

CENTER FOR COURT INNOVATION
AMERICAN PROSECUTORS RESEARCH INSTITUTE

Lessons from the Field

Ten Community Prosecution
Leadership Profiles

American Prosecutors Research Institute

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Prosecutors
Research Institute

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Ten Community Prosecution Leadership Profiles

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INTRODUCTION

“Community prosecution, like the community policing movement, is grounded...in the theory that involving ordinary citizens as co-producers of safety and public order will reap important benefits both for the community and for criminal justice agencies.”¹

In the early 1990s prosecutors around the United States began moving out of their offices and into the community. These community-based prosecutors started reaching out to local citizens, trying innovative methods of crime reduction, and paying attention to the needs of the neighborhood. They also began aggressively using non-traditional tools such as nuisance abatement, drug-free and prostitute-free zones, landlord-tenant law, restorative justice, community courts, gun crime reduction programs, truancy abatement, and graffiti clean-up to attack crime and improve neighborhood safety. Through these measures they empower citizens to work with prosecutors to improve quality of life in their neighborhoods and to reduce crime and violence. Under this emerging philosophy, prosecutors are viewed not just as officers of the court who come on scene once a crime has occurred, but also as members of the community who, through leadership and legal expertise, help prevent crime from occurring.

Community prosecution has progressed significantly since its inception and has grown nationally and internationally. As recently as 1995, less than ten jurisdictions throughout America engaged in community prosecution. Five years later, an APRI survey revealed that nearly half (49%) of prosecutors' offices reported practicing community prosecution.² In 2003, the Prosecutor General of Sweden fully implemented community prosecution in 21 judicial districts around that country. The Prosecutor General of Japan is actively planning to introduce community prosecution over the next five years, and England and Holland are actively researching the applicability of community prosecution to their justice systems.

Community prosecution continues to grow, evolve, and spread beyond metropolitan cities to rural, small, and tribal jurisdictions. This growth has given rise to new issues in management and organization along with new challenges and opportunities.³ As this movement becomes fully integrated into America's judicial system, there is a need to identify and promulgate promising practices and to tap into established leadership and talent.

This monograph provides a summary of promising practices utilized by ten national community prosecution leaders: The City of Dallas, TX; The City and County of Denver, CO; Fulton County (Atlanta), GA; Hennepin County (Minneapolis), MN; Kalamazoo County (Kalamazoo) MI; Kings County (Brooklyn), NY; Marion County (Indianapolis), IN; Multnomah County (Portland), OR; Travis County (Austin), TX; and Washington D.C. Each of these jurisdictions serves as a model for community prosecution based upon its efforts in crime prevention, intervention, and targeted law enforcement, and each represents a unique response to the ever-changing social and law enforcement challenges of the 21st century. Although the demographics, resources and communities of each jurisdiction are different, three integral components of community prosecution are present at each site: 1) partnerships with a variety of government agencies and community-based groups; 2) use of varied and innovative problem-solving methods to address crime and public safety issues; and 3) community involvement.

It is hoped that prosecutors across the nation, and even internationally, will use this publication to assist them in their mission to serve as leaders in public safety in their communities.

¹ National Research Council, *What's Changing in Prosecution? Report of a Workshop*, Committee on Law and Justice, Phillip Heymann and Carol Petrie, Editors. Division of Behavioral and Social Sciences and Education, Washington, DC: National Academy Press (2001).

² M. Elaine Nugent and G. Rainville, *The State of Community Prosecution: Results of a National Survey*, *The Prosecutor* (National District Attorneys Association: Alexandria, VA, March/April 2001).

³ See generally M. Elaine Nugent, *What does it Mean to Practice Community Prosecution: Organizational, Functional, and Philosophical Changes* (American Prosecutors Research Institute: Alexandria, VA 2004)(discussion of community prosecution and prosecutors management and organizational issues).

THE CITY OF DALLAS, TEXAS

City Attorney turns to Community Prosecution

When Madeleine Johnson was appointed Dallas's City Attorney in June 1999, she initiated what would become a citywide community prosecution effort. Johnson came to her position from the U.S. Attorney's office, where she learned about community prosecution—and the grants available to support it—from her colleagues who were in frequent contact with the U.S. Justice Department. She knew that the Bureau of Justice Assistance was supporting community prosecution activities and was excited about the possibility of creating such a program in Dallas.

As the city attorney, Johnson is responsible for both defending the city against civil law suits and prosecuting low-level criminal offenses. In addition, Johnson is responsible for providing legal advice to a number of city agencies. This combination of responsibilities has proven very useful in Dallas's community prosecution efforts. Lastly, funding that supports crime control through several of the very activities city attorneys regularly engaged in, makes community prosecution a natural fit.

When Johnson's office received a community prosecution planning grant in April 2001, she appointed Roxann Pais to spearhead the effort. Pais would become Dallas's chief community prosecutor.

Both Johnson and Pais quickly learned that if a focus on low-level crime prevention was to be effective, the City Attorney's Office would need to be organized differently. Prior to 2003, the Legislative Liaison, General Counsel, and Litigation Divisions were the only divisions within the Dallas City Attorney's Office. In August 2003, Johnson created the office's fourth unit, the Community Advocacy Division (CAD).

The CAD's mission includes the "proactive use of the law to solve community-based problems by engaging residents and coordinating city services." Prior to creating CAD, the several component units, including the community prosecution program, a domestic violence program, and a team of attorneys using civil litigation to target public nuisances, were functioning independently. With the creation of CAD, Dallas's City Attorneys Office was reorganized, providing better coordination and more efficient use of these resources. Johnson feels that CAD's proactive mission, an approach that goes beyond the traditional responses to defending lawsuits and answering requests for legal advice, in no small part contributes to its success.

Internal reorganization was not the only improvement in the office's ability to fight low-level crime. More was needed. Johnson and Pais felt that if their community prosecution program was to realize its potential they would need to create a coordinated effort between the City Attorney's Office and other city agencies. New relationships and partnerships would be established—and sustained—with other government agencies in the city.

To enhance community prosecution efforts, Dallas City Attorney's Office cultivates partnerships with many entities including the Dallas County District Attorney's Office (DCDA), code enforcement, the police department, other government agencies, and citizen groups.⁴

The program has grown significantly since its inception. It began with one prosecutor, Pais. It has expanded to include eight community prosecutors. The community prosecution staff of 13 is rounded out with a supervisor, Pais, and four support staff. Community prosecutors have offices throughout Dallas located in police substations,

⁴ In an effort to share what Johnson has learned about the benefits of partnering with other agencies, at both the city and county level, she has prepared a CD video presentation available through APRI. http://www.ndaa-apri.org/apri/programs/community_pros/cp_video_library_description_sept_2002.html.

storefronts, and the Martin Luther King, Jr. Multipurpose Center (which also houses various social services, a day-care center, and the community court). Some offices are funded by grants; others are donated.

City Attorneys and Quality-of-Life Crimes

In Dallas, city attorneys are the chief prosecutors of low-level, “Class C” misdemeanors, consisting mostly of building and fire code violations. Class C misdemeanors do not carry any jail time and they usually result in a modest fine. While city attorneys also perform other functions, their responsibility for charging these low-level misdemeanor offenses makes them well suited to adopt community prosecution strategies.

In addition to prosecuting misdemeanors, city attorneys often rely on civil code enforcement strategies to address problem properties and quality-of-life issues. Being able to marshal the resources to target, say, dilapidated housing, means that city attorneys are well-equipped to address issues that are of a daily concern to residents. Low-level offenses directly and indirectly affect the quality of life of the City’s residents more so than the most serious offenses prosecuted by the Dallas County District Attorney’s Office. This intense level of attention to low-level offenses is not always possible in jurisdictions responsible for prosecuting felony offenses.

Johnson feels that the city attorneys’ combined civil and criminal jurisdiction makes them effective community prosecutors. “Aggressive enforcement of local ordinances can strip criminals of both their hiding places and their tools of trade,” she said. City attorneys can combine this criminal approach with one civil action. “City attorneys can use civil court to force landlords to comply with minimum housing standards and to abate criminal activity,” Johnson said. Add to this the lower standard of proof required for civil judgments than for criminal actions, and enforcement can be even more effective.

Every day city attorneys work very closely with street, sanitation, code enforcement, the fire department, and other city personnel, including the police. “Because of these relationships, city attorneys are well suited for community prosecution. They know whom to call and can coordinate collaborative efforts to clean up blighted neighborhoods and eliminate criminal activity,” she said.

Another advantage of being a city attorney and a community prosecutor is the ability to create and advocate for new ordinances aimed at curbing low-level quality-of-life crime.

Johnson’s vision for community prosecution is one of continued expansion. To this end, her community prosecutors crossed jurisdictional boundaries and began working with the county district attorney. Tammy Palomino, the North Oak Cliff community prosecutor, is currently working with the DCDA’s office to target prostitution. As a result of agreement between these offices, the city attorneys and the county’s assistant district attorneys target prostitution activities in a coordinated effort, pursuing both misdemeanor and more serious charges simultaneously.

Partnering with Code Enforcement

Community prosecutors work with Dallas’s code enforcement officers in the Dallas Code Compliance Department. The code enforcement officers and community prosecutors coordinate their efforts to enforce city codes and prevent and abate nuisances on private property. Such nuisances include open and dangerous buildings, illegal dumping, weeded lots, graffiti, junk motor vehicles, and other problems. This partnership focuses special attention on blighted properties and other substandard structures that serve as breeding grounds for crime.

Johnson found this partnership to be so effective that she sought and received grant funding for three full-time code enforcement officers who work exclusively with Dallas's community prosecutors.

Problem-Solving: ACTION Teams

Community prosecution efforts in Dallas borrowed from and expanded a long standing local concept, the city-wide Neighborhood Nuisance Response Unit (NNRU). The NNRU's primary responsibility is to target property owners, usually by filing lawsuits, who, by failing to maintain properties, cause slum conditions in dilapidated rental units.

The NNRU consists of officials from four city departments: police, fire, code enforcement, and the City Attorney's Office, people chosen because they are well-versed in the nuances of taking such actions and who can devote sufficient time and resources to the effort. Citizens play an integral role in the NNRU by providing information and testifying in court.

The Dallas experience shows that the NNRU-type approach works equally well for less serious problems. Following the NNRU model, Pais created Dallas's first ACTION (All Coming Together In Our Neighborhood) team. The ACTION teams differ from the NNRUs in several important respects. Unlike the citywide NNRU, there are eight ACTION team areas, one for each of the community prosecution geographical target areas. The composition of the ACTION teams goes beyond the representatives of the four city agencies in the NNRU to include a wider variety of government offices.

There are two types of ACTION teams, government ACTION teams and citizen ACTION teams. Separate ACTION teams were needed because government officials often need to meet in private to discuss sensitive and sometimes classified information about everything from code enforcement stings to drug busts. ACTION teams have standing members who meet monthly.

Government ACTION Teams

Government ACTION teams were developed to improve communication between various city agencies, combine resources, and prevent duplicative efforts.

The government ACTION teams consist of city employees from departments such as code enforcement, fire, health, streets, sanitation, probation, social work, police, and a community prosecutor from the City Attorney's Office. U.S. Attorneys also collaborate with the ACTION teams. Team members are able to exchange relevant information related to the targeted geographic area. For example, community prosecutors provide the U.S. Attorneys with the names of local habitual offenders. This information may lead to federal charges, enhanced federal charges or enhanced sentencing in federal cases.

After Johnson enlisted the support of the directors of each of the government agencies that would later join together to create the government ACTION teams, Pais contacted the assigned line-level employees. This direct approach secured the cooperation of team participants and has contributed to the success of the ACTION teams.

Pais feels that it is important to target line-level employees for participation on the ACTION teams because they, not the administrators, are the people working the streets every day. Because of their experiences working in the communities they serve, line-level employees have an understanding of the unique dynamics and problems taking place in the target communities.

One ACTION team effort resulted in closing a six bedroom boarding house that, according to Pais, Dallas police records show received 142 calls for police service in a one-year period. Pais recounted that while the home looked clean on the outside and so wouldn't have come to the attention of code enforcement, police officers knew the interior well and were aware of the many code violations within. ACTION team members shared this information and using code enforcement and other legal actions, closed down the boarding house operation. Community prosecutors used administrative actions to prevent the owner from reopening the boarding house.

Community prosecutors have also used their government ACTION teams on "sweeps" of problem areas in their respective neighborhoods. The focus of one sweep in the South Dallas Fair Park neighborhood was illegal businesses. Another sweep, this one in the North Oak Cliff neighborhood, targeted residential areas with pervasive building code violations and junk motor vehicle "graveyards." One such sweep resulted in the removal of 70 junk vehicles. ACTION team sweeps in yet another Dallas neighborhood have been geared toward ensuring that businesses along two main thoroughfares are operating in accordance with all city codes and state regulations.

Citizen ACTION Teams

Citizen ACTION teams consist solely of community members who are intent on improving the quality of life in their neighborhoods. Community prosecutors recruit members for the citizen ACTION teams from community meetings and those who are active participants in their communities. Community prosecutors also assist citizen ACTION teams by directing resources to support their efforts and working to coordinate efforts with government ACTION teams and community prosecution efforts.

The creation of citizen ACTION teams grew out of community prosecutors attending community meetings. Citizen ACTION teams address neighborhood specific issues that may also be community-wide problems by developing communication between residents who might not have otherwise known that they shared the same concerns.

Community prosecutors have come up with creative initiatives that involve their citizen ACTION teams. For example, they have collaborated on a "concern letter" that was sent out to owners of problem properties. The letter was used as a method of encouraging property owners to avoid problems with code violations. It also advised them on how they could improve the quality of life in their neighborhoods. Most responses to the letters have been positive and property owners have been eager to get involved in their communities and avoid possible citations for code violations.

The citizen ACTION teams often decide on one "project" to work on between their meetings. One such project was a "street light survey." Members of the citizen ACTION team took time over the course of a month to identify streetlights that were burned out. The team members made a list of the locations and turned it over to the community prosecutor who then turned it over to the appropriate city agency, which then fixed the lights.

Maintaining Collaboration

While it may be relatively simple to keep two or three diverse entities working together in common pursuit of a public safety goal, Dallas's ACTION teams consist of many representatives. Participants on the government teams, in particular, come from more than 20 public and private agencies. Given that the government ACTION teams operate largely at the urging of agency administrators, and given that community ACTION teams tend to be composed of people who are actively involved in the community, the teams sustain themselves rather well.

Problem-Solving: Project Safe Neighborhoods

In April 2003, Roxann Pais estimated that one gun crime occurred every hour in Dallas. She did so by examining a police department gun crime map. She also noticed that the majority of gun crimes took place in the same

neighborhoods, especially those targeted by the community prosecution program. These findings encouraged Pais to seek funding to reduce gun crime through prevention, education, community outreach, and enforcement tools available to her office.

Pais joined forces with the U.S. Attorney for the Northern District of Texas in an effort to fight gun crime and make neighborhoods safer. Dallas received nearly \$250,000 to work toward a goal of reducing gun crime in the city by 20 percent. The “Reducing Community Gun Violence” program was funded under Project Safe Neighborhood Program (PSN) and represents a significant portion of Dallas’s community prosecution efforts today.

At the time Pais sought PSN funding, there were three types of grants available to federal, state, and local law enforcement agencies. One was available only to U.S. Attorneys, which meant her agency could not apply. Another was made available mostly to district attorneys, again making it unlikely that the City Attorney’s Office would be selected for funding. But a third provided funds, on a competitive basis, for any government or nonprofit organization that took an innovative approach to gun violence. Pais decided to proceed under this third funding category.

Cross-Designation

Pais has been designated a Special Assistant U.S. Attorney as a result of her involvement in the PSN program while maintaining her role as an assistant city attorney. This “cross-designation” allows Pais to act as a liaison between the U.S. Attorney, the City Attorney’s Office, and several other entities. Cross-designation of a city attorney is unusual because Pais’s office does not have jurisdiction to prosecute gun crimes, usually a requirement in PSN initiatives. Even so, the cross-designation gives Pais the clearance necessary to participate in strategy meetings with the U.S. Attorney’s Office. For example, she learns when raids will occur so she can tell her community prosecutors to go to the site and coordinate enforcement of code violations and the like—after law enforcement offices have carted off the suspects. Pais’s cross-designation also gives her the authority to represent the U.S. Attorney’s Office in various public venues.

As an Assistant City Attorney and Special Assistant U.S. Attorney, Pais serves as a liaison between the City Attorney’s Office and other law enforcement agencies, in addition to the U.S. Attorney’s office. Dallas’s PSN funding has been especially helpful in helping Pais act as a community prosecution supervisor because unlike other grant recipients, she is not required to be directly involved in the prosecution of gun cases. Without the time-consuming burden of a gun prosecution case load, Pais is able to provide supervision and administrative support to Dallas’s eight community prosecutors who are directly involved in gun-violence reduction efforts.

One of Pais’s supervision responsibilities consists of informing the U.S. Attorney’s Office of gun cases that come to the attention of her community prosecutors. The community prosecutors regularly call Pais with the details of gun cases; she then supplies the necessary information to her contacts in the U.S. Attorney’s Office so federal prosecutions can be pursued. Federal gun crime penalties tend to be harsher than state penalties, so the federal enforcement option is given high priority.

Educating Probationers and Parolees

In addition to her PSN supervision activities, every month Pais presents an educational program to nearly 500 recently released probationers and parolees. Also in attendance at the meetings are officials from the U.S. Attorney’s Office, the Dallas County District Attorneys Office, the City Attorney’s Office, U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Drug Enforcement Administration, Federal Bureau of Investigation, and the U.S. Marshal’s Office. The police chief, the sheriff, and various probation and parole officers participate as well.

The educational program consists of two components, emphasizing both the enforcement efforts and consequences for gun crimes. Probationers and parolees learn that there is an extensive and coordinated effort between all law enforcement agencies in the Dallas area targeting gun crime. “As each agency explains their enforcement efforts, they impress upon the convicted criminals in attendance the extent and commitment of each member of Project Safe Neighborhood’s multi-agency anti-gun crime initiative,” Pais said. The second component, which Pais is responsible for, is an explanation of the relevant federal law—and penalties—that are regularly used to prosecute convicted felons charged with gun crimes.

Project LIFE

The third PSN-related project in Dallas is called Project LIFE, which stands for “Lessons in Firearms Education.” The project, which will officially begin in Spring 2005, consists of community prosecutors going to local schools to educate youth in the importance of steering clear of gun crime. Part of the presentation will include an interactive CD through which students can learn about the criminal justice system, gun crime, and its consequences. The project will also provide students with book covers carrying the tag line “Be Free”—of gun crime and gangs. Signs will also be placed in school buses informing riders of the priority Dallas law enforcement agencies assign to the reduction of gun crime.

A Research Partner

PSN funding requires Dallas to team up with a research partner. The Dallas City Attorney’s Office selected researchers at the University of Texas at Arlington. Pais’s original PSN proposal included the goal of reducing gun crime in Dallas by 20 percent. Since the parolee and probationer education program was put into effect, gun crime has indeed been going down. Researchers are currently attempting to determine whether the decline can be attributed to the PSN-funded program.

Lessons

Dallas’s community prosecution program has developed and matured in something of a unique environment. That it was implemented in the City Attorney’s Office—as opposed to a District Attorney’s Office—has given rise to some valuable lessons for other prosecutors who want to take on a community prosecution approach.

