002).

[6] Kurt G. Stiegelmeir, *Administrative Sanctions Against Colorado Liquor Licenses*, 30 The Colorado Lawyer 61, 63-64 (December 2001).

[7] Colorado Revised Statutes 12-47-901 (2002).

[8] See note 7.

[9] Colorado Revised Statutes 12-47-301 (2002).

[10] See note 7; Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-910 (2002).

[11] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-304 (2002).

[12] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-918 (2002).

[13] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-900(A) (2002).

[14] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-302 (2002).

[15] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-920 (2002).

[16] Colorado Revised Statutes 12-47-701 (2002).

[17] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-700 (2002).

[18] Continental Liquor Co. v. Kalbin, 608 P2d 353, 355 (Colo. 1988).

[19] See note 18.

[20] Stiegelmeier, *Suspension or Revocation of Liquor Licenses for Offensive Conduct* 29 The Colorado Lawyer 77, 78 referencing Chroma Corp. v. Adams County, 543 P.2d 83, note 9 at 83, 85-86; 400 Club v. Canjar, 523 P.2d 141, 143 (Colo. App. 1974); Wittenburg v. Board of Liquor Control, 80 N.E.2d 7111, 716 (Ohio App. 1948), cited with approval in Clowns Den v. Canjar, 518 P.2d 957, note 9 at 957, 959; G and B of Jacksonville Inc. v. State

Department of Business Regulation, 371 So.2d 139-40 (Fla. 1979); Insight Enterprises Inc. v. Ohio Liquor Comm., 622 N.E. 2d 1145, 1148 (Ohio App. 1993).

[21] The statute states,

(1) A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:
  (a) Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace; or
  (b) Deleted by Laws 2000, Ch. 171, § 39, eff. July 1, 2000.
  (c) Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
  (d) Fights with another in a public place except in an amateur or professional contest of athletic skill; or
  (e) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or
  (f) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.

(2) It is an affirmative defense to prosecution under subsection (1)(b) of this section that the actor had significant provocation for his abusive or threatening conduct.

(3) An offense under subsections (1)(a) to (1)(c) of this section is a class 1 petty offense; an offense under subsection (1)(d) of this section is a class 3 misdemeanor; an offense under subsection (1)(e) or (1)(f) of this section is a class 2 misdemeanor.

[22]Stiegelmeier, *Suspension or Revocation of Liquor Licenses for Offensive Conduct*, 29 The Colorado Lawyer, 77, 78 (2002).

[23] Citizens for Free Enterprise v. Department of Revenue, 649 P.2d 1054, 1065 (Colo. 1982).

[24] Department of Excise and Licenses Policies and Procedures March 2001 at page 18 and Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-602 (A) and (B) (2002).

[25] Colorado Revised Statutes, 12-47-601(2) (2002).

[26] 193 Colo. 428, 567 P.2d 372 (Colo. 1977).

[27] See note 2.

[28] See note 2.

[29] See note 2.

[30] See note 2.

[31] Department of Excise and Licenses Policies and Procedures March 2001 at page 28.

[32] See note 31.

[33] See note 31.

[34] See note 2.

[35] See note 4.

[36] Department of Excise and Licenses Policies and Procedures March 2001 at page 19.

[37] See note 36.

[38] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-601(C) (2002).

[39] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-600 (C) (2002).

[40] See note 39.

[41] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-600 (D) (2002).

[42] See note 41.

[43] See note 5.

[44] See note 39.

[45] Colorado Revised Statutes, 12-47-601(1)(2) (2002).

[46] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-600(F) (2002).

[47] Colorado Revised Statutes, 12-47-601(3)(a).

[48] Colorado Revised Statutes, 12-47-601(3)(b).

[49] Colorado Revised Statutes, 12-47-601(3)(a)(III).

[50] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-602(A) (2002).

[51] Colorado Code of Regulations 1 C.C.R. 203-2 Regulation 47-604 (2002).

[52] Case #02CU4271

[53] Colorado Revised Statutes 12-47-103(9)(b) (2002).

[54] See note 53.

[55] See note 53.

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WEB RESOURCES

Bureau of Justice Assistance
http://www.ojp.usdoj.gov/BJA
Supports innovative programs that strengthen the nation's criminal justice system; offers technical assistance and funding assistance information.

Center for Court Innovation
http://www.courtinnovation.org
Serves as the independent research arm of the New York State Unified Court System, providing technical assistance in New York and around the country to court systems,

prosecutors' offices and other criminal justice agencies interested in adopting a problem-solving approach to crime and safety problems.

Office of Community Oriented Policing
http://www.cops.usdoj.gov/
Promotes and supports strategies to address the cause of crime through problem-solving tactics and community-police partnerships.

Office of Justice Programs
http://www.ojp.usdoj.gov
Provides federal leadership in developing the nation's capacity to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims; offers funding information, program information, publications, and justice announcements.

American Prosecutors Research Institute
http://www.ndaa-apri.org/apri/programs/community_pros/cp_home.html
The American Prosecutors Research Institute's National Center for Community Prosecution, through its partnership with the Department of Justice, Bureau of Justice Assistance, has defined and advanced community prosecution for over ten years. The National Center for Community Prosecution develops and promotes community prosecution initiatives, gives prosecutors the tools to successfully implement them and educates prosecutors on how they can work with their communities to become better leaders in public safety.

Community Policing Consortium
http://www.communitypolicing.org
Provides community policing technical assistance to Office of Community Oriented Policing grantees.