Pais points out that collaboration with different community members is invaluable for assessing what the real quality-of-life issues are in the neighborhood. Community members, she said, “are the eyes and ears of the neighborhoods, and their input is crucial in outlining priorities that are aimed at improving quality of life in the area.” Pais also points out that the government ACTION teams’ efforts are important because of the increased collection and sharing of information that results from collaboration. “Each agency or department involved in the government ACTION teams can have some positive effect on quality-of-life issues affecting a neighborhood,” she said. And, in her view, “multi-jurisdictional cooperation is imperative to making sure that positive changes happen as quickly as possible.”

The ACTION teams are coordinated by city attorneys. Johnson feels that this coordination role is both important and necessary. “By having a prosecutor lead the group, that person understands the codes and laws that can be applied,” she said. Prosecutors have an understanding of the legal tools that are available, which helps give the ACTION teams some “teeth” to effectively combat quality-of-life problems throughout the city.

The Dallas City Attorney’s Office has a full time “Development Director” to pursue sources of funding. Luis Gonzalez, who serves in this capacity, strongly encourages community prosecutors to pursue Community Development Block Grants. Such grants, including others for community renewal and empowerment, are given out on both a formula and competitive basis through the U.S. Department of Housing and Urban Development

(HUD). “We have stumbled onto a decent funding source that other sites may wish to tap,” he said. Mr. Gonzalez also encourages community prosecutors to check public libraries for funding sources and to contact the Foundation Center⁵ to explore funding opportunities.

Pais feels that the favorable press coverage of Dallas’ community prosecution initiatives benefits the program—five television news stories and articles in three newspapers have highlighted the program. In the short run, the community’s efforts are acknowledged, providing a morale boost for all concerned. In the long run, a well informed community may favor local funding requests to keep the community prosecution initiatives when grant funding expires.

Jurisdiction and Contact Information

Jurisdiction: The City of Dallas, Texas

City Attorney: Madeleine B. Johnson

City of Dallas Statistics:

Population: 1,188,580

Size: 385 square miles

Population Density: 3,470 per square mile of land

Top Public Safety Concerns: Class C misdemeanors; quality-of-life issues

Unique Features: Community prosecution by a City Attorney’s Office, Cross-designation of an Assistant City Attorney as a Special Assistant U.S. Attorney, use of ACTION teams, and a full-time fundraiser in the City Attorney’s Office.

Funding: BJA Planning and Implementation grants, PSN funding, a community development block grant, and private foundation funding.

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⁵The Foundation Center is “dedicated to serving grantseekers, grantmakers, researchers, policymakers, the media, and the general public.” At www.fdncenter.org (Last visited August 25, 2004).

THE CITY AND COUNTY OF DENVER, COLORADO

Leveraging Scarce Resources

Since launching its community prosecution program in 1996, the Denver District Attorney's Office has been able to sustain a far-reaching program on a relatively tight budget. The key has been to leverage scarce resources both in and outside the office.

Because financial constraints made it impossible to assign prosecutors full-time to problem-solving activities in neighborhoods, Denver District Attorney Bill Ritter asked eight deputy district attorneys to go into the community after their workdays and work with stakeholders to develop new initiatives. To help them use their time more strategically—while maintaining full caseloads—he also hired four full-time staff to keep the program going.

But probably the most important way that the office has leveraged resources is by encouraging the community to play an active leadership role. The Denver District Attorney's Office has developed a number of ways to nurture and sustain community involvement—through community justice councils, which bring stakeholders together to set priorities and develop new problem-solving strategies; through community accountability boards, which use community volunteers to determine restorative sanctions for offending youth; and through a community court, which has worked closely with local stakeholders in shaping its mission and programs.

Community Justice Councils

One of the first initiatives launched by the Denver D.A.'s Community Justice Unit was establishing community justice councils. Interestingly, the councils have evolved over time, demonstrating how important it is for community prosecutors to be flexible and adapt to the needs of different neighborhoods.

The first justice councils were organized in the Denver neighborhoods of Globeville and Capitol Hill by then Denver Deputy District Attorney Susan Motika, whom Ritter hired in 1997 to coordinate Denver's community prosecution efforts full-time. Motika's assignment, as she describes it, was to "develop a constructive, proactive relationship with community residents to help them identify crime and quality-of-life problems and develop strategies for addressing them." Motika, a Denver native, brought a diverse background to the work—she had been at the Massachusetts Attorney General's Office, working on elder protection litigation, juvenile justice, and victims' rights issues. And before law school, she had worked as a community organizer.

From the beginning, Motika met whomever she could. "What I did was meet as many key neighborhood stakeholders as possible. I also met with the neighborhood police officers and got a history of the strategies and approaches that have been used—what's been effective for them and what hasn't been effective."

Motika sought to build partnerships with local organizations, but found that it wasn't always possible. While some community organizations were strong and democratic others were fledgling or less representative of a cross-section of the neighborhood. As an alternative, she came up with an idea to create an entirely new committee representing a broad range of stakeholders—residents, business leaders, community center directors, faith leaders, school teachers, community police officers, prosecutors and elected city and state representatives. "I had done community organizing and been in law enforcement work. I'd been in both worlds. It made sense to me to bring all the people together," Motika said. Since the first committees in Globeville and Capitol Hill, similar committees—which came to be known as community justice councils—were organized in several other Denver neighborhoods.

Each council has 20 to 35 members who are chosen by community prosecutors through in-depth interviews. “We ask people a series of open-ended questions about problems in the neighborhood, what approaches have been helpful in the neighborhood, what their role has been, what their hopes and dreams for the neighborhood are,” Motika says. “We’re looking at selecting people with a common vision for neighborhood safety. This is not a popularity contest where the most popular or powerful person wins. People are chosen for their belief in working toward a safe and unified neighborhood.”

Motika feels it’s vital to include young people on the community justice councils—and in any community prosecution initiative. “That’s extremely important because adults in many distressed neighborhoods are complaining about juvenile crime. Young people should be part of shaping the plan for making a safe neighborhood and not merely talked about as ‘you kids’ and ‘those people.’”

An Evolving Model

Over time, Motika and the Community Justice Unit’s use of community justice councils has evolved. While the councils were originally envisioned as an essential partner to any successful community prosecution effort, the unit has come to see them as useful in only certain neighborhoods, particularly those that lack strong community infrastructure. In neighborhoods with strong local organizations, prosecutors have found that creating a council is redundant.

“In some neighborhoods it may make sense for the prosecutor to create an opportunity for people with widely divergent views and an interest in public safety to come together,” Motika said. “But where you’ve got a strong resident organization, you want to try and complement them and support them, not say ‘Your organization is no good, government is going to do its version instead.’” Motika said.

“The prosecutor could spend time creating community justice councils, but that’s not always a fertile use of his or her time,” Motika said. A council may be useful for a few years until another resident organization becomes more vibrant, at which time the prosecutor’s office might disband the justice council in favor of the home-grown group, Motika said.

Ultimately, prosecutors’ experience with justice councils reinforced two lessons: first, that the prosecutor’s office can sometimes be just as effective—perhaps even more so—leveraging existing resources rather than creating new community resources from scratch; and second, that different communities require different approaches—a single cookie-cutter model won’t do the trick.

Setting Priorities, Connecting the Dots

Regardless of which groups the prosecutor’s office partners with, it helps to have tools for identifying local priorities and concerns. The Community Justice Unit has developed just such a tool, which it calls the “dots exercise.”

This is how the dots exercise works: before a meeting, the community prosecution staff meets individually with dozens of people who live and work in the neighborhood and asks them to talk about local concerns. Based on information gathered through these individual conversations, the community prosecutor creates large posters listing all the issues raised by the community members. Room is left on the charts so that additional issues can be added during the meeting.

After a brief introduction to the exercise, participants review the problems listed on the charts and discuss possible additions. Everyone at the meeting then receives an unlimited number of green dots and two red dots. Council

members place a green dot next to any issue they feel is a neighborhood problem. They then place their two red dots next to the issues they feel are the most important. Participants are allowed to place both their red dots on a single issue.

The number of red dots next to each issue gives the group a concrete measure of which issues are of greatest collective concern. The green dots help ensure that issues of lower priority are also noted and not pushed aside entirely. In the Capitol Hill neighborhood, the community justice council used the dots exercise to identify drug sales and crimes connected to alcohol abuse as the top crime issues.

The dots exercise isn't simply about tallying up the numbers and then focusing on the top concerns, cautions Tom Knorr, a member of the Capitol Hill Community Justice Council. "Counting red dots and green dots is, in a sense, looking for a majority, but you're also looking for what we can all live with. You don't just say, 'These are the winners; too bad losers.' You have to fashion it in a way that respects everyone," he says.

"You want to have discussions about how to prioritize. 'This got the most red dots, how do you feel about that?' I think when neighbors can hear neighbors talking about a particular issue, you try to have that discussion help people see that this is the place to focus first. It isn't like there's an announcement that one issue is the winner."

Problem-Solving: Community Court

Denver community prosecutors have used their partnerships with local stakeholders to launch several initiatives. One recent problem-solving effort resulted in the establishment of a community court, which hears youth offenses cases in the Denver neighborhood of Cole.

The D.A.'s Office played a leading role when the planning process got under way four years ago by convening meetings, bringing partners together and providing technical assistance. Progress was slow at first, in part because no single agency could devote full-time resources to the planning effort.

The project gained momentum, however, when, at the collective urging of the district attorney, the city attorney and the Denver County Court, the City of Denver hired a full-time planner who explored creating a community court based on the model first established in Midtown Manhattan. The idea was that the court would focus on the types of cases that most concerned the community and not only hold offenders accountable for their behavior but provide services to offenders to lessen the likelihood of re-offending.

When the city planner met with community members, she asked open-ended questions, like "What offenses are important to you?" What she heard was that the community wanted to focus on low-level juvenile crime and have wrap-around services—a one-stop-shop of multi-disciplinary services that meets all of the needs of participating youth and their families.

The court uses, when appropriate, the community accountability board program created by the D.A.'s Office to sanction and supervise offending youth. The accountability board "is helping the community court have a very vital restorative justice component," Motika said.

The court is housed in a building that had been called a "community court" but previously heard only traffic tickets and, once a week, environmental cases. "It was only nominally a community court," D.A. Bill Ritter said. "We kept pushing to look at the true community court model, and facilitating grants and bringing people to the table. If there's one value we add to this process, we understand how to listen."

Interestingly, the D.A.'s Office does not play a large role in court operations. That's because the court handles only low-level municipal juvenile offenses, which fall under the jurisdiction of the Denver City Attorney's Office. The lesson here is that a D.A.'s Office can support a problem-solving initiative while other partners—in this case the Denver City Attorney's Office and the Denver County Court—take primary responsibility for sustaining the project over the long term.

Ritter says the newly revitalized community court, which just began hearing juvenile cases in September 2003, reflects “the natural evolution of community policing and community prosecution.” In essence, the court system is creating its own version of community justice by asking, “What can we do to build bridges between the justice system and community members? How can we focus on the harm done to the community and repair it?” Ritter said. “We can do problem-solving, the police can build bridges, but an important public trust element is the question: Do communities trust the court system, trust the justice system, and is the justice system responding to what their true needs are?”

Problem-Solving: Alcohol-Related Violations

Community prosecutors in Denver have developed an expertise in dealing with alcohol-related violations. That expertise was developed through their work in the Capitol Hill neighborhood, where crimes connected to alcohol are a top priority for stakeholders.

The first step for prosecutors was to ascertain priorities regarding crime and safety in the neighborhood. Community prosecutors did this by surveying 247 residents and other stakeholders in Capitol Hill.

Based on the results of their survey and discussions with the Capitol Hill Community Justice Council, prosecutors and the council members decided to focus on three issues for the coming year: family violence, drug sales, and crimes connected to alcohol.

When it comes to alcohol, “Denver has an incredible saloon mentality, there are no checks and balances,” Motika said. In Capitol Hill, “We have scores and scores of bars and nightclubs, people vomiting on the street, cursing and swearing, and a city municipal code that doesn't adequately address these problems.”

Community prosecutors researched the problem, finding that the number of liquor licenses in Denver had exploded in recent years. In 1996, for example, there were 804 licensed liquor establishments in Denver, but by the spring of 2002, there were 1,304 such businesses.

The residents 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, urinating and vomiting in alleys and breaking beer bottles. Residents also said that some stores were selling liquor to minors and visibly intoxicated people.

These 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. An extreme illustration of the problem was brought to light when prosecutors discovered 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 store was in an area saturated with businesses that sold liquor. In a 10-block radius surrounding the store, there were at least 113 liquor licenses. In addition, the liquor store had previously received three citations for violating the liquor code, and a hearing was scheduled to discuss the most recent violation (involving the sale of alcohol to a minor).

Ultimately, the community prosecutor, in collaboration with community members, the City Attorney’s Office and other city agencies developed a multi-pronged response to the problem consisting of the following components:

- 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 wants the store’s liquor license revoked might be persuasive to the hearing officer. Seventy-five signatures were collected.
- The prosecutors from the District Attorney’s Office and the City Attorney’s Office encouraged community members to attend the hearing on the violation—15 attended and three testified.
- Prosecutors conducted 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.)
- The Denver D.A.’s Community Justice Unit wrote two legal education handbooks on the liquor code for community members. One handbook explains how businesses obtain a new liquor license; the other addresses the process of sanctioning licensees for liquor code violations.
- The community prosecution team, in collaboration with the Denver City Attorney and community groups, sponsored a community forum on new liquor licenses.

An important part of any problem-solving initiative, of course, is the ultimate result. In this instance, community prosecutors logged a number of important outcomes. The most immediate and tangible result occurred shortly before the commencement of the hearing on the third violation when 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.

In a further effort to measure outcomes, the community prosecution team handed out a survey to community residents who attended the forum on new liquor licenses. One question asked people to rate whether the provision of new liquor licenses was an important topic for education in the Capitol Hill neighborhood; 83 percent of the participants responded that this topic was very important. Another question asked if the handbook, “A Community Guide to New Liquor Licenses,” provided useful information; 88 percent of participants agreed that it did.

The successful closing of a problem liquor store has spurred other neighborhood organizations from other parts of Denver to advocate for new rules to expand resident participation in the liquor licensing process and to enhance penalties for liquor code violations. Thus, an issue that began with a neighborhood liquor store is evolving into a citywide grass-roots effort.

Institutionalizing Community Justice

Ritter has said that he would like to institutionalize the principles of community justice in his office so that they survive his tenure, which will expire in 2004 because of term limits. The main obstacle, however, is money.

“It’s not free,” Ritter said. “You need resources for it, and it takes some time to build a program to a place where your primary funding source says this is indispensable. And we haven’t arrived there yet.” One of the biggest problems, of course, is the current funding crisis hitting cities and states around the country. “Everyone’s looking to cut costs. I’m still grant funded and that’s given me the ability to keep this program. But when it becomes part of the general fund of the office, then this is the kind of program that could get cut.”

In an effort to prevent this from happening, Ritter said his goal is to nurture a “critical mass of active people in the community who look at community prosecution and see how worthwhile it is.” His targets are the civic leaders “who have a direct pipeline into the City Council, the activists who talk to council members and the mayor.” It is through their lobbying, Ritter said, that community prosecution can be sustained for the long term.

Lessons

The Denver District Attorney’s community prosecution program has had seven years to mature. Over the years, the program has been able to apply its approach to partnership, community engagement and problem-solving to a wide range of problems and neighborhoods.

Just one example of this is the way the D.A.’s Office has nurtured interest in restorative justice in the Denver public schools. The public schools now use the D.A.-run, volunteer-staffed community accountability boards to respond to offenses committed by some delinquent youth.

Another way in which problem-solving principles have proliferated in Denver involves the Cole Crime and Safety Board, created by the director of a senior citizen subsidized housing complex. After hearing a presentation by police and prosecutors, the newly-formed board asked the D.A.’s Office to conduct a training on juvenile restorative justice practices and promptly renamed itself the “Cole Community Justice Council.” From there, some residents began to get involved in victim-offender mediation and in restorative justice approaches to discipline problems at the local middle school.

Perhaps the biggest lesson of the Denver experience is that community engagement is a two-way street. Even as prosecutors have educated the community and partner agencies about problem-solving and restorative justice, the community has educated the prosecutor’s office about its needs and concerns.

“It’s not just a prosecutor pilot program any more,” Motika said. “Communities and criminal justice agencies are now working together across a broad range of initiatives. I think it’s fair to say that community justice is changing the culture of criminal justice institutions in Denver and becoming a citywide philosophy.”

Jurisdiction and Contact Information

Jurisdiction: County and City of Denver, Colorado

District Attorney: Bill Ritter, Jr.

City and County of Denver Statistics:

Population: 554,636

Size: 155 square miles

Population Density: 3,617 per square mile of land

Top Public Safety Concerns: Crack/cocaine drug sales, juvenile crime and alcohol-related offending.

Unique Features: The Denver D.A.'s Community Justice Unit is made up of eight deputy district attorneys, who, in addition to serving as community prosecutors, maintain full individual case loads. In addition, four full-time staff dedicate themselves solely to the implementation of community prosecution initiatives through community outreach and engagement, coordination of education and training, and coordination of resources in and outside the office. Among the projects they are involved in are: community justice councils, community accountability boards, community court, and gun crime reduction.

Funding: In 2003-2004, the Community Justice Unit, which oversees all the office's community prosecution initiatives, received funding from the U.S. Department of Justice through a Local Law Enforcement Block Grant, a Bureau of Justice Assistance grant as a community prosecution leadership site, and a Project Safe Neighborhoods grant for a gun-violence reduction initiative. The unit also received funding from the Annie E. Casey Foundation, the Denver Foundation, and the City of Denver general fund.

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FULTON COUNTY (ATLANTA), GEORGIA

A Break with Tradition

When Paul Howard, Fulton County's District Attorney (D.A.), took office in 1997, he quickly began to feel that traditional law enforcement and prosecution techniques were not making neighborhoods safer. "What we needed was a different tactic that involved more of a direct connection between the community and the prosecutor's office," he said. In 1997, Howard learned about community prosecution by visiting the Kings County District Attorney's Office (Brooklyn, NY). After his visit, he started to formulate plans and grant applications to bring community prosecution to Fulton County. It took three years to get the program up and running, but Howard feels that it was well worth the wait.

Howard feels that community prosecution is most effective with low-level offenses. "Our community prosecution program was initiated to focus upon those types of crimes that cause local communities discomfort, inconvenience, and fear," he said. He further hoped that by drawing on community resources and citizen input, a community prosecution program would produce better outcomes in the long run than reliance on the traditional, reactive method of apprehending criminals and doling out conventional sanctions.

Fulton County's community prosecution program began in zone four, one of Atlanta's six policing zones. Zone four was chosen for three reasons, according to Wanda Dallas, Chief Community Prosecutor. First, it is centrally located. Second, it has an active community base, demonstrated by the presence of several neighborhood associations. Third, zone four was neither the best nor worst part of Atlanta. It was considered a good proving ground, according to Dallas, because community prosecutors did not have to begin their work by attacking the most difficult problems facing the city.

The community prosecution program has since expanded, partly due to the murder of a prominent Atlanta news reporter's son and a surge in violence in the residential part of zone five. Both developments were troublesome, according to Dallas, because the residential part of zone five is fairly affluent. The murder and the surge in violence received so much attention that they led zone five County Commissioner Nancy Boxill to urge the D.A.'s office to consider bringing community prosecution to her district. As an incentive, Boxill earmarked county funds to pay for a new prosecutor who would occupy a donated office in the area.

Fulton County's growing community prosecution program has two important themes. The first is that prosecutors trust residents to define problems in their neighborhoods. Through attendance at community meetings and focus group surveys, community prosecutors have relied extensively on Atlanta residents to inform them where to channel their energies. Prevention is the other important theme. The Neighborhood Fresh Start and Repeat Offender programs, both of which are described later on in this profile, are intended to prevent future criminal activity.

Engaging Residents in the Identification of Problems

Dallas wasn't sure how to best transition from her responsibilities as a traditional assistant district attorney, which had required her for three years to investigate and prosecute felony crimes, to her new role as community prosecutor. The first thing she did as the office's newly appointed community prosecutor was to go to neighborhood meetings and listen to the community's concerns, although she wasn't certain at first that this was the best approach. Being given the discretion to define her role as a community prosecutor, Dallas intuited that a solid understanding of community concerns would provide a good foundation on which to build a program.

In Atlanta, there exists a public forum that allows the government to connect with neighborhood residents: the Neighborhood Planning Unit (NPU). Atlanta has 22 NPUs. Each holds regular meetings where citizens express their concerns about community problems to city representatives from city agencies, including the fire department, police department, code enforcement, the city council, the mayor's office, zoning, and sanitation.

Before the implementation of community prosecution in Fulton County, prosecutors rarely attended NPU meetings, and then only if a key public safety issue was being discussed. Now, according to Dallas, the D.A.'s Office has sent representatives to 90 percent of the planning unit meetings this year—in all six zones. Although NPUs are a great forum for the exchange of information, community prosecution issues were not the only issues discussed. Community prosecutors needed a more focused method of communication that would complement the NPUs. To meet this need, Citizen Advisory Committees (CAC) were formed by the D.A.'s Office in each zone.

CACs serve as a conduit through which information flows between the community and community prosecutors. CACs focus on the issues that the prosecutor's office can reasonably be expected to address, leaving unrelated issues for the NPU.

Zone four's CAC consists of 25 individuals from the community, and participants include four officials from the Neighborhood Planning Unit, the police commander and lieutenant of zone four, business owners, church leaders, school principals, and students. Participants in the meetings were invited to become part of the CAC based upon a demonstrated interest in community prosecution. The CAC meetings are hosted and held in the zone four community prosecution office on a quarterly basis.

Gathering Data

In addition to identifying community members' public safety concerns at Neighborhood Planning Unit and Citizen Advisory Committee meetings, Dallas also wanted to see quantifiable data identifying community problems. She felt that this was especially important in the early days of Fulton County's community prosecution program when her relationships with the Neighborhood Planning Units and Citizen Advisory Committees were in their formative stages. She sought help from the Andrew Young School of Applied Research at Georgia State University, which helped organize seven focus groups over a two-month period. Each group of 20 to 30 participants represented a different constituency: senior citizens, youth, religious leaders, homeowners, apartment dwellers, law enforcement officials, and members of the business community. Participants were asked questions about their perceptions of crime and public safety. In the end, focus group participants identified several complaints: open-air drug sales, crack houses (residences where illicit drugs are sold), and property crimes.

Problem-Solving: Neighborhood Fresh Start

Community prosecutors created a plan to identify and close down crack houses, creating Fulton County's most publicized problem-solving initiative, the Neighborhood Fresh Start program. Fresh Start uses Georgia's asset forfeiture laws to divest recalcitrant owners of their "crack houses." Before coming up with a state law strategy several different approaches were considered.

Dallas and her staff researched federal forfeiture laws, the RICO statute, Georgia forfeiture law, and other causes of action, and prepared a notebook for Howard that outlined seven different approaches. Ultimately, Fulton County prosecutors decided they would have the most control using state law, as opposed to federal law, which would have required cooperation among numerous agencies and prevented prosecutors from following each case from beginning to end.

The Neighborhood Fresh Start Process

The Fresh Start process begins with identifying problem houses. Residents and the police provide ample targets for investigation. Prosecutors research the history of criminal activity at the offending property. In selecting a forfeiture target prosecutors look for a house with a history of at least five arrests for drug-related activity or two occasions where drugs were seized during the execution of a search warrant. Prosecutors also carefully weigh the value of the house against the amount of drugs and contraband that has been seized; forfeiture of a house for a minor quantity of drugs would be unconstitutional.

Prosecutors also run a title search. Prosecutors must prove that the owner knew of the illicit activities occurring on the premises. Knowledge can be proved through criminal records. If it turns out the owner of the home is also the same person appearing in police reports, the D.A. can make a more convincing case for forfeiture.

Knowledge can also be proved by serving notice on the homeowner. Once a crack house has been identified for possible forfeiture, the chief of police sends the homeowner a “cease and desist” letter demanding an end to the illicit activity on the property. Next, the Police Department engages in heightened surveillance, conducts undercover drug buys and serves search warrants to determine if drug activity has stopped. If drug activity continues, the D.A.’s Office begins forfeiture proceedings.

When the D.A.’s Office prevails at a bench trial, the house becomes the property of the State of Georgia and the Fulton County D.A.’s Office. Once the mortgage is paid off, the house is renovated, bringing it into compliance with the building code.

Once the renovation is completed, the county then moves a police officer into the house. For one year the officer lives in the home, paying a nominal amount of rent. During this period the officer is assigned to work in that neighborhood. The officer is also required to maintain a weekly log of criminal activity in the neighborhood and generate a Neighborhood Safety Plan addressing criminal activity. After one year, the DA’s Office works with the United Way and a faith-based partner to move a low income family into the house.

In the Fresh Start planning stage, there was some concern of a conflict of interest in having a police officer as a witness in a case also benefiting from the forfeiture by being given a place to stay for a year at nominal cost. To address this concern, officers who participate in the forfeiture process are not eligible to live in Fresh Start houses.

The First Fresh Start Forfeiture

The first Fresh Start forfeiture involved a home owner whose sons sold drugs in the house. The mortgage in the first forfeiture was paid for with forfeiture revenues from earlier law enforcement activities, including drug busts. Renovations were substantially provided for through donations from the University Community Development Corporation.

Officer Harry Stevens was asked to be the Fresh Start house resident police officer because he was the beat officer who served the neighborhood prior to the forfeiture and did not participate in the investigation leading to the forfeiture or in any other phase of the case. Officer Stevens readily agreed.

“The pros of living there are that I am becoming familiar with citizens in the area and the precinct office is a short distance away,” he said. “But the cons are that people sometimes feel I’m the solution to their problems, and it sometimes feels like people call me before they dial 911,” he said. He has even come home after being out at night, only to find people waiting at his doorstep. Even so, when asked if he would move in if given the opportunity again, he said “yes.” One reason, besides the contacts he has developed through Fresh Start, is that he lived in the area prior to the emergence of community prosecution in Fulton County.

Fresh Start Results

To date, Fulton County prosecutors have witnessed the closure of 14 crack houses. One was forfeited, one was acquired following a bank foreclosure, and 12 others shut down voluntarily. The voluntary closures occurred after a letter was sent from the Chief of Police and the owners evicted the offending tenants and either replaced them with new tenants or boarded up the houses. Clearly a voluntary closure is preferable to a foreclosure action.

Challenges

Following the first Fresh Start forfeiture, the D.A.'s Office entered uncharted territory by assuming the responsibilities of a landlord. Dallas feels a certain degree of real estate prowess is necessary for a prosecutor's office to own and maintain a piece of real property. The officer living in the house called Dallas many times about repairs that needed to be done, requiring Dallas to farm out some of the needed repairs, which are usually handled by volunteers. According to Dallas, it would be preferable to hire a property management company to handle the tenancy details.

During the first forfeiture, neighbors were sympathetic to the homeowner, who portrayed herself as an innocent victim. Some neighbors even circulated a petition calling for an end to the forfeiture proceedings. In addition, a newspaper suggested the forfeiture was an over-reaction to the problem. There were also community concerns about the placement of a police officer in the forfeited house. Dallas feels that two issues were at play: lack of trust between some residents and the police department, and lack of information or misinformation about the facts leading to the forfeiture and the forfeiture process. Community prosecutors felt that the trust issue would be resolved over time as relationships developed. The second issue would take decisive action to address.

Dallas held a meeting at a local church where some 50 neighborhood attendees were invited to ask questions about the forfeiture and the plans to have a police officer move into the house. The community was given an opportunity to meet and speak with the police officer. Dallas discussed the case against the homeowner, as well as the forfeiture process. Dallas presented some of the same evidence that was presented to the judge in the forfeiture case. She presented what she believes was a balanced account of the events that took place at the house prior to the forfeiture, including evidence that the owner used her house as collateral to bail her sons out of jail for the offenses that served, in part, as the basis of the forfeiture. Dallas feels that this meeting was crucial in allaying the neighbors' concerns and the success of the first Fresh Start forfeiture.

A Revolving Program

Forfeiture proceeds are limited and cannot be relied upon to finance the next Fresh Start house. Dallas and her colleagues have a plan for a revolving purchase program. After the officer who lives in the first Fresh Start home moves out and the home is sold, the proceeds from the sale will be used to acquire another forfeiture home, and the process will continue.

Problem-Solving: Repeat Offender Program

Fulton County community prosecutors also target property crimes, such as burglaries and larcenies, which were identified as a community concern. In the past, property crimes were often a low priority in contrast to serious felonies and violent crimes. Dallas learned from NPU, CAC and focus group meetings that many community members believed that a small percentage of offenders were committing the bulk of property offenses.

The Atlanta Police Department confirmed the community members' beliefs with data that revealed that 20 percent of Atlanta's offenders commit 80 percent of the offenses. The police department even went so far as to identify several property offenders as representing the most significant crime threats. Community members now alert police and prosecutors to the presence of repeat offenders in their neighborhood, Dallas said. Community prosecutors

respond by aggressively targeting repeat offenders. “If we can do something with these people who are constantly causing problems in the neighborhood, then we should be able to reduce crime substantially,” Dallas said.

Program Elements

The Repeat Offender Program consists of three key elements. First, Dallas keeps a list of her zone’s ten most serious repeat offenders and then tracks their cases. These individuals are usually career home burglars with lengthy criminal records. She handles the cases of these repeat offenders rather than having them prosecuted by assistant district attorneys who would otherwise prioritize these cases by offense level—which usually means placing property crimes on the bottom of their priority list. Giving these cases to a community prosecutor helps ensure that these offenders are held accountable and tracked over time.

Second, when attending NPU meetings, Dallas invites community members to come to the bond hearings, motion hearings, trials, and dispositions of these offenders’ cases. Community attendance has been consistent. Generally, two or three community members attend each of these legal proceedings, but as many as 17 have attended a single proceeding. Police officers from the zone also frequently attend these proceedings. Dallas believes that the presence of neighborhood residents and police officers highlights the community’s concerns and alerts the judge to effects of the offender’s conduct on the crime victim and the impact upon the community.

Finally, at the sentencing phase, Dallas asks the court for significant jail time for repeat offenders. In support of this recommendation community members are introduced to the judge to underscore their interest in the repeat offender’s case. If a victim or witness is in attendance, that individual has an opportunity to speak.

The case of Ronald Lee demonstrates how repeat offenders are targeted by community prosecutors. Lee had burglarized several homes in the neighborhood. In one burglary, Lee calmly told a neighbor inquiring about his presence that he was hired to do home repairs and then handed her a business card. When Lee was caught, at Dallas’ invitation, police officers and 17 concerned neighbors attended his bond hearing. The judge asked everyone who was present for Lee’s case to stand up. Nearly 20 people rose, the most people Dallas had ever seen attend a bond hearing. At the end of the hearing, the judge ruled that Ronald Lee was likely to re-offend and denied his bond. The judge ruled, given the size of the turnout, that Lee was a serious repeat offender who should be kept in jail until trial.

Lessons

Officials in the Fulton County D.A.’s Office have learned a great deal from their community prosecution experiences. These lessons include the need for incremental progress, motivated workers, humility, and program marketing.

According to Dallas, Fulton County’s Community Prosecution Unit faced a lack of community trust in the beginning. “There had been a [history] of promises from well-intended agencies with no follow-through,” she said. Accordingly, her first step was to secure credibility in the eyes of the community. “To do so we had to start with one program and make it work.” In other words, it was necessary to focus specifically on one problem and see its solution through to fruition. For Fulton County, this first program turned out to be the Repeat Offender program. This approach, Dallas feels, brought credibility to the program in the early days.

According to Antoinette Williams, the grants administrator for the Fulton County D.A.’s Office, “it takes a certain type of person, someone who is not totally prosecution-oriented” to be a community prosecutor. Likewise, Howard said that it is “very important to get the right kind of person as a community prosecutor, someone with a good work ethic.” Also, an outgoing people-person who is a good listener is the key to the success of any community prosecution program, in Howard’s view.

Dallas feels that it is important for community prosecutors to avoid feeling as though they are the solution, have the solution, or even know what problems need solutions. “Don’t get bigger than the community,” she said, and “be humble and see yourself as a conduit or a liaison between the community and the criminal justice system.” Dallas also believes that the community prosecutors should listen to the community and hear their concerns. The community knows what problems exist. This approach, she urges, is essential in securing buy-in from the community, identifying the problems, and creating solutions. This approach is also consistent with one of the core philosophies of community prosecution, forging partnerships with citizens.

Dallas feels that for community prosecution to flourish, people need to be made aware of the program. Part of the community prosecutor’s job, she says, is to “market and promote the program.” Marketing and promotion can come through a variety of channels. One avenue is promoting awareness on the part of those who control the purse strings. Letting city and county officials know about community prosecution and its successes, she argues, is fundamental to the livelihood of any community prosecution program. Dallas also believes that marketing is necessary for sustainability because it’s easier to cut funding even to a worthwhile program if no one is aware of its success.

Dallas also advocates applying for “every grant that is out there.” But, in order to secure grants, Dallas makes two points. First, “you need someone who is familiar with the grant process.” She also states that “you must understand what you are marketing” to have a chance at receiving funding.

Jurisdiction and Contact Information

Jurisdiction: Fulton County, Atlanta, Georgia

District Attorney: Paul L. Howard, Jr.

Fulton County Statistics:

Population: 816,006

Size: 534 square miles

Population Density: 1,544 per square mile of land

City of Atlanta Statistics:

Population: 416,474

Size: 132 square miles

Population Density: 3,161 per square mile of land

Top Public Safety Concerns: Drug related crimes and property crimes

Unique Features: Community Prosecution Unit currently operates in two of Atlanta’s six policing zones.

Funding: BJA planning and enhancement grants and the Fulton County Commissioners.

For more information Contact:

Wanda Dallas

Chief Community Prosecutor

Fulton County District Attorney’s Office

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E-mail: wanda.dallas@co.fulton.ga.us.

Web Site: www.atlantada.org/inthecommunity/communityprosecutor

HENNEPIN COUNTY (MINNEAPOLIS), MINNESOTA

Building Community Prosecution

Preceding her 1998 election as Hennepin County Attorney, Amy Klobuchar attended over 100 community meetings, where she learned that in addition to being fearful of gun crime and serious crime, residents were deeply concerned with low-level offenses and quality-of-life issues. Also, based upon its 1996 murder rate, which exceeded that of New York City, Minneapolis held the dubious distinction as “Murderopolis,” an image and reality that Klobuchar became intent on changing. These two factors led her to look for creative methods of addressing crime.

With a clear vision of what she wanted to accomplish during her tenure as County Attorney, Klobuchar explored the ways in which community prosecution strategies were applied in such pioneering jurisdictions as Portland, Oregon. With the knowledge she gained, Klobuchar decided that the Hennepin County Attorney’s Office should begin its own community prosecution program.

Building Upon Existing Resources

Hennepin County had a solid foundation upon which to build a community prosecution program. Elements of community prosecution were evident during the mid-1990’s when Andy LeFevour, the current supervisor and senior attorney on Hennepin County’s community prosecution team, targeted property crimes in the city’s third precinct, an area with a high crime rate. Using basic community prosecution strategies, he met with the police, local residents, business officials, and other stakeholders. One of the chief concerns identified by police and residents alike was car theft. In response, LeFevour shared with detectives his legal expertise and suggestions on how to build stronger cases.

In addition to targeting auto theft, Klobuchar also prioritized burglaries of businesses, other types of property theft, graffiti, and damage to property, problems that were identified by area police and community members. These enforcement efforts, along with the use of civil sanctions to close so-called “saunas,” or houses of prostitution, were also undertaken. Klobuchar significantly expanded these efforts to create Hennepin County’s current community prosecution program.

Following Klobuchar’s precinct-specific approach to crime, additional prosecutors were assigned to geographical areas. Klobuchar now had a team of prosecutors assigned to each of Minneapolis’s five precincts. Almost overnight, the community prosecution program grew to five times its original size. Although community prosecution team members do not have offices in the community, they are within a few minutes drive from their assigned precincts at the centrally located Hennepin County Attorney’s Office.

Attention to Juveniles

Geographic assignment of prosecutors has been expanded into the Juvenile Division, where nine attorneys are assigned to adopt nontraditional methods of preventing offenses by young people. In addition, six of the attorneys whose regular duties include prosecuting juvenile felonies also offer school officials ongoing advice and consultation about legal issues relating to juveniles and school-related crime, and work with school and police officials to craft policies intended to improve information sharing about juvenile offenders and school crime.

The remaining three attorneys are assigned full time to truancy prevention. The bulk of their time is spent giving presentations to students. During the 2003/2004 school year, they gave 124 lectures at 51 schools throughout Minneapolis. The presentations include an anti-truancy video sponsored by the County Attorney's Office and produced by an organization known as Area Seven. Entitled "What's Your Excuse," the video features young people talking candidly about their own struggles with truancy and the consequences they faced by failing to attend school. The county attorneys also encourage schools to improve attendance measurement and referrals of truancy cases to the County Attorney's Office.

Accountability

Before the widespread implementation of geographical prosecution, residents would see several different prosecutors. This resulted in prosecutors who were not always familiar with the problems and underlying issues facing Minneapolis neighborhoods. Klobuchar felt that geographic assignment would improve both the relationships between prosecutors and community members as well as the effectiveness of prosecution. "Slicing it up in this way makes the attorneys more accountable for the cases they prosecute," she said.

But Klobuchar also values accountability for offenders. Since her election, she has introduced initiatives that have led to aggressive prosecution of gun crimes and major financial crimes, among other offenses. Her office has also partnered with the Target Corporation's nonprofit foundation and received funding for a full-time attorney and legal assistant who pore over various databases to gather as much criminal history information about repeat offenders as possible.

Prior to Target's involvement, when attorneys lacked the resources to do detailed investigations into every offender's criminal history, there were only three so-called "upward departures" (a higher sentence for repeat offenders previously convicted of several criminal acts) in sentences for repeat offenders. Since Target became involved, there have been 100 such departures—signaling a significant policy change in the County Attorney's Office.

Access

Klobuchar is convinced there should be a clear connection between citizens and the County Attorney's Office. Connecting citizens to the prosecutor's office, she feels, gives people a clearer understanding of how the criminal process plays out. It also makes the County Attorney's Office more responsive to the needs and wants of Minneapolis residents. Numerous steps have been taken to connect prosecutors with the community, the most advanced being a sophisticated web site that allows concerned residents to track felony-level property crime cases—those that have been identified by residents as needing the most attention.

The web site, which was launched in April 2000, provides information on upcoming court dates, including pretrial hearings and trials. It also lists sentences handed down for offenders. In 2001, an interactive map of all the neighborhoods in each of the city's five precincts was added to the web site. This allows residents to view the status of cases in their own neighborhoods. And the web site has recently been expanded countywide. It appears that many residents take advantage of the web site: the site continues to log about 5,000 hits each month.

The information put on the web site is first screened by LeFevour; a paralegal then posts such details as the defendant's name, date of offense, location of offense, charges, and court dates. It is not possible, given time and resource constraints, for LeFevour and his staff to put every detail of each criminal case on the web site. Doing so would amount to duplicating the county's information system, which is maintained by some 50 people in the clerk's office.

Connecting the Community to the Courts: Victim Impact Statements

Minnesota law, like the laws of many states, allows victims of crime to submit impact statements at sentencing hearings, detailing for judges the ways in which criminal events affect them. As part of its community prosecution efforts, Hennepin County works closely with those affected by crime so that the courts can learn of the adverse social and economic consequences of victimization. Prosecutors attend meetings and show community members how to complete impact statements that can be influential to judges.

What makes Hennepin County's approach to victim input somewhat unique, however, is that impact statements have been submitted not just on behalf of individual victims, but whole neighborhoods. In fact, not only does Minnesota law permit victim impact statements, it also permits community representatives to submit such statements. LeFevour has met with residents and shown them how to submit a statement to the court on behalf of several residents, and in one case a repeat offender received a ten year prison sentence based in part on an impact statement signed by block club members who attended the man's sentencing hearing. Interested citizens can also submit comments concerning specific crimes via the case information web site. Prosecutors can then use such information to draft their own community impact statements, consisting of quotes from people who submitted comments.

Most judges in the county have been receptive to the statements. LeFevour feels that, like impact statements by individual crime victims, neighborhood impact statements provide the judge with valuable information about the effects of a defendant's actions. The use of such statements is also consistent with basic community prosecution principles that value citizen input in crime control and prevention.

Problem-Solving: Nuisance Abatement

The nuisance abatement program began in response to a grass roots effort to change Minnesota's nuisance law. Two members of the state legislature who lived in Minneapolis's third precinct became fed up with nuisance properties, including "saunas" (fronts for prostitution), that often operated in residential neighborhoods. Citizens complained about the properties and became frustrated when "clients" would park in front of their homes, coming and going at all hours of the night. They also complained about condoms in yards, urination in public, public drunkenness, and other signs of offensive behavior that tended to occur nearby.

The two legislators introduced a bill that led to a change in the state's nuisance law to facilitate prosecution. Prior to the change, which went into effect in 1993, the law required a showing of two previous criminal convictions before a property could be shut down. This set a high standard, making it difficult (and rare) for prosecutors to successfully close down houses of prostitution. But the new law relaxed these requirements and instead required a showing of two or more "behavioral incidents" before it could be invoked by prosecutors. This meant that civil orders could be obtained without having to first demonstrate a criminal conviction.

To provide an example of the initiative in operation, the County Attorney's Office brought nuisance actions against six different saunas that were operating on a street in the city's third precinct. One of the sauna's owners was also convicted on two felony counts of promoting prostitution. His sauna was also declared a public nuisance and was condemned. The sauna was leveled and turned into a green space.

The Process

Minnesota's public nuisance law gives prosecutors substantial leverage with which to target problem properties. The law defines "behavioral incidents" as drug dealing, prostitution, gambling, weapons violations, unlicensed sales of alcoholic beverages, and engaging in any other activity declared by law to be a public nuisance. Behavioral inci-

dents need not be convictions, or even criminal acts. Several statements from concerned citizens that a problem is taking place somewhere are sometimes sufficient to meet the clear and convincing standard of proof required for the nuisance law to be enforced.

If the County Attorney's Office has reasonable grounds to believe a nuisance exists in any building, a prosecuting attorney can bring a civil action in district court to put an end to the activity. But before filing such actions, prosecutors typically send a written notice by personal service or certified mail to all interested parties. The notice specifies the type of nuisance, summarizes the evidence, and informs the owner or occupant of the property that failure to abate the conduct within 30 days can result in an action being filed in court. If the owner or occupant ends the nuisance activity within the specified time period, the action will not be filed. Failure to abate the nuisance, however, will most likely result in a court hearing.

LeFevour and his staff do not resort immediately to filing nuisance actions in court. They work with property owners and tenants, where possible, to reduce and stop nuisance activity without legal action. "If these efforts are unsuccessful, this law is an effective means of closing crack houses, prostitution houses, and other properties that seriously disrupt the safety and quality of life in local neighborhoods," Klobuchar said. As evidence that the informal route does not always work, LeFevour currently handles about one to two nuisance cases each week, and some 25 actions were filed last year.

Problem-Solving: A Community Court for Felonies and Misdemeanors

In 1999, the Hennepin County district court was awarded a grant to start a community court. The community court was created to handle specific misdemeanors that adversely affected peoples' quality of life. The court was also developed so that its presiding judge, following the model of other community courts around the country, could be more involved in reviewing offenders' cases. Based on the experience of other community courts, it was felt that this "face time" was important to prevent future crime and that judges' active involvement in each offender's case, coupled with individually-crafted sentences, would minimize the chances for recidivism.

Another reason for developing a community court, according to Klobuchar, is that prior to its implementation, prosecutors argued their felony property crime cases before 65 separate judges who presided over legal matters arising in Hennepin County. The development of the community court, which is presided over by four judges, ensured that the same judges—and prosecutors—would be involved in the adjudication of felony property crimes. "This promotes familiarity with cases," Klobuchar said.

The community court approach was also chosen because Hennepin County had, and still has, a successful drug court that served as a model. Its focus on the needs of each offender was something prosecutors hoped to replicate in the community court.

At the same time the community court was developed, the Hennepin County Attorney's Office received a community prosecution grant from the Bureau of Justice Assistance (BJA). The funding was going to assist the county with targeting felony-level property crimes. Initially, the attorneys were going to prosecute the property crimes in a traditional trial setting. But BJA, which also awarded the community court grant to Hennepin County, said that the County Attorney's Office should collaborate with the bench and develop a community court that handles both misdemeanors and felony property crimes; otherwise each entity would duplicate some of the other's efforts, albeit with a focus on different types of crime.

A weekly community court now operates such that each community prosecutor presents his or her cases during a specific time of the week. As an example, the third precinct community court meets every Thursday. Residents from

the precinct whose day of the week it is are also encouraged to attend. “With the same prosecutor—and same judges and probation officers—present each week at the same time, case processing is made considerably more consistent,” LeFevour said. Approximately 2,000 felony-level property crimes are prosecuted in the court each year.

The typical community court sentence is called “Sentence to Service.” The program assigns offenders to the county work crew. But in addition to the usual trash-clean-up approach taken by many county work teams, offenders are often assigned to work in the areas where they committed their crime. For example, offenders who are convicted of vandalism often spend time cleaning up graffiti in the area where they were arrested. The traditional sentencing modality, prior to the emergence of the community court, was time in the “work house,” a euphemism for the county jail. A small minority of offenders receive other sentences, including participation in a restorative justice program and geographic restriction orders. Offenders who are in need also receive various social services, including drug treatment, if recommended by probation as part of the sentence.

Lessons

Community prosecutors in the Hennepin County Attorney’s Office have learned several important lessons from their wide range of nontraditional crime prevention initiatives throughout Minneapolis.

Keeping the Energy Flowing

One of Andy LeFevour’s messages to other would-be community prosecutors is, “it’s important to pump new energy into the program every now and then.” To do this he favors targeted initiatives that focus on a small geographic area. “When pockets of crime are targeted and efforts are channeled into a specific location, it gives prosecutors an opportunity to meet new people and work together on a common problem,” he said. Also, by focusing on specific problems, prosecutors can be encouraged by small successes, rather than the distant prospect of city- or countywide change.

LeFevour also feels that it’s important for community prosecutors to attend community events—such as fairs and picnics—that do not necessarily relate to some specific set of problems. This, LeFevour claims, helps assure the community that “prosecutors are in it for the long haul.” It also gives them an opportunity to celebrate with community members, such as at grand openings of community centers and other such locations, rather than always dwelling on neighborhood problems. He and his team now receive many invitations to attend community events, which is important for staying connected with the community, he feels.

Partnering with Corporate Foundations

One of Hennepin County’s most important lessons lies in the funding arena. As a retail business with stores located in some of Minneapolis’s crime prone areas, Target, as a corporate citizen, is a strong ally of community prosecution in Hennepin County. Target Corporation, which also has its headquarters in Minneapolis, funds one attorney and one paralegal in Hennepin County through its nonprofit foundation. To avoid any conflict-of-interest, however, the team that is funded by Target does not work on cases arising from Target’s interests. Instead, the team members devote all their energies to addressing chronic offenders.

Open Lines of Communication with the Police

Another important lesson from LeFevour’s experience is to build lines of communication with the police department. “The more you can get out there, explain what you are doing, and show results, the more you can win [the police] over,” he said. He opens the lines of communications through everything from attendance at roll calls to telephone conversations with police detectives and informal lunch meetings.

The access and communication resulting from repeated contacts between community prosecutors and police has served Minneapolis well. Prior to the outreach, approximately one-quarter of cases brought by the police to the Hennepin County Attorney's Office were rejected for prosecution. Now, with enhanced lines of communication in place, LeFevour estimates that less than 15 percent of cases are rejected. This change is due, he feels, to a heightened understanding among police detectives of what prosecutors need to secure convictions.

Establishing Trust

Andy LeFevour recalls that when he began community prosecution "there was skepticism in the community, a view that the appearance of a prosecutor in the community was little more than window dressing," masking a traditional approach to the crime problem. This skepticism was manifested in early community meetings where LeFevour was an unfamiliar face. Attendees at one of the meetings said, somewhat sarcastically, "It's nice to have someone here from the County Attorney's Office," he recalled.

But once it was clear that assistant county attorneys were new players in the crime prevention scene, trust began to be established. Once community members were convinced that prosecutors were there to stay—through their continued attendance at community meetings—they came to call on them and accept their presence. LeFevour feels trust has been established because now people have a direct contact to the County Attorney's Office through him. In fact, they regularly call him with their thoughts, concerns, and suggestions on how best to approach problems.

Jurisdiction and Contact Information

Jurisdiction: Hennepin County, Minneapolis, Minnesota

County Attorney: Amy Klobuchar

Hennepin County Statistics:

Population: 1,116,200

Size: 606 square miles

Population Density: 2,005 per square mile of land

Minneapolis City Statistics:

Population: 382,618

Size: 58 square miles

Population Density: 6,970 per square mile of land

Top Public Safety Concerns: Property crimes and livability crimes

Unique Features: Weekly community court; separate teams prosecute violent and nonviolent felonies; civil nuisance abatement law used to target problem properties

Funding: BJA planning, implementation, and leadership grants; Target Foundation funding

For more information Contact:

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Web Site: www.hennepinattorney.org/communit.htm

KALAMAZOO COUNTY (KALAMAZOO), MICHIGAN

Getting Started

Kalamazoo, a city of nearly 80,000 people located halfway between Detroit and Chicago, is served by the Office of the Prosecuting Attorney. The office is led by James Gregart, who is currently serving his seventh four-year term as Prosecuting Attorney. Prior to his service, he worked as a military police officer, a Wayne County (Detroit) Sheriff's deputy, and an assistant prosecuting attorney. He brought to his position not only this extensive law enforcement experience, but a drive to change the way prosecution was practiced in Kalamazoo County.

Gregart felt the need for change in the Prosecuting Attorney's Office after listening to and reading materials written by Tom Peters,⁶ the noted managerial consultant. Gregart was attracted to Peters' emphasis on customers and on doing business according to what they desired. And even though Peters' speeches and writings were aimed largely at private sector business, Gregart felt that the same principles could be practiced in the halls of government agencies. He began by changing the managerial philosophy of his organization to one that relied extensively on citizen input.

Gregart has for years taught at the National College of District Attorneys and has been active with the National District Attorneys Association and the American Prosecutors Research Institute. Through his contacts with other prosecutors around the nation he came to learn about community prosecution, particularly a 1996 conference on the subject. Gregart felt through his discussions with other prosecutors that community prosecution may be consistent with his "customer-oriented" managerial philosophy, so he asked Karen Hayter, Kalamazoo's current senior neighborhood prosecutor, to attend the first national community prosecution conference sponsored by APRI.

After she returned from the conference, Hayter informed Gregart of what she learned and urged him to begin a community prosecution program. She also told him about the positive energy she experienced at the conference and suggested that prosecutors go out into the community and work with citizens and other law enforcement officials in nontraditional ways. Gregart gave her the go-ahead, but he first required that she seek funding to get the project off the ground. Two years later, Kalamazoo County secured a \$118,852 Byrne grant from the Michigan Office of Drug Control Policy and community prosecution was officially launched.

Even once funding was secured, it was still unclear to Hayter and her colleagues what community prosecution would entail in Kalamazoo. She began by turning to APRI's 1995 Community Prosecution Implementation Manual⁷ for advice on how to get started. She followed the eight steps listed in the manual, including selecting a target area, conducting a needs assessment, gathering support for the project, organizing participants and developing the program. The manual also offered suggestions on how to go about engaging the community. It encouraged prosecutors to go out into the community to ask citizens what they felt the problems were.

A Town Hall Meeting

Kalamazoo's first community prosecution site was selected with the input of representatives from several neighborhood associations. Gregart invited about 30 people, along with police officers and other officials from city and county government, to a meeting at which Karen Hayter outlined what she learned at the community prosecu-

⁶ See generally Tom Peters at www.tompeters.com.

⁷ For a copy of this and other APRI community prosecution publications go to www.ndaa-apri.org/publications/apri/community_prosecution.html.

tion conference. She presented the eight steps for starting a program and emphasized the importance of beginning by selecting a target area. Gregart talked about his idea for tapping citizen input and for taking on a “customer-oriented” version of prosecution in Kalamazoo.

Neighborhood representatives were asked to identify an area in Kalamazoo that was most in need of attention because of its crime rate and related problems. The Edison neighborhood, a largely urban area in the downtown section of Kalamazoo, was unanimously identified as the one most in need of attention. It was selected because of its high incidence of violent crime, a prostitution problem, an excess of renter-occupied housing, a transient population, and significant turnover in local schools.

Time in the Trenches

Following the town hall meeting, Hayter was designated Edison’s “Neighborhood Prosecuting Attorney,” a title she and her colleagues in the community prosecution program use to this day. She then spent the next three years in Edison, working out of a donated office in a church.

During this formative period, Hayter attended block watch, business and neighborhood association meetings. She met regularly with police officers, the city attorney and housing inspectors, all in an effort to bring attention to the program, form relationships, gain credibility for community prosecution and identify issues and problems that were most in need of attention in Edison.

“It was a challenge to gain credibility with the community,” she said. In her view, it was difficult to shake the image that prosecutors were purely in the business of prosecuting offenders. Community members needed convincing that prosecutors could take steps to prevent, rather than respond to crime. Accordingly, through her attendance at community meetings, Hayter tried to convince residents that it was necessary to prosecute offenders only for serious criminal activity and for cases that had a dramatic effect on the community.

Hayter also recalls that it was “difficult maintaining our integrity and reputation with our own colleagues.” Just as it was challenging to convince community members that prosecutors could adopt a creative prevention focus, it was also difficult to convince other assistant prosecuting attorneys that community prosecution was desirable for certain types of neighborhood problems. She faced a fair degree of resistance to the program, particularly the non-traditional roles that they have adopted.

Another one of Hayter’s early steps as a neighborhood prosecuting attorney was to survey residents. She and others from the office went door-to-door in the Edison neighborhood and asked residents to identify problems that affected their quality of life. Some residents welcomed her and spoke at great length about the need for targeting low-level crimes; others were apprehensive and declined to participate. Over the course of several weeks they completed approximately 80 surveys. In the end, though, responses were tallied up and a list of problems emerged. One of the problems residents identified was juveniles loitering. In response, Hayter and her colleagues developed specific interventions aimed at addressing the problem.

In addition to surveying residents, Hayter developed a “hot spot” form by which neighbors could report criminal activity and other problems that did not require immediate police attention. She also instituted a system of documenting resident’s observations of alleged criminal activity. Community prosecutors provide residents with log forms that are then used to provide police with a record of activity for them to act upon. Both the hot spot forms and citizen observation logs are now available on the office’s web site for easy access.

A Movement to the Northside Neighborhood

During its first year, Kalamazoo’s community prosecution program received attention in the press. This prompted residents in other neighborhoods to push for their own community prosecution programs. In response, the decision was made to target the Northside neighborhood, an area much like Edison, with a fair amount of reported crime, a diverse population, and a disproportionate amount of subsidized housing.

Dave DeBack was selected as the neighborhood prosecutor for the Northside neighborhood. He began his tenure, as did Karen Hayter, by making door-to-door contacts with between 60 and 70 households. He chose this method of engaging the community because it was identified in the APRI implementation manual as one of several alternatives for identifying neighborhood problems. In contrast to Edison residents who continually identified juveniles as causing problems, Northside residents identified open-air drug markets as posing the most significant crime problem in the area.

A Weed and Seed Designation and Help from the Feds

A significant development in the early years of Kalamazoo’s community prosecution program was the Edison neighborhood’s designation as a federal Weed and Seed⁸ site. This, according to Hayter and her colleagues, was the highlight of the community prosecution program in the beginning. In addition to providing valuable funding, the designation brought visibility and attention to the program.

Shortly after Weed and Seed brought attention to Kalamazoo, the Prosecuting Attorney’s Office was awarded a community prosecution leadership grant from the Bureau of Justice Assistance. The grant provided funding for two more attorneys—Ramie Almeda and Ken Barnard—to coordinate community prosecution activities in Kalamazoo’s remaining neighborhoods. More recently still, a Project Safe Neighborhoods grant has helped fund the program and give prosecutors the resources to target gun crime.

Offices Downtown and in the Community

Each of Kalamazoo’s neighborhood prosecuting attorneys has two offices, one in a government building and one donated by the community. The community offices put prosecutors in closer touch with the neighborhoods they serve, Hayter said. She feels that the downtown offices are important, though, because of their proximity to other prosecutors and easy access to technology. In addition, long distance calls can be made from the central offices, which is not always possible in the sparsely-appointed community offices.

Kalamazoo’s neighborhood prosecuting attorneys have community offices in a diverse range of places. Ramie Almeda shares an office with community police officers and a neighborhood group; Dave DeBack shares an office with the Northside Association for Community Development, a neighborhood association whose mission is to promote the neighborhood and make it a safe place to live; Karen Hayter’s current second office is in an old stone house in a cemetery in the West Douglas neighborhood; and Ken Barnard’s second office is an apartment unit in crime-ridden area of Kalamazoo.

⁸ “Weed and Seed” is a program under the U.S. Justice Department’s Office of Justice Programs, Community Capacity Development Office. Press Release, Office of Justice Programs (March 18, 2004) (on file with APRI).

“Operation Weed and Seed is foremost a strategy—rather than a grant program—which aims to prevent, control, and reduce violent crime, drug abuse, and gang activity in targeted high-crime neighborhoods across the country. The strategy involves a two-pronged approach: law enforcement agencies and prosecutors cooperate in ‘weeding out’ criminals who participate in violent crime and drug abuse, attempting to prevent their return to the targeted area; and ‘seeding’ brings human services to the area, encompassing prevention, intervention, treatment, and neighborhood revitalization.” <http://www.weedandseeddatacenter.org/> (last visited August 3, 2004).

Problem-Solving: Dealing with Curfew Violations and Truancy

Hayter is firmly convinced that the broken windows theory of crime is true. She feels that it is essential for community prosecutors to target quality-of-life issues in communities. According to Hayter, through most of their meetings with community members, Kalamazoo's neighborhood prosecuting attorneys have found that residents are more often concerned with low-level crime and disorder than they are with serious crime. In particular, highly visible crimes (e.g., open air drug sales) and signs of disorder (e.g., loitering youth) bother community members more than typical street crimes. This, coupled with Hayter's belief in nontraditional methods of prosecution, inspired the creation of Kalamazoo's first significant community prosecution problem-solving initiative, the CLOCK program.

CLOCK is an acronym for the Center for Leadership Options for Community Kids. Started in the year 2000, the CLOCK program was implemented in response to neighborhood residents' frustration with the number of minors who continually violated Michigan's curfew statute and who were truant habitually. Residents' concerns with juveniles loitering and staying out too late at night became apparent during Hayter's door-to-door surveys in the early stages of the community prosecution program.

The Failures of the Traditional Approach

CLOCK was developed not only in response to residents' concerns with truancy and loitering, but out of frustration with a traditional approach to handling juveniles that did not work. Prior to the program, the police department could have enforced Michigan curfew laws, but officers were too busy with other, more serious crimes, according to Hayter. Arrests of curfew violators take a great deal of time because officers need to take many hours tracking down parents or guardians and completing paperwork.

Even if there were enough police resources to round up all the youth, the options available to the police were limited. For example, some youth fail to carry identification, and often provide false information to the police, making it difficult for officers to take the young people home. But even when officers receive valid identifying information, it remains possible that returning youth to their homes will make matters worse. Parents may either be at work, hooked on drugs, or in some other way unable to care for their kids.

Kalamazoo has a so-called "youth home," which is akin to a juvenile hall. Prior to CLOCK, police officers tried to drop kids—especially curfew violators—at the youth homes but were continually turned away because of limited space. Youth home officials, according to Hayter, were more concerned with serious offenders and, as such, were not set up to handle those picked up for relatively minor offenses. Limited police resources and no space in youth homes, together with residents' concerns that problem youth were not receiving the attention they needed, led to the creation of CLOCK.

Intervention and Diversion

CLOCK maintains a dual focus. First, it acts as a diversion program for kids cited for curfew violations. Second, it deals with habitually truant youth. It is easy to target curfew violators because the police have statutory authority to arrest curfew violators. Truancy is a more difficult problem because there is no statute that penalizes truancy per se. Nevertheless, truancy is a status offense and the courts can exercise jurisdiction over such cases. This has required that prosecutors and police work closely with school officials in order to reach an agreement over which youth could best be served by participation in the program. As of this writing, 30 kids are being served by the curfew program. The program serves approximately 65 kids each summer in the ten-week program. Another 70 or so youth and families are served in the winter through the truancy component.

CLOCK Funding

The CLOCK program has remained relatively stable since its inception because of a grant provided by the Family Independence Agency. The Family Independence Agency is Michigan's public assistance, child and family welfare agency. It directs the operations of public assistance and service programs through a network of over 100 family independence agencies in every county in Michigan. The program is located in and run by the Boys and Girls Club in Edison Neighborhood, but is open to all city youth. Funding for the program is not permanent, however. It runs out in April 2005. Prosecutors are actively seeking additional sources of funding to keep the CLOCK program alive.

The CLOCK program is also part of the community prosecution leadership initiative under the Juvenile Balanced and Restorative Justice project. The leadership grant provides funds for a community service supervisor to coordinate and work alongside the youth who are ordered by CLOCK to perform community service.

Setting the CLOCK in Motion

The CLOCK process is set into motion when a police officer apprehends a juvenile for violating the state's curfew or other quality-of-life law. The officer then brings the youth to the center and spends some time with staff there to positively identify the youth and contact his or her parents. While waiting for parents to arrive, the staff interview the youth and seek information about his or her family and school situation.

Once the youth's parents arrive, a citation is issued which requires the youth and his or her parents or guardians to come back to a community court that is located at the center. In almost all cases, the community court requires the youth to participate in a juvenile diversion program. Youth are required to sign a contract, and if they complete the term of their service (which often includes community service), their file is discarded and they no longer carry a criminal record.

Community conferences, or community impact panels, are conducted for CLOCK participants. Additionally, residents of Edison, youth workers, community police officers, and neighborhood prosecutors share with the students their perspectives of how curfew, truancy, and quality-of-life offenses impact the community and the students themselves. Participants also benefit from an on-site assessment of personal, family, and school issues, and each receives an individualized program plan.

CLOCK's day-to-day operations no longer rely on constant prosecutor involvement. But Hayter is currently the chair of the CLOCK steering committee, which means that she has oversight responsibility with respect to program operation. The neighborhood prosecuting attorneys also take turns in the summer and, once each week, appear at the CLOCK diversion court. They also teach a class for the CLOCK kids called "Street Law."

Problem-Solving: Monitoring Probationers

Another problem-solving effort is patterned after Boston's Operation Nightlight. Nightlight pairs police officers with probation officers to conduct enhanced monitoring of probationers. Kalamazoo's program is called NEAT, which stands for Neighborhood Enforcement and Assistance Teams. These teams represent a collaborative effort between the Prosecuting Attorney's Office, the police department, probation/parole and the faith community.

NEAT came to pass after Ramie Almeda researched options for making the most significant dent in criminal activity. He spent time talking to probation and parole officers. He also consulted Kalamazoo's hot spots forms. Almeda was also familiar with the claim in the criminological literature that a small percentage of people are responsible for a disproportionate amount of crime. When he put the pieces together, it was clear that his focus should be on probationers and parolees, and that he should begin his effort in the Edison neighborhood.

The NEAT Process

The NEAT teams' primary objective is to make unannounced visits to the homes of probationers and parolees. They check for conformance with conditions of probation and also seek to ensure that probationers/parolees are receiving the treatment and/or services they require. In addition, the teams ask family members and other individuals on site if they need assistance, and they make referrals to other agencies (such as treatment facilities) as needed. To date, the NEAT teams have visited 165 probationers and parolees as well as approximately 200 family members.

The NEAT teams work in basically two forms. Once each month, a countywide sweep is conducted. This consists of participants from parole, probation, the police department, and the prosecuting attorney's office. Then, every other week or so, a "mini NEAT" team goes out into the Edison neighborhood. This team consists of an assistant prosecuting attorney, police officers, and a housing inspector. Their role is to target blighted housing and trash. The team notifies property owners of their responsibility to clean up problem properties, then the team returns two weeks later to check for compliance. The mini NEAT teams do not resemble the regular NEAT teams because they do not involve parole and probation officers, but they came to pass after community prosecutors realized that to make neighborhoods safer, it would be necessary to target more than just probationers and parolees.

A Voluntary Program

NEAT has faced its share of obstacles because participation in the program is entirely voluntary. That is, the people involved with NEAT teams are not assigned to their positions; they work with the teams in their spare time. Add to this the difficulty of coordinating the schedules of officials from various agencies, and the ability of the NEAT teams to get out into the community can be compromised. Fortunately, to date the NEAT teams have been able to settle on a specific time each week, so that all involved can work around other scheduling conflicts. Everyone involved now sets aside a four-hour period every other Wednesday during which to participate in the program.

Evaluating Community Prosecution in Kalamazoo

Kalamazoo's community prosecution efforts have recently been evaluated by researchers at Michigan State University.⁹ Researchers there examined the effect of all Kalamazoo's community prosecution strategies, including NEAT and CLOCK, that operated in the Edison neighborhood during the winter and spring of 2002. Several data collection methods were used, including telephone interviews, community impact statements (forms available on the internet that residents complete to alert prosecutors to problems in Kalamazoo neighborhoods), and site visits. The researchers also collected official crime statistics in order to determine whether the program had an effect on crime rates in the city.

John McCluskey, Timothy Bynum, and David McDowall, the authors of the evaluation, concluded that the program was associated with a statistically significant decline in specific types of serious crime. For example, citywide robberies dropped from an average of 1.32 per week prior to the intervention to 0.87 per week after community prosecution was put into place.¹⁰ Residents who responded to surveys also claimed that the program worked. "There are beautification projects and more overall friendliness," one pointed out.¹¹ The authors of the evaluation also concluded that "the community 'rescued itself' with direction from prosecutors who marshaled resources to combat a predatory landlord, established effective system components for dealing with chronic curfew violations, and encouraged the reinvestment of external resources in the community."¹² All in all, their evaluation of the program was favorable.

⁹ John D. McCluskey, Timothy S. Bynum, and David McDowall *Building Community Capacity: The Case of Neighborhood Prosecution*, Michigan State University (May 2004) (unpublished study on file with author Worrall).

¹⁰ *Id.* 33.

¹¹ *Id.* 18.

¹² *Id.* 26.

Lessons

Kalamazoo is in the unique position of being able to provide several important community prosecution lessons. Prosecutors there began the program as little more than an idea, and they gained several insights along the way.

Strive for Initial Successes and Stay Focused

Ramie Almeda feels that it is important to “have initial successes.” Any modest improvement can convince the parties involved to stay committed to the project. That is because, in his view, “people want to see results, not talk.” Dave DeBack raises the exact same point: “It is not necessary to look at society-wide problems, DeBack reports. Instead, “look at the block, street, and other localized problems that neighborhood residents identify.” This approach, he feels, has the greatest chance of success and is likely to convince residents that community prosecution can work.

Be Creative with Funding, But Not too Creative

Funding is an important component of any vital community prosecution program. Karen Hayter suggests that in order to keep community prosecution alive, it is important to be creative with funding. This can involve applying for grants that do not contain a direct community prosecution focus but that can nevertheless be used to support creative prosecution strategies. Kalamazoo’s Project Safe Neighborhoods grant serves as evidence of this thinking.

Dave DeBack raises a critical point, though. He notes that grants typically contain specific requirements. For example, Project Safe Neighborhood grants obviously require a heavy focus on prosecuting gun crime cases. He points out that care needs to be taken when seeking funding so that the moneys do not force community prosecutors off the streets. Gun prosecutions require that prosecutors spend a fair amount of time in trial, which can limit their time spent in the community. It is necessary, then, to secure funding that can move community prosecutors out into neighborhoods where they can work closely with residents, responding to their needs and wants.

Selling the Program to Those Who Control the Purse Strings

Karen Hayter urges that community prosecutors sell their programs and convince those who control the purse strings that community prosecution can work. To this end, any convincing crime reduction numbers and cost savings estimates should be brought to the attention of county supervisors, city council members, and other government officials who allocate funding to law enforcement. Hayter and her colleagues hope to bring the Michigan State University evaluation to the attention of funding sources because it demonstrates—with independently-collected data—that community prosecution can reduce crime and improve targeted neighborhoods.

Jurisdiction and Contact Information

Jurisdiction: Kalamazoo County, Kalamazoo, Michigan

Prosecuting Attorney: James J. Gregart

Kalamazoo County Statistics:

Population: 238,603

Size: 580 square miles

Population Density: 425 per square mile of land

City of Kalamazoo Statistics:

Population: 77,145

Size: 25 square miles

Population Density: 3,125 per square mile of land

Top Public Safety Concerns: Quality-of-life problems, street-level drug dealing, and truancy.

Unique Features: Kalamazoo’s community prosecution program consists of four Neighborhood Prosecuting Attorneys who work the entire city and township of Kalamazoo.

LESSONS FROM THE FIELD

Funding: Bureau of Justice Assistance, Project Safe Neighborhoods, Weed and Seed, in kind contributions of offices, phones, etc., from neighborhood associations; and County of Kalamazoo grant matching funds.

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KINGS COUNTY (BROOKLYN), NEW YORK

Prevention and Collaboration

Brooklyn’s community prosecution efforts began when Charles “Joe” Hynes was elected Kings County (Brooklyn) District Attorney in 1989. At the time, the term “community prosecution” was not in many district attorneys’ vocabularies. But much of what has been implemented in the most populous borough of New York City in the early 1990s is indeed community prosecution as it is defined today. Under Hynes’s leadership, the Kings County District Attorney’s Office began to focus on addressing quality-of-life offenses, reducing recidivism, increasing public confidence in the justice system, and strengthening relationships between the community, the D.A.’s Office, and the police.

The Kings County District Attorney’s Office’s approach to community prosecution is largely animated by two ideas. One is that district attorneys should not just respond to crime after the fact, but also work to prevent it. This notion has led to the creation of several programs in the D.A.’s Office that try to target crime at its roots—by working with truant young people to get them involved in constructive activities, for example, or by linking drug-addicted offenders with substance-abuse treatment.

The other idea underlying the Kings County approach to community prosecution is collaboration. The District Attorney’s Office has developed partnerships with the police, government (city, state, and federal) law enforcement and social service agencies, community-based organizations, neighborhood leaders, and citizen groups, all of whom play a role in numerous initiatives that the D.A.’s Office has launched.

These two ideas—prevention and collaboration—have inspired many initiatives during Hynes’s years in office. Hynes, for example, reorganized the office so that many prosecutors are assigned to specific geographic areas or neighborhoods. This change was made not only to streamline the traditional prosecution of cases but also to promote collaboration by fostering better relationships between prosecutors and stakeholders in their assigned neighborhoods. In addition, Hynes was the chief law enforcement officer behind the establishment of the Red Hook Community Justice Center, an experimental courthouse that promotes innovative solutions to difficult neighborhood problems, including drug use, prostitution, truancy, and domestic violence.

Reorganizing a Large Agency

Shortly after Hynes was elected, he organized many of the more than 400 prosecutors in his office into five zones. He was later able to persuade court officials to reorganize the court parts according to these geographic areas and neighborhoods. His goal was to make the borough’s unwieldy size, nearly 2.5 million people concentrated in 97 square miles, more manageable. “By dividing the population into five zones and by reducing land mass, you had some control over what was going on,” Hynes said.

He also saw in zone prosecution an opportunity to make the office more efficient. Prosecutors were expected to follow felony cases from grand jury presentation through sentencing—that is, to prosecute cases “vertically” rather than hand them from prosecutor to prosecutor as a case progressed through various stages. To this day, every effort is made to ensure that cases are prosecuted vertically in each of the zones.

Vertical prosecution has several advantages, according to Anne Swern, Hynes’s counsel. “Staff members have contact with the witnesses from the outset of the case, thus establishing a relationship which promotes greater confi-

dence in the system; weaknesses are addressed early on; the need for additional investigation is recognized at an earlier stage and is undertaken, avoiding duplication of work done by another attorney; cases are better screened by an attorney who knows he or she is keeping the case; and it provides better leverage with plea bargaining when the attorney knows the details of the case from the outset,” she said.

Despite the large numbers of people who live and work in each zone, the Kings County District Attorney’s Office has still managed to get close to the community. “There is much greater familiarity with community concerns, in part, because we attend all community meetings and become known by the members of the community,” Swern said. In addition, “we discuss specific neighborhood issues, so the members of the community believe that we are knowledgeable and thus are addressing their concerns,” she said.

Zone prosecution has also led to greater familiarity between prosecutors and the New York City Police Department. “Police officers from a single precinct or neighborhood come to an ADA’s office on several cases at a time,” Swern said, “and the bureau chiefs in each zone have much closer working relationships with the brass from four to six precincts instead of all 23 precincts in Brooklyn. Additional investigatory work can also be easily accomplished with calls to the local police precinct because requests for additional work are not made by anonymous staff without an understanding of resources or priorities, but instead by those who have a relationship with and detailed knowledge of the issues facing the precinct and its commander.”

Offenses handled by zone prosecutors include burglary, assault, robbery, grand larceny, drug sales, auto larcenies, and others. The office also maintains non-zoned bureaus for homicides and for serious sex crimes, domestic violence, crimes against children, gangs, major narcotics investigations, and some other offenses. Several of these non-zoned bureaus consist of relatively few personnel and, as such, would spread experts too thinly if they were required to follow the zone prosecution model. These prosecutors with subject matter expertise work closely with zone prosecutors with community expertise for the best of both worlds. Zone prosecutors are temporarily assigned to specialized bureaus for certain specific community related matters, e.g. major narcotics investigations.

The Brooklyn District Attorney has a number of office-based programs addressing such diverse issues as crimes against seniors, reentry of prisoners, teen prostitution, truancy, domestic violence, and mental health that exemplify Hynes’s approach to community prosecution. What follows are two examples.

Problem-Solving: Drug Treatment for Predicate Felons

Hynes started the Drug Treatment Alternative-to-Prison program in response to an alarming increase in drug arrests in Brooklyn in the 1980s. The importance of dealing with drug-addicted offenders had been obvious to Hynes even before he entered office. Hynes had grown up in the Flatbush section of Brooklyn and watched drug-linked crime overrun once safe and beautiful neighborhoods. Brooklyn was one of the most violent places in the country, with over 700 murders during 1988 and 1989 and 129 children shot to death the year after Hynes was first elected.

“By the time I ran for office my house had been burglarized four times in five years. Three of my five kids had been assaulted. I took to going to the store—I always got up early—at 6:00 a.m. with either a baseball bat or a golf club,” Hynes said. Once elected, he promised an audience at his swearing-in ceremony that he would reduce crime.

The first problem he targeted was crack, but instead of pursuing traditional prosecutions against dealers and customers, he solicited advice from experts like Susan Powers at the Vera Institute of Justice, who persuaded Hynes to

adopt a drug-treatment approach. This advice fit well with Hynes's personal belief that enforcement alone is ineffective. "The easiest thing to do is put people in jail," he said. "The real challenge is to keep public safety at a level that is acceptable to the people you represent, and I believe that fundamentally you do that by recidivism reduction."

The result was the Drug Treatment Alternative-to-Prison Program, or DTAP, which diverts drug offenders into treatment on the premise that addressing the addiction will reduce the likelihood that the offender will commit more crimes down the road. "Prison-building our way out of the drug problem is not the way to go," Hynes said.

For its first nine years, DTAP offered deferred prosecution to defendants arrested during "buy-and-bust" encounters who had previously been convicted of a nonviolent felony. To participate, defendants had to complete 15 to 24 months of intensive residential drug treatment and vocational training. Those who were unwilling or unable to complete the treatment program risked the continuation of the criminal action, which would likely result in a prison sentence for those defendants who pleaded guilty or were convicted after trial.

The DTAP program targets predicate felons because they usually have more serious drug problems and stand to gain the most from treatment. In addition, they usually face significant prison time, giving them an incentive to participate and do well. Also, if their past behavior is a guide, they're likely to re-offend unless they receive effective treatment, according to Swern.

A Shift to Deferred Sentencing

In January 1998, DTAP changed from a deferred prosecution program to a deferred sentencing program. In other words, instead of holding the charges in abeyance, prosecutors now obtain guilty pleas from DTAP participants before they enter the program. And since most DTAP participants are second-time predicate felons, they face mandatory prison sentences of four and one-half to nine years under New York State's second felony offender law. However, the heavy sentence is deferred pending successful completion of the program, at which point the defendant's guilty plea is withdrawn and charges are dismissed. Those who fail in DTAP are brought back to court by the district attorney's special warrant enforcement team and the sentence is imposed.

The D.A.'s Office prefers deferred sentencing over deferred prosecution because it allows them to offer long term residential treatment to many more offenders, not only those facing a buy and bust drug sale. Additionally, it provides a guaranteed result, thus saving scarce resources—either the offender successfully completes the program or goes to prison. That said, not all DTAP failures are automatically sent to prison. Treatment of drug addicts is a recovery process in which relapse and adjustment problems are often part of successful rehabilitation, and thus, the District Attorney's Office determines—on a case-by-case basis—whether someone should be readmitted to the program. Still, the very tangible threat of incarceration provides an even greater incentive for offenders to succeed with treatment.

DTAP participants are chosen after careful review by a special team of district attorneys who review the candidates' rap sheets and the facts of each case. In addition, a warrant enforcement team, comprised of detectives who work in the D.A.'s Office, also investigates all potential candidates. The team verifies contact information of the defendant's family and friends, most often by actually visiting them in the defendant's neighborhood. This background investigation has several positive outcomes. First, it ensures that a defendant who absconds from treatment can be quickly found and returned to court, thus minimizing any risk to the community. Second, it can uncover a violent history that is not reflected in the rap sheet and that would make the candidate unsuitable for community-based treatment. Third, it helps to involve the defendant's family and friends in the treatment process and prompts them to support the defendant's entry and completion of treatment. Fourth, it enhances the relationship between criminal justice personnel and community members.

Eligible participants are then screened by staff at the Education and Assistance Corporation's Treatment Alternatives to Street Crimes program, an independent non-profit organization that determines whether the defendant is drug dependent, is willing to participate in a therapeutic community model, and does not have a history of violence or serious mental disorders (for which the DA's Office provides a separate program). Treatment Alternatives to Street Crime staff then assign the defendant to an appropriate treatment facility. Once DTAP participants enter treatment, the treatment facilities have the discretion to expel participants for relapses or breaking rules.

What the Research Shows

The National Center on Addiction and Substance Abuse at Columbia University in 2003 released an extensive evaluation of the DTAP program.¹³ The study, which was funded by the National Institute on Drug Abuse, was designed to assess the benefits of residential treatment for repeat felony drug offenders compared to the traditional approach of prosecution, sentencing, and incarceration.

One of the study's findings is that DTAP graduates have re-arrest rates that are 33 percent lower and re-conviction rates that are 45 percent lower two years after completing the program than those rates of a comparison group two years after leaving prison.¹⁴ DTAP graduates are 87 percent less likely to return to prison after two years, the study found.¹⁵

The study further found that program's results are achieved at about half the cost of incarceration—\$32,975 versus \$64,338.¹⁶ In other words, the study shows it is about half as costly to put an offender through treatment as it is to put the same person in prison.

Problem-Solving: The Red Hook Community Justice Center

Hynes's approach to community prosecution has also found a home in the Red Hook Community Justice Center, a courthouse created through a unique collaboration between the D.A.'s Office, the New York State Unified Court System, the Center for Court Innovation (CCI)¹⁷ and the City of New York. Hynes called for the creation of the Red Hook Community Justice Center following the 1992 murder of a local elementary school principal, Patrick Daly, who was caught in the crossfire of a drug-related shootout. Red Hook was geographically isolated, plagued with high crime and poverty levels, and was reeling from Daly's murder. In addition, Hynes felt that Red Hook residents' mistrust of the justice system was fueled, at least in part, by the physical distance between the neighborhood and the downtown location of the D.A.'s Office and courthouse, and that the creation of a community court could help build trust and also help solve some of the crime and safety problems that led to Daly's killing.

Hynes's call for action was matched by the enthusiasm of the state's chief judge, Judith S. Kaye, who was already committed to the neighborhood court model. At the time, the only other community court in the country was across the East River in Manhattan: the Midtown Community Court, which opened its doors in October 1993. The Midtown Court, created under the direction of Kaye, was founded on the belief that the court system could improve public confidence in justice and make neighborhoods safer by engaging the community as an active part-

¹³ The National Center on Addiction and Substance Abuse (CASA) at Columbia University, *Crossing the Bridge: An Evaluation of the Drug Treatment Alternative-to-Prison (DTAP) Program* (The National Center on Addiction and Substance Abuse (CASA) at Columbia University, New York, March 2003).

¹⁴ *Id.* at 6.

¹⁵ *Id.*

¹⁶ *Id.* at 11.

¹⁷ The Center for Court Innovation is a nonprofit organization that 'functions as the New York State Unified Court System's independent research and development arm, investigating chronic problems and field-testing new programs in response at www.courtinnovation.org/center (Last visited August 25, 2004).

ner in its work. The Midtown Community Court represented a sharp departure from the previous centralized court system by bringing a courtroom back into the neighborhood, where the judge and other staff focused on quality-of-life offenses, such as prostitution, illegal vending, graffiti, shoplifting, fare-beating and vandalism—the kinds of offenses that typically received little attention even though they had a tremendous impact on the life of the community. The Midtown Community Court sentences low-level offenders to pay back the neighborhood through community service while at the same time offering them help with problems that often underlie criminal behavior.

Like the Midtown Court, the Red Hook Community Justice Center has an array of sanctions and services at its disposal, including community restitution projects, on-site job training, drug treatment and mental health counseling—all rigorously monitored to ensure accountability. The Justice Center expanded on the concept in several ways. First, the D.A. agreed to prosecute the cases through disposition, not just for purposes of arraignment. Second, it added a new ingredient to the mix: a multi-jurisdictional courtroom. Instead of handling just criminal cases, the Justice Center judge hears family and housing cases, too. The goal of the multi-jurisdictional setting is to offer a coordinated, rather than piecemeal, approach to people's problems. The courthouse also serves as the hub for an array of unconventional programs, including 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.

From the beginning, the D.A.'s Office played a central role in the Justice Center's development. Working with CCI, the D.A.'s Office applied to the New York City Housing Authority for funds to support a needs assessment. Together, the D.A.'s Office and CCI's community court planner, Greg Berman, put together focus groups of community stakeholders, built support for the project, found funding and developed programming. "The D.A.'s early endorsement lent the project immediate credibility and opened many doors that might otherwise have remained closed," Berman wrote of the experience.¹⁸

Today, the Justice Center, which opened in 2000, adjudicates some 4,000 criminal cases annually. Three attorneys, an investigator and three support personnel from the D.A.'s Office are assigned to the Justice Center full-time. The D.A.'s Office has also helped create and sustain the Red Hook Public Safety Corps, an AmeriCorps volunteer program housed in the Justice Center that, under the supervision of a D.A.'s employee, for eight years has put a cadre of 50 people to work on safety projects, including patrolling housing projects, repairing broken locks and other signs of disorder, and working with victims of domestic violence.

The prosecutors at the Red Hook Community Justice Center rely heavily on creative sentencing strategies and non-traditional approaches to crime. Prosecutors attempt to find the underlying reason for the crime and to craft sentences that reflect the concerns of the victim and the needs of the community while also contemplating educational and rehabilitative needs of the defendant. For example, when confronted with an extensive drug problem in Red Hook's large public housing developments, prosecutors began offering drug treatment more frequently in plea negotiations. Incorporating the best practices of the DTAP Program, whenever possible, a post-plea, deferred sentence model is used.

At any given time, the Justice Center monitors over 100 defendants in court-mandated treatment, usually for low-level drug offenses. Justice Center staff discuss the progress of each offender at weekly meetings (staffings), making adjustments to the treatment plan, as necessary. The judge, prosecutors, defense attorneys and clinical and administrative staff attend these staffings. The Justice Center relies on a computer application developed by the CCI to monitor each defendant's compliance and progress. This web-based application allows service providers to manage client and case information including client assessments, service delivery, compliance tracking, and outcomes. This

¹⁸ Greg Berman, *Red Hook Diary: Planning a Community Court*, 5 (Center for Court Innovation 1998).

system, in conjunction with the weekly staffings, ensures accuracy and accountability.

Prosecutors also began evaluating offenders, including those charged with trespassing, prostitution and other offenses for potential referral to drug treatment. The Housing Authority agreed to post more “No Trespassing” signs in the apartment complexes and prosecutors began conducting training for police officers to improve the quality of charging instruments 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.

In addition, the Justice Center created a Tool Kit Committee, which brings together on a monthly basis representatives from the D.A.’s Office, the Police Department, Housing Authority, government agencies and community groups to discuss neighborhood problems as they arise. The Justice Center’s multi-agency “team” approach represents a radical departure from prosecutors’ historically reactive methods of dealing with crime. Prosecutors play an essential role in coordinating activities at the Justice Center and also participate in task forces and community events designed to target crime problems and improve safety.

Lessons

Officials at the Kings County District Attorney’s Office have learned several important lessons from their efforts to integrate a community prosecution philosophy into one of the larger offices of its kind in the United States.

Educating Staff

Gerianne Abriano, bureau chief of the Red Hook Community Justice Center, is convinced that the education of new staff is important to the success of any community prosecution program. Abriano feels that many new hires come to the job with little understanding of what community prosecution is and how it is practiced. “Until law schools thoroughly integrate community prosecution into their curricula, it is inevitable that prosecutors fresh out of law school will have only a traditional view of what a prosecutor is responsible for doing,” she said.

“Part of their initial training as prosecutors should be to educate them with regard to community prosecution,” she said. They should learn about “alternatives to attacking crime,” and this can only come through orientation and continuing education concerning the merits of community prosecution.

Improving Communication with Police

Prior to Abriano’s service at Red Hook, when she was working for the D.A.’s Office at the Brooklyn Treatment Court, she realized that some police officers were not always in favor of treatment for drug offenders. But when she was able to explain to the officers that many offenders plead guilty to top-count offenses as a “motivator” to complete treatment and that many were facing jail if unsuccessful at treatment, they began to realize that treatment is not necessarily soft on crime. Now she is in regular communication—mostly by telephone—with several

NYPD officers, including precinct captains, some of whom ask her to consider treatment for specific offenders. They regularly communicate and share information with one another concerning the status of several cases. She now feels that this communication is essential to the survival of any community prosecution program.

Engaging the Community

Brooklyn’s community prosecutors are convinced that community engagement is the key to successful crime prevention. And successful engagement starts when prosecutors focus on concerns expressed by the community, Hynes said. “When the community sees us addressing their concerns and that our approach to criminal justice is very, very different, they respond with renewed confidence in the criminal justice system,” he said. Convincing the community that, for specific offenders, treatment is better than prison, pays huge dividends in his mind. But convincing the community of this does not come easily. People need to be shown that, sometimes, offenders who do not receive the treatment they need will return to the community, only to offend again.

Swern also highlights the importance of engaging and listening to the community. She is convinced that doing so is possible even in the largest of prosecutors’ offices in the largest of cities. One of her mantras—and, indeed, one of the office’s mantras—is “if it matters to the residents, it matters to us—even if we don’t prosecute.” She feels that it is critical for prosecutors to “go into the community and learn what [the residents] they want.”

In a similar vein, Lance Ogiste, the Director of the Community Relations Bureau, emphasizes that community prosecution “can’t be a one-time contact.” Rather, regular connections to the community must be made. This contact, he feels, “can only help the District Attorney’s Office” because it informs prosecutors about the dimensions of the crime problem and quality-of-life issues expressed by residents.

The Kings County District Attorney’s Office engages the community in several ways. Prosecutors attend community meetings; participate in programs such as Legal Lives (which sends prosecutors into schools to teach fifth graders about the criminal justice system); and—due largely to zone prosecution—work more closely with community members and the New York City Police Department. They have also initiated a large prison reentry partnership with law enforcement agencies and community-based service providers to address the thousands of previously incarcerated individuals returning to Brooklyn’s neighborhoods.

Jurisdiction and Contact Information

Jurisdiction: Kings County (Brooklyn), New York

District Attorney: Charles “Joe” Hynes

Kings County Statistics:

Population: 2,465,326

Size: 97 square miles

Population Density: 34,917 per square mile of land

Top Public Safety Concerns: Violent crime; domestic violence; drug crime; quality-of-life offenses (for the Red Hook Community Justice Center)

Unique Features: Integrated approach to community prosecution, including Community Relations Bureau, Alternative Programs Bureau, Zone-based trial bureaus, and several freestanding programs and specialty courts such as the Red Hook Justice Center, Mental Health Court and Domestic Violence Court.

Funding: Tax levy and BJA grants

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MARION COUNTY (INDIANAPOLIS), INDIANA

Enduring Under Three Administrations

Community prosecution in Indianapolis has grown under not just one administration but two, and is now continuing to expand under a third.

Former Marion County Prosecutor Jeff Modisett established the program in the early 1990s, placing deputy prosecutors in each of two police district headquarters on a part-time basis. These soon developed into full-time positions. His successor, Scott C. Newman, expanded the program to four of the city's five police districts. In turn, his successor, Carl Brizzi, elected in 2002, has enlarged the program further, assigning a prosecutor to work on problem-solving in the county's suburbs.

County Prosecutor Brizzi did not need to be convinced of the value of community prosecution. It was, in fact, part of his election platform. In campaign literature, Brizzi called community prosecution "highly effective" because it "broadens the mission of prosecution from simply prosecuting to preventing and reducing crime."

Brizzi, who worked in the Marion County Prosecutor's Office for several years in the 1990s, said he learned about the value of community prosecution from hands-on experience. "I was chief of gang prosecutions, which was a unit that was as close as any could be to a community prosecution unit." Like the office's Community Prosecution Division, the Gang Unit had a satellite office, emphasized partnerships (with, for instance, the FBI, county officials and the Police Department) and encouraged vertical prosecution, Brizzi said.

For Brizzi, one of the most important goals of community prosecution is to give "the members of our community a greater voice in solving the problems in their neighborhoods. The problems in their neighborhoods are unique and law enforcement can't solve them by itself."

Building Partnerships with Law Enforcement

Over time, community prosecutors in Indianapolis have developed working relationships with a broad range of city agencies, most notably the police. Four teams—each consisting of a community prosecutor and a paralegal—are based in police stationhouses where they work side by side with police officers, advising them on how to make cases more air-tight, updating them on changes in the law, and offering on-the-spot counsel via police radios, which all community prosecutors and paralegals carry.

Trust, however, was not cultivated overnight, according to Melinda Haag, the unit's first supervisor. "When we first went out, police thought we were spies," she said. "It wasn't tough to get the office space [in the police districts' headquarters] but it was hard to get them to trust us."

The distrust was based on a long history of friction. The police used to blame prosecutors when charges were dropped, saying, "They won't file it. The downtown [prosecutor's] office is the problem," said Major Tim Horthy of the Indianapolis Police Department. As for prosecutors, they often felt cops didn't know enough about the law, turning in poorly investigated cases that couldn't be prosecuted.

Having a prosecutor and a paralegal stationed in each district headquarters, however, has helped mend fences. The cops, for example, have begun to see the prosecutors as allies rather than "suits" who gum up the works, Horthy

said. Although some cops may resent a prosecutor's insistence on an "iron-clad case," as Horty puts it, they're now more willing to do the extra work that prosecutors need. "If knocking on three more doors, or writing down the lighting or marking down temperature and humidity will get it to stick, why not do it because it takes hours to do it later, or they call you at home when you're sleeping," Horty said.

To cultivate partnerships with other law enforcement agencies, Michelle Waymire, the current supervisor of the community prosecution division, participates in the Indianapolis Violence Reduction Partnership, a coalition including the U.S. Attorney's Office, FBI, Bureau of Alcohol Tobacco, Firearms, and Explosives, and local departments of probation and parole. Waymire also participates in the Indiana Project Safe Neighborhood task force. In addition, the Community Prosecution Division is developing a database to map community complaints, which will make it easier to identify hot spots and share information with other enforcement agencies, said Diane Hannell, administrator for the division. Crime statistics provided by the Police Department as well as day-to-day feedback from officers also help prosecutors identify problems and develop new strategies.

In addition to the prosecutor-paralegal teams assigned to four of the Indianapolis Police Department's five districts, the 16 person Community Prosecution Division includes a prosecutor assigned to work with the County Sheriff's Department, which covers the suburbs; a prosecutor, paralegal and conflict-resolution services coordinator assigned to the Indianapolis Community Justice Center; a school-based juvenile accountability coordinator; a special projects paralegal; a nuisance abatement/narcotics eviction investigator; and a prosecutor and paralegal who supervise the entire unit.

Community Prosecutors as Ambassadors

Geographically-assigned prosecutors regularly attend community meetings, including crime watch gatherings, block club meetings, business and neighborhood association meetings and meetings under the federal Weed and Seed program.

Brizzi said community prosecutors in effect serve as "emissaries" for the entire office. "We have over 130 prosecutors and most only venture out of the main office or the city-county building where the courts are located, to look at crime scenes or go out and investigate with law enforcement," Brizzi said. In comparison, "the community prosecutors are ambassadors. They're interacting with the public and I think generating a very positive image for the office, which translates into better cooperation with law enforcement."

Many community residents say that what pleases them most about the community prosecution program is that it gives them better access to the prosecutor's office. "The prosecutor is so distant in normal cases where they're in the downtown office. You might see them when you go to court and that's it. But I know here if I have something that needs to be addressed by a prosecutor, I can call over there [to the district office] and I'm on a first-name basis," said Pam Cole, vice president of the Northwest Neighborhood Association Cooperative Inc., a coalition of seven neighborhood associations. The Rev. Jay Height, president of a local business association, calls the community prosecutor in his area "a sales rep" for the prosecutor's office, but with all the positive connotations the words imply: someone who offers personal service, putting a face on a potentially anonymous and distant organization.

In addition to working on solving problems in their districts, Brizzi encourages the entire community prosecution team to take "a global approach." One result has been the development of a school curriculum called EKG, which stands for "Educating Kids about Gun Violence." Community prosecutors are also developing a mentor program in an Indianapolis middle school. "Someone said to me once, 'Why is a prosecutor spearheading mentoring pro-

grams?’ And I said ‘Because mentoring is one of the sure ways to prevent kids from getting involved in drugs and drinking,’” Brizzi said.

Brizzi’s office also works closely with the Indianapolis Community Justice Center, which opened in May 2001. The Justice Center is housed in a former bank building and is home to a community court (which handles cases involving low-level offending), an environmental court, and offices for probation, parole and conditional release. The prosecutor’s office spearheaded the development of community court. The community court catchment area includes parts of the East and South police districts. Misdemeanor offenders are often sentenced to work in the community and are also linked to social services, many of which are housed in the Justice Center.

The community prosecution team has developed a number of effective solutions to long-standing problems, such as prostitution, nuisance properties, gun crime and juvenile delinquency. What follows are closer looks at how the Community Prosecution Division has addressed two particularly persistent problems—prostitution and nuisance properties.

Problem-Solving: Prostitution

Community input played a major role in the development of the Red Zone Program, which addresses prostitution in the city’s East District. Waymire and Hannell, who were both originally assigned to the East District, launched the program in response to numerous complaints from both business leaders and community residents. “Prostitution was hurting businesses. [Their] employees couldn’t walk across the street without fear of being propositioned. The same was true for their customers,” Hannell said. “Indianapolis had the highest rate of syphilis in the country, so it was part of a significant health problem, too.”

Representatives of the prosecutor’s office, police and community members sat down together to hammer out a response. “There was recognition that many prostitutes do it because they have addictions, so we thought we had a better chance of having an impact if we focused on the customers,” Waymire said.

The resulting diversion program offers first-time offenders a chance to avoid a conviction by participating in a full Saturday of activities.

Participants must first admit that they’ve patronized a prostitute. They are tested for syphilis and then spend a morning listening to a Health Department presentation about sexually transmitted diseases. They also participate in a neighborhood impact panel during which area residents talk about the effects prostitution has on their community. “The panel is basically volunteers from the neighborhood who get to say things like, ‘Hey, I live here. My kids have to deal with it. You’re using our park where our kids play,’” said the Rev. Jay Height, who participated in planning the program. At the first impact panel, offenders also heard a woman describe how the arrest of her husband several years ago for patronizing a prostitute hurt her family.

Brizzi himself sometimes speaks to offenders. “I tell them it’s not a victimless crime. The women are victims and the community is a victim, and they’ve violated the trust of their families, kids, girlfriends. I tell them this is an opportunity to get their lives together,” Brizzi said.

Waymire, Height and others who developed the Red Zone Program felt it was important that offenders “pay back” the community for the harm caused by their offending. Thus, in the afternoon, the offenders, wearing orange vests to identify them as program participants, pick up garbage in the neighborhood where they were arrested, as part of clean-up crews. “We have them clean up major thoroughfares in our area, pick up garbage, and

local community groups supervise,” Height said. Offenders also agree to stay outside a one-mile radius from where they were arrested, with waivers available for those who live, work or otherwise have a valid reason to be there. Offenders must avoid committing any additional criminal offense over the next two years or face the possibility of being re-charged in the prostitution case.

Police conduct regular stings to arrest offenders. The prosecutor’s office usually sets aside one Saturday a month for the Red Zone Program with anywhere from six to 30 offenders participating on a given day. Participants frequently begin the day “arms crossed and grumbling,” Waymire said, but by the end of the day many express contrition. In a survey completed at the end of the day, one participant wrote: “I’m glad I got caught. It kept me from a deviant lifestyle. The guilt and shame has been excruciating, yet beneficial. Thank you.”

In the East District, where the program began, 152 offenders participated over the course of the program’s first four years. The program has since expanded to the South and West police districts. While the Red Zone hasn’t eliminated prostitution, it does force hot spots to move—and the police stings to move with it. “The community loves it,” Waymire said. “Community members are seeing these offenders come back and do something to make their neighborhoods better.” Prosecutors also invite the media to attend their Red Zone weekends to help get the word out about the program and hopefully prevent future offending.

Height said the program reflects the fact that the vast majority of people who solicit prostitutes are not from the area. The point of the program, he says, is two-fold—“to show them that it’s not a victimless crime and to discourage them from coming back here.”

Problem-Solving: Nuisance Properties

One of the larger problems confronting community prosecutors in Indianapolis is “nuisance properties”—houses in residential areas where crimes like drug dealing and prostitution, as well as code violations, such as excessive noise or garbage in the yard, occur. At first glance, these offenses might appear to be relatively minor. But, they were drastically impacting the quality of life for residents of those neighborhoods. Prosecutors knew it was a major concern because the subject came up again and again at community meetings, Waymire said. “We also asked police where they were spending a lot of their time, and learned that problem properties were a big issue for them,” Waymire said.

To get a better handle on the situation, prosecutors mapped the location of problem properties using feedback from residents and police. They then visited some of the sites to get a first-hand impression. They found that irresponsible tenants occupied some of the properties, others appeared to be abandoned and used by squatters, and in others the owner-occupant was directly responsible for the problems.

“There were people in boarded up houses starting fires, tapping into electricity illegally, running extension cords from one house to another. The biggest problem was that these folks were hanging out and causing problems by loitering, dropping drug paraphernalia, harassing kids on their way to school,” Hannell said.

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 a conviction. And even if a sting is successful and the dealer is ultimately arrested, it may be more than a year before the dealer is taken to jail—if ever. Evicting a drug dealer who owns the property is nearly impossible. 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, seizing real estate requires authorities to rehabilitate the property and transfer ownership to a responsible party—something the prosecutor’s office hasn’t yet tackled, Waymire said.

A Cooperative Effort

Prosecutors in Indianapolis confronted these realities in 1996 in the form of a woman dealing marijuana out of her house despite repeated arrests. The charges weren’t serious enough to send her to jail for a significant period or pursue forfeiture. Still, complaints kept coming in from frightened neighbors about fights and people entering and leaving at all hours. Frustrated that conventional law enforcement couldn’t put an end to the problem, a city councilwoman convened a meeting that brought together the police, the prosecutor’s office and other government agencies to brainstorm a new approach. The result was a cooperative and comprehensive effort to address problem properties.

In the case of the marijuana dealer, 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. Indeed, they found that children in the home were being exposed to lead-based paint, providing sufficient grounds to “move out [the owners] until they corrected it,” said Mark McCleese, who runs the Narcotics Eviction Program in the prosecutor’s office. “And, of course, they had no intention of fixing it up, so we got rid of them that way.” Eventually, the woman defaulted on her mortgage and the subsequent owner razed the property.

Prosecutors learned from this experience that by partnering with other city agencies they could often accomplish what pursuing criminal charges alone could not. Ironically, a violation from the Zoning Department for illegally subdividing a property was often more effective than conventional law enforcement in leading to the eviction of tenants, improvements to the property, and, hopefully, an end to the neighborhood’s complaints.

Multi-Agency Sweeps

Community prosecutors now lead multi-agency sweeps when requested by law enforcement or when residents bring problem properties to their attention. During an average sweep, two inspection teams each go to about 10 houses that have drawn community complaints. The teams are led by a prosecutor or a paralegal and consist of representatives from Zoning and the Health Department. Additional personnel from other agencies, such as Animal Control, are also available as the need arises. Police also participate in addressing safety issues and conducting warrant checks. A health inspector usually approaches the property first, explaining to whoever comes to the door that they’d like to conduct an inspection of the property. If the occupant allows them in, a team of inspectors combs the property with flashlights and notebooks, looking for any possible violation.

Of course, not every problem property is targeted with a multi-agency sweep. But the prosecutor’s office does reach out to the landlord of any house that the police visit on a drug-related complaint. McCleese will either “make a phone call or send a letter to put them on notice that drug activity or suspected drug activity took place on their property,” Waymire said. McCleese will then help the landlord evict troublesome tenants or fix up the property. The Community Prosecution Division regularly holds landlord trainings to help prevent repeat problems. A paralegal also maintains a database of vacant houses. The database includes the number and type of complaints generated by each property as well as the official response, such as the number of arrests made, violations issued, and abandoned cars towed away.

From January 1996 to September 30, 2003, the office received 3,895 narcotic eviction referrals. Of those, 1,313 resulted in a tenant’s eviction. In other instances, troublesome tenants moved out voluntarily or the situation was resolved some other way, Hannell said.

Surviving without Federal Grants

Although the Community Prosecution Division has successfully survived three administrations and Brizzi is personally committed to community prosecution, it remains to be seen if it can survive without federal grants, which are time-limited.

The prosecutor's office is looking for new funding sources, including the possibility of drawing funds from non-governmental sources. "The problem is funding. There are so many projects that are worthwhile—community prosecution, community court, activities that focus on safety and crime prevention—but I think some of these projects are in real jeopardy. There's no fat in my budget, so the money has to come from somewhere," Brizzi said.

The division is also looking for ways to interact with the rest of the staff and in that way impart problem-solving principles that will survive whether or not sufficient funding can be found. Toward that end, the Community Prosecution Division plans to hold an informational session for the rest of the office, explaining what it does. Waymire also recently sent out an office-wide e-mail outlining the division's function and inviting other prosecutors to access its resources. Fortunately, Waymire feels the division is in a good position to "sell" its strengths because she, Hannell and the special-projects paralegal work in the main office. "We're very visible. Right now we're on the floor with the domestic violence division, and a lot of them didn't know what we did. Now they come to us when they need help tracking down officers, getting subpoenas served, [and] finding people in the community," Waymire said.

Lessons

The experience of the Community Prosecution Division in the Marion County Prosecutor's Office offers a number of important lessons for others interested in community prosecution.

First and foremost, the division has shown that it can survive a change in administration. Of course, there are no guarantees, especially in politics, but it was to the division's advantage that it was able to launch several successful programs, like the multi-agency sweeps and Red Zone Program, and EKG. Brizzi feels that each of these initiatives offers tangible relief to visible problems and has attracted the kudos of community activists.

The division has also demonstrated the value of basing prosecutors in police stationhouses. This is not only a low-budget way to station prosecutors in the community (since the police department does not charge the prosecutor's office rent) but it has helped foster stronger partnerships with the police. Sharing office space puts the community prosecutors and their paralegals in daily, routine contact with the police, encouraging them to share ideas, work jointly on investigations and problem-solving projects and learn from each other.

Flexibility is another characteristic of Indianapolis's community prosecution program. As the Red Zone Program and Narcotics Eviction Program demonstrate, different problems have led to the development of different solutions. In the case of nuisance properties, community prosecutors have turned to non-criminal agencies to help address the problem. By leading inspectors from various agencies on sweeps, they have found that they can have a more profound impact on long-standing community hot spots than they could through arrest and conventional prosecution activities. In the case of prostitution, the community itself has been the biggest resource. Relying on community members to participate in neighborhood impact panels and also supervise offenders' work service allows the prosecutor's office to stretch its resources while also giving community stakeholders a greater investment in the program and its outcomes.

Waymire feels that it's important that her staff also retain some traditional functions. For instance, community prosecutors screen cases and make charging decisions on cases from their districts. They also keep a small caseload, allowing them to prosecute vertically a case whose impact to the neighborhood might not have been understood or recognized by prosecutors in the downtown office. For instance, if police arrest someone who has a history of terrorizing a community, that case can be assigned to a community prosecutor who can prosecute the case from the beginning to end, including sentencing. To bolster the sentencing phase, the prosecutor can collect neighborhood impact statements, detailing how the offender has harmed the community, and thus have a better chance of eliciting a maximum sentence from the judge.

Jurisdiction and Contact Information

Jurisdiction: Marion County, Indianapolis, Indiana

County Prosecutor: Carl Brizzi

Marion County Statistics:

Population: 860,454

Size: 403 square miles

Population Density: 2,172 per square mile of land

City of Indianapolis Statistics:

Population: 791,926

Size: 373 square miles

Population Density: 2,161 per square mile of land

Top Public Safety Concerns: Methamphetamines, gun crime, gangs, terrorism, just punishment, public corruption, child safety, domestic violence, protecting seniors, prostitution, nuisance properties, reducing juvenile crime, outreach to children, child support, racial profiling and quality-of-life issues.

Unique Features: The Community Prosecution Division gives community members a greater voice in solving the problems unique to their neighborhood, provides prosecutors a greater opportunity to be proactive in fighting crime, changes the focus of prosecution from simply obtaining convictions to also solving neighborhood crime and safety problems.

Funding: The program is funded by a variety of federal sources. Nine employees are funded via a federal Office of Community Oriented Policing Services (COPS) grant administered by the Indianapolis Police Department. Other funding comes from a block grant administered by Drug Free Marion County and grants from the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Executive Office for Weed and Seed, and the Indiana Department of Corrections.

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MULTNOMAH COUNTY (PORTLAND), OREGON

‘Take Care of the Small Things’

Like most prosecutors, Multnomah County District Attorney Michael D. Schrunk came into office ready to do battle with the county’s most dangerous criminals. “I always thought if I took care of murders, rapes and robberies, I’d be a hero,” Schrunk said. Schrunk, who entered office in 1981, learned that his constituents had other ideas. “I got out into the community and found out they wanted me to take care of the small things—speeding, someone urinating in a doorway, a one rock [cocaine] sale on a corner.”

A community policing initiative was already working on these quality-of-life crimes, but Schrunk believed his office also had a role to play. As Wayne Pearson, who now supervises the Neighborhood D.A. Unit, explained it, the police and the community were like a two legged-stool—they were trying to address local livability and safety issues, but were hampered without the third “leg” that only a prosecutor can bring.

“The police and community would hammer out good ideas and then they’d say, ‘But can we do that? Is that legal?’ And many great, slam-dunk strategies ended up on the floor because the police involved weren’t sure if it was legal and they’d never heard of anyone doing it before so they just said ‘No’ to be safe. It became apparent that community policing could be exponentially greater if we had a community prosecutor in place to provide on-going legal strategic advice to bring together both practical and legal solutions to these street behavior problems,” said Pearson, who became Multnomah County’s first neighborhood D.A.

Schrunk launched the community prosecution program in 1990 in the Lloyd District, a commercial district where quality-of-life crimes were detracting from efforts to convert the area into a major commercial center. A business association actually paid Pearson’s salary, a fact that attracted a good deal of local press attention. From this starting point, Schrunk has moved to expand the community prosecution program. Today, the unit’s one million dollar annual budget is funded through an array of sources, including the county, a federal block grant, a private business improvement district, and the local public transportation agency, which pays the salary of a neighborhood D.A. who handles cases and problem-solving activities involving transit-related crime. Other government sources, such as the police and the cities of Portland and Gresham, provide office space and legal assistants, and the downtown business group continues to provide office space and the salary of a legal assistant.

Inventing and Creating

Without a how-to manual to guide him, Pearson invented the job as he went along. He met frequently with stakeholders—the business leaders, store owners, residents and people who worked in the Lloyd District area—who told him again and again that they were most concerned about low-level offenses that had given the district a seedy reputation: public drinking, prostitution, vandalism, public urination, littering and car break-ins.

Pearson’s first initiative in the Lloyd District focused on illegal camping in a ravine called 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. The city also spent up to \$40,000 every spring to clean up the gulch, removing the garbage and debris that the transients had left behind over the past year. Traditional enforcement—occasional arrests of outstanding troublemakers—wasn’t working, and Pearson and the police agreed that it wasn’t realistic 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. "As a prosecutor, I knew that the traditional tools weren't going to work," Pearson said.

Pearson pulled together citizens and police to tackle the problem. The resources at hand included 12 committed volunteers (private security officers from the business community), plus general police coverage of the area.

In the past, the transients returned immediately following the yearly cleanup. This time, however, Pearson had brightly colored "No Camping" signs posted in the gulch. On the back of the signs were shelter locations. The 12 community members were each assigned a particular section of the gulch to drive by two or three times a week. When they spotted illegal campsites, they notified Pearson, who contacted the district patrol officer. The officer went to the campsites and asked the people to leave. Almost always, the transients were cooperative. "The whole issue was to tell people they can't be there, to send a strong, consistent, sensitive message: 'You can't be there.' It sounds too simple, I know," Pearson said.

Pearson drew in other city agencies to clean out brush, making it harder for campers to hide. He also arranged for the installation of 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 inform transients that they were violating a city ordinance by squatting on city property. Emboldened with their knowledge of the law, some of the volunteers even gave the transients garbage bags and asked them if they wouldn't mind cleaning up their mess before leaving, Pearson said.

The volunteers' willingness to do the work saved police resources, reflecting what Pearson calls the community's "barn-raising mentality"—a do-it-yourself attitude that Pearson feels is not only essential for effective neighborhood problem-solving but is also present in some measure in all communities. In short order, the problem of rampant illegal camping in Sullivan's Gulch was reduced to the occasional passerby, and area stakeholders saw a decline in quality-of-life problems on their streets. "The City of Portland has never had to go down there and spend another nickel on a cleanup," Pearson pointed out. Citizens continued the patrols for nine years until there was "almost never anyone in the gulch anymore," Pearson said.

Pearson was involved in a number of successful initiatives that first year, which led Schrunk to set up the county's second neighborhood prosecutor in a residential neighborhood. Today, seven neighborhood D.A.'s cover the entire county, which has 660,486 residents.

Schrunk says being a neighborhood D.A. "means getting in the community and trying to solve problems at the lowest possible level and when appropriate, making lightning strike—an indictment or filing a charge. They're looking for long-term, systemic infrastructure solutions to problems that are causes of, or breeding grounds for, criminal conduct."

The Multnomah County's Neighborhood D.A. Program has tackled numerous problems, among them: graffiti, gangs, illegal camping, chronic truancy, car prowls, pan-handling and elder abuse. What follows are descriptions of two strategies the office has employed to address public-safety concerns.

Problem-Solving: Drug-Free Zones

Community prosecutors in Portland have spent a significant amount of their energy addressing problems related to drugs. Because jails were overcrowded, dealers were often released on their own recognizance and were back at

the same location, peddling their wares within hours. This reality proved frustrating to police, local stakeholders and prosecutors.

“The police, as part of a community policing pilot, had set up a public safety work group,” said Pearson, who participated in the work group. “And the community was asking me at these meetings why, when a police officer arrests a person for drug offending, are they back there in hours? Why aren’t they kept away?” Police officers suggested that offenders be released only on the condition that they not return to the area where they were arrested. But setting such a condition, Pearson realized, was harder than it sounded. Pearson determined that judges had the power to ban dealers from certain areas as a condition of release, but the police didn’t have the power to enforce the bans without returning to court and obtaining an arrest warrant—a complicated and lengthy process that made the proposal unworkable. “All an officer can do is send a memo to a judge and ask the judge to issue a warrant, and all of that would take days or maybe weeks,” Pearson said.

And yet Pearson’s legal training told him that a solution was possible. “Constitutional rights are not absolute,” Pearson said. “And in relation to free speech, that constitutional right is always subject to reasonable time, place, manner restrictions... I said this is not an easy nut to crack, but it’s also something that’s not without precedent. That suggested to me that if we were sensitive to constitutional issues and reasonable about the way we approached this, it might work.”

The Drug-Free Zone Ordinance

Guided by this reasoning, Pearson partnered with the City Attorney’s Office, the Portland Police Bureau and the community to propose a new ordinance to the City Council. The ordinance created a “drug-free zone,” the first of its kind in the country. The name originally proposed was a “high-vice” area restriction but community members objected, feeling that the words “high vice” denigrated the neighborhood. “They said, ‘We don’t want the whole city to stamp us with a negative name like ‘high vice.’ Why don’t you call it a drug-free zone, so that the implication to the community at large would be that these sorts of behaviors won’t be tolerated here?’” Pearson recalled this as an example of the value and need for community involvement: “Without something as simple as the community’s input on the name, we might have had the very community we sought to protect, at City Council testifying against our proposal.”

Pearson and the City Attorney spent a good deal of time researching not only the legal underpinnings of the proposed ordinance but also selling it to the entire community. “The commander of the local precinct and I took this draft ordinance around and talked to anybody and everybody who may have wanted input,” Pearson said. “We went to all the needle exchange programs, methadone clinics, social service providers, homeless clinics, to explain what it was, who it was aimed at.”

In the first iteration of the ordinance, three drug-free zones were created. “The deputies spent hours driving around the neighborhoods just to make sure they got the boundaries right. It took thousands of hours of prep working with the City Attorney,” said Judy Phelan, Schrunk’s former staff assistant.

“In the end, the ordinance sailed through [the City Council] primarily because we’d gone around to virtually everybody, including the ACLU, who might have an impression about it and given them the opportunity for input,” Pearson said.

The ordinance strives to be “very due-process oriented,” Pearson said, which has thus far allowed it to withstand legal challenges. Offenders, for instance, can appeal the exclusion and get variances if they live or work or receive drug treatment within the designated zone.

This is how the drug-free zone works: If someone is arrested for a drug offense within the zone, the arresting officer can issue a 90-day notice of exclusion from the zone. If the person enters the zone within 90 days, he or she can be arrested for criminal trespass. If they are subsequently convicted of a drug offense, the exclusion is extended for an additional year. This eliminates the cumbersome and time-consuming process of obtaining a contempt warrant for every violation.

When the ordinance sunsets every few years, the City Council, prosecutor's office, Portland Police Bureau, the community, and City Attorney's Office have a chance to make adjustments to the law before renewing it. The biggest part of the process is usually changing the zones' boundaries. "We go back and see how drug usage and dealing have changed. In some cases, zones or parts of zones have been abolished and taken off the books because the drug dealing has completely gone away," Pearson said.

At one point, there were as many as five drug-free zones. Currently, the city has two. Recently, there were 2,000 exclusions in effect in Portland, although many of the exclusions involved multiple citations of the same offender.

Until 2003, offenders who violated their DFZ exclusions were charged with criminal trespass. Oregon courts, however, interpreted the state's trespass statute in such a way that the DFZ violations would not be upheld. Although that problem was corrected by a legislative amendment, to avoid revisiting the issue, the Portland City Council adopted a new ordinance suggested by the D.A. and City Attorney. In 2003, the drug-free zone ordinance was revised to include a new way to charge DFZ offenders. In addition to criminal trespass, an excluded person who re-enters a DFZ without a variance or in violation of a variance is now subject to being charged with a new offense: Violation of a Variance. Like criminal trespass, it is a class C misdemeanor.

The revised ordinance also provides excluded persons with certain automatic variances. Automatic variances allow offenders to enter the DFZ to reside (in other than transient occupancy in a hotel or motel); work; obtain education and social services; obtain food, physical care, and medical attention not reasonably available outside the zone; attend court- or corrections-ordered obligations; meet with an attorney; attend a scheduled initial interview with a social service provider; make contact with criminal justice personnel at a criminal justice facility; attend an administrative or judicial hearing regarding the exclusion; and pass through on public transportation or on a freeway.

Excluded persons may also obtain additional variances for any plausible needs unrelated to the behavior that led to the exclusion. The Police Bureau issues a variance whenever an applicant asserts a "plausible need" to enter a DFZ and the application is not false on its face.

Rather than tie enforcement of the zones to mere re-entry by the excluded person, Violation of a Variance cases are predicated on whether a person violated any of the reasons they were prohibited from re-entering the zones, such as buying drugs. This has now become the preferred method of enforcement by the police.

The D.A.'s Office says the drug-free zones have proven highly effective. In one residential area of Portland street-level marijuana dealing was eradicated and marijuana sales have never again become concentrated in any area of the city. In other areas, arrests in the DFZs have declined approximately 80 percent since the first DFZ was enacted. Outside of the zones during the same period, drug arrests have remained the substantially the same, and no wholesale statistical displacement of drug activity has occurred.

Problem-Solving: Community-Driven Search Warrants

Another drug-related problem that has occupied the attention of Portland's Neighborhood D.A.s has been "drug houses." "Complaints about drug houses are one of the biggest problems in communities," said Jim Hayden, a neighborhood D.A. "They're dangerous. There are a lot of them, and they're not a priority for the Police Bureau's Drugs and Vice Division because they're very low level."

The traditional approach for dealing with drug houses required law enforcement agencies to conduct undercover buys and then, after obtaining a search warrant, raid the house to look for evidence. This approach didn't always work and in some cases posed insurmountable challenges. The biggest challenge was that it was an incredibly labor intensive process, so that if a neighbor made a complaint about a property, it might take months or even years before law enforcement could launch a meaningful investigation. Even worse, it was sometimes impossible to carry out because the police didn't have a suitable informant, or the undercover buy, when attempted, was unsuccessful.

There were conceptual limits to the conventional approach as well. The problem was that the goal pursued in a conventional prosecution—punishment of the offenders—often had little direct bearing on the activity in the drug house itself. "If a location has multiple apartments or multiple residents, prosecuting one person doesn't solve the problem because someone else just comes there to sell the drugs. Similarly, landlords who are interested only in obtaining rental income often allow tenants to continue renting from them even though the tenant has been busted for drugs after a search warrant in the landlord's rental property," Hayden said.

In analyzing the situation, the neighborhood prosecution team decided that a solution required not only new tools and techniques but an entirely different way to measure outcomes. Instead of punishing the offender—and defining victory only in terms of a successful felony prosecution—they decided that their top priority should be shutting down the drug house, even if it meant that a drug dealer escaped with a misdemeanor and a sentence of community service.

That change of focus—from the offender to the property—opened the door to an entirely new approach. For one thing, it allowed prosecutors to pursue misdemeanor convictions in cases where they might otherwise have pursued felonies. Yet a more easily obtainable misdemeanor conviction provides the police bureau and the city the leverage it needs to pressure the landlord to evict drug-dealing tenants and clean up properties.

The neighborhood prosecutors also decided that they could obtain search warrants more easily. Traditionally, police and prosecutors sought to prove "beyond a reasonable doubt" that drugs were being sold on a property in order to obtain a search warrant. This was a very high standard, one that usually required at least three undercover buys to fulfill and one that went well above the requirements of statute and case law. After a thorough examination of case law, prosecutors determined that they only needed to prove that there was "probable cause" to believe someone was selling drugs on the property to obtain a search warrant, a lesser standard more easily met.

This determination allowed the neighborhood prosecutors to develop an alternative method of obtaining a search warrant. From this arose the "community-driven search warrants," which leverage community resources by allowing neighbors to get involved. Prosecutors successfully argued in court that neighbors' observations of suspicious activity—such as people coming in and out of a house at all hours of the day and night—supported by two or three hours of observation by police were enough to establish probable cause to obtain a warrant.

An important part of this plan was that the neighbors' identities be kept confidential. "An affidavit from a police officer saying that these observations are accurate allowed us to keep warrants anonymous," said Michael

Kuykendall, a former neighborhood D.A. who helped develop the strategy. “The warrants would note how long the informant has lived in the neighborhood, the lack of criminal history, the fact that they were personally known to the officer, and then we’d have an officer sit on the property to prove the reliability of the neighbor’s observations.”

The citizen-driven warrants have gone through several iterations. Initially, prosecutors asked neighbors to keep detailed logs of drug house activity over weeks and even months. But they found that they were asking too much. “It’s difficult to get the neighbors to sit there and watch this place for four hours a night over months. And they’d pay attention to things that weren’t important or necessary to secure the warrant. For example, they would obtain license plate numbers, but they might work so hard to get them that they would fail to observe the patterns of activity we were interested in to obtain the warrant,” Hayden said.

Prosecutors then abandoned the detailed logs and created instead an affidavit for a search warrant that was essentially a checklist police officers could use to interview neighbors. The checklists are detailed but also easy to complete, allowing the officers to obtain thorough information quickly. The checklist warrants describe all the possible patterns that indicate likely drug sales, like people surreptitiously exchanging small items, including money, or cars driving by the residence slowly, or people looking nervously up and down the street as they enter and exit the house. A log took months to complete, but a checklist can be done in an afternoon.

Police officers then attempt to corroborate the information provided by the community. Corroboration can take the form of pre-existing “police reports, or undercover drug buys, or just purely our own observation,” said Police Officer Roger Axthelm, a neighborhood officer assigned to the Northeast Precinct. “We’ll either set up an observation from a vehicle, or a nearby house. We usually watch a couple of hours.”

The best thing about the community-driven search warrants is “they’re really quick,” Axthelm said. “The fastest we’ve ever done one is two days between the time we first talked to the neighbor complainant and served the warrant.”

Those arrested as a result of the warrants are taken to one of four Multnomah County community courts, which focus on low-level offenses, where they are charged with a drug-related misdemeanor and usually receive a sentence of community service in exchange for a guilty plea, Hayden said. Meanwhile, the Police Bureau, city and the neighborhood D.A. officially contact the landlord and inform him or her that the property is in danger of being boarded-up by the city if the problems persist; more often than not the landlord decides evicting the problem tenant is the best course of action.

Out of 17 community-driven search warrants executed in the Northeast Precinct from April 2002 to May 2003, nine resulted in evictions. Four, involving owner-occupied buildings, resulted in owner citations and, in the case of a 70-year-old owner, referrals to a range of social services. “In most cases the activity has gone away and not come back,” Hayden said. “We work with the landlords to ensure they don’t rent to more problem people.”

Funding Crisis

The biggest challenge facing community prosecutors in Portland is the same challenge facing virtually every arm of government these days: a lack of funding. Although the D.A.’s Office has done a remarkable job funding its program from multiple sources, including contributions from other government agencies and the community, the 13-year-old program is under tremendous financial pressure.

“We’ve gone through terrible budget changes here,” Phelan said. “For two years in a row, we’ve had budget cuts every six months, [most recently] in July 2004.” As a result, the office reduced the number of neighborhood D.A.s from nine to six, collapsing coverage of two police precincts into one assignment, although later they were able to bring the number back up to the current eight. The courts for a time were forced to close on Fridays and cases had to be postponed for several months because there was no money for a court appointed defense counsel. “How do you sustain a program focusing on quality of life when you have a court system collapsing around you?” Phelan asked. “It wasn’t easy.”

The effect of the budget crisis on the neighborhood D.A.s’ day-to-day work has been palpable. “When I first started doing this we had more resources and I had more time to spend with the police and community,” Hayden said. “[Because of budget cuts] I’ve had less time because everyone has had to assume more responsibility to keep the main office going.”

“You don’t realize what you’re missing until you’re back out doing it,” Hayden continued. “Your continued presence in the community alone makes a difference. If you’re not out here, you’re not meeting people, making connections... I’ve done both. When I’ve had cases and more responsibility downtown, I’m less effective out here. When people start to realize you’re not around, they stop calling you with their problems.”

Nonetheless, the office’s ability to raise funds from multiple sources cannot be overemphasized. Not only have the donations kept the program alive, but they’ve helped reinforce partnerships with the community. They also help keep the D.A.’s Office accountable.

“When people contribute money, they demand certain things, particularly if it’s local,” Schrunk said. “If you get a federal grant, that’s great ... [but] you get more participation if someone is donating office space to you. On our West Side, a business alliance donates a paralegal. They have a board and the board receives a report on what she’s doing, and I think it’s healthy because you get more people vested.”

Maintaining funding from these varied sources, however, isn’t easy. Once a relationship is established, it must be sustained. “Wayne Pearson has had lots of changes with business people over the years, and they come in and say, ‘We don’t have a problem. Why should we be paying a prosecutor?’ So Wayne has to constantly justify what he’s doing and explain how it used to be before there was a neighborhood D.A.,” Phelan said. “You have to be constantly visible. You can’t stop going to those evening meetings. Sustaining community involvement is never easy.”

Lessons

Interestingly, the value of the community prosecution program is still not evident to everyone in the D.A.’s Office. Even though Schrunk runs one of the oldest, most heralded community prosecution programs in the country, there are still staffers who scoff at the unit’s value.

“There’s a sense of arrogance and superiority on the part of those who do felony trials, looking down their noses at the guys and gals who are quote ‘going to meetings all the time,’” Phelan said. “That has been ongoing, although it’s softened somewhat. It won’t change completely until you have more people in management who have served in the neighborhood D.A. program.”

Schrunk acknowledged that institutional reform takes time. “In any organization, the culture is the most difficult thing to change,” Schrunk said. The D.A. said he tries to both “TCB” (his acronym for “take care of business”—in other words, perform the traditional work of convicting criminals) and also promote “aggressive handling of misdemeanors.”

“Every office has its own culture, and one idea to promote is an early-on recognition that aggressive handling of misdemeanors matters,” Schrunk said. “They’re not as sexy as prosecuting a serial rapist, complicated fraud or a RICO case, but it matters to the quality of life, and I think that’s what D.A.s are all about: ensuring public safety, which is about ensuring quality of life.”

When neighborhood prosecutors rotate to a new position, Schrunk tries to make sure they end up with “good, valued” assignments. “If all else fails, try and give them their first choice of a trial unit or assignment,” Schrunk said. Schrunk also publishes a weekly administrative memo, in which he acknowledges staff achievements—both the trial wins in the courtroom and the problem-solving achievements in the neighborhoods.

While the traditionalists in the office still value the murder conviction above the drug-house eviction, the benefits of Schrunk’s community prosecution program haven’t been lost on neighborhood residents—or on local police. The D.A.’s Office surveyed police officers, asking them what they thought of the neighborhood D.A. program. “The key finding, what they most appreciated about the Neighborhood D.A. Unit, was access. It gave them rapid access to solid legal information,” Phelan said.

Jurisdiction and Contact Information

Jurisdiction: Multnomah County, Portland, Oregon

District Attorney: Michael D. Schrunk

Multnomah County Statistics:

Population: 660,486

Size: 466 square miles

Population Density: 1,518 per square mile of land

Portland City Statistics:

Population: 529,121

Size: 145 square miles

Population Density: 3,939 per square mile of land

Top Public Safety Concerns: Community complaints focus on open air drug markets, street prostitution and drug houses.

Unique Features: Community prosecutors are stationed within the communities they serve. They focus on problem-solving within their target communities and do not carry trial responsibilities.

Funding: Local law enforcement block grant, a Project Safe Neighborhood grant, county general fund and the local public transportation agency. Additional government sources, such as the police and the cities of Portland and Gresham, provide office space and legal assistants; and a downtown business group provides office space and the salary of a legal assistant.

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TRAVIS COUNTY (AUSTIN), TEXAS

Strengthening the Community

Ronnie Earle, Austin’s District Attorney, became one of the early pioneers of community prosecution for a simple reason: “I got tired of waiting for something terrible to happen before I could do anything,” he said. So he set out to expand the prosecutor’s role. To Earle, being a prosecutor still means vigorously prosecuting hardened criminals, but it also means doing something to stop crime from occurring in the first place. “Tough prosecution is not enough by itself; you’ve also got to have smart prevention,” he said.

Earle, who has been the district attorney since 1977, has introduced Austin to numerous criminal justice innovations, most of which focus on what he feels are the two broad goals of community justice: supporting crime victims and strengthening communities.

Earle believes that it is not enough to rely on the criminal justice system alone for safety, that the bedrock of a safe society is a strong social fabric. “That network of moms and dads, aunts and uncles, teachers and preachers and cousins and friends, that’s where we learn how to act. That web of relationships—the ethics infrastructure—regulates behavior, not the law.”

Earle thinks that the “ethics infrastructure” is no longer what it once was in many communities and that the criminal justice system can actually help these damaged neighborhoods re-build it. “We try to use crime as an opportunity to strengthen the community by bringing people together to solve problems, to re-create connections between people in order to re-weave the fabric of community.”

To that end, one of the principal themes of Earle’s community prosecution initiative is giving citizens a voice in decisions that are traditionally reserved for judges, lawyers, and juries. “I call these programs civic push-ups,” he said. “They’re trying to strengthen civic muscles that we don’t have much of a chance to use anymore.”

Earle has promoted “civic push-ups” in numerous ways. For instance, he has encouraged extensive public input into the design of a new corrections facility for low-level drug and property offenders that seeks to take innovative approaches to correcting criminal behavior. Earle also:

- Penned a state law creating Community Justice Councils, which bring together elected officials, representatives of criminal justice agencies, and citizens to plan responses to crime;
- Established Neighborhood Conference Committees, which are panels of trained volunteers who hear misdemeanor cases referred from Juvenile Court. Panel members develop sanctions and craft a contract focusing on restitution to the victim or community;
- Started a Child Protection Team of police investigators, social workers, and prosecutors and created a Children’s Advocacy Center for children who are victims of or witnesses to crime. The Center is overseen by an independent board of directors that gives the community the major role in its operations;
- Started the first victim assistance program in a Texas prosecutor’s office;

- Encouraged the establishment of the Downtown Austin Community Court, which provides restorative sentences to offenders who commit low-level offenses in the downtown area.

The Austin District Attorney also launched the Neighborhood D.A. Program, currently based in Downtown Austin, where a neighborhood prosecutor focuses on addressing a number of pressing issues, including nuisance bars, burglaries of vehicles, panhandling and re-entry of ex-inmates into the community. When a neighborhood district attorney was assigned in 2002 to downtown, the overall crime rate in the area dropped that year by 30 percent, according to the D.A.'s Office.

What follows are two examples of how the neighborhood prosecutor has assessed and responded to local concerns.

Problem-Solving: Burglary of Vehicles

Eric McDonald had been on the job for only six months when District Attorney 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.”

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.

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 an 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. 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 a poorly lit or hard to observe location.

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 ten metal signs in the public parking garages that say ‘Stow away your items,’” McDonald said.

Problem-Solving: Offenders Re-entering the Community

It was clear to even a casual observer that there was a significant homeless population in downtown Austin. But what was not clear was how the community should respond. In analyzing the problem, McDonald discovered, almost by accident, that the homeless population included a number of recently-released inmates.

“I’d been told by the Salvation Army, which runs the largest shelter in the area, that occasionally they would see law enforcement vans from neighboring counties drop off people at their place,” McDonald said. Then McDonald confirmed that the state jail was dropping up to 60 people a month on the street in front of the shelter. “That’s when it clicked, that there literally is a revolving door,” McDonald said.

Many of the offenders had been arrested on drug charges. “Knowing that this area around the Salvation Army is a hot spot for crack, and knowing that so many of the offenders are addicted to crack, I couldn’t believe it was happening,” McDonald said. “I knew if we really wanted to have an impact on downtown on the vagrancy and crack cocaine, we’d have to do something about this because it’s creating an endless supply of these individuals.”

Fortunately, the administrators of the state jail were willing partners. As it turned out, the state jail simply didn’t have the resources to ensure that every inmate had a discharge plan, or that those with plans actually followed them. The prison sponsored a day when social service providers would come to the prison and meet with offenders, but offenders were not required to attend—and those with discipline problems were actually prohibited from participating. And even those with plans to enter, say, a halfway house, were still being dropped off in front of the Salvation Army and told to make their own way to the half-way house. The state jail had selected that location because of its proximity to many of the city’s social service providers—but the reality was that few of the former inmates were finding their way to services. “Once they’re on the street, they can score crack in five minutes so the chances of making it to the halfway house on their own were pretty slim,” McDonald said.

McDonald then contacted as many potential partners as possible, including the warden, halfway houses, drug rehabilitation facilities, AIDS service providers, homeless shelters and organizations that work with ex-offenders. “I tried basically to educate myself about all the potential resources for these guys,” McDonald said.

McDonald found that there seemed to be enough resources; the only problem was making sure that just-released inmates were linked with the proper ones. With the permission of the administrators at the state jail, McDonald decided to meet with each inmate before his release. At each session he talks about available services, reviews what benefits the inmate might be entitled to, and then explains the consequences of re-offending. “Many have multiple convictions, and I tell them that they could face the three strikes law. I also mention to them that they are prohibited from possessing any type of firearm for the rest of their lives and if caught doing so would be held accountable in federal court through the [Department of Justice-funded] Project Safe Neighborhoods initiative. But I also emphasize that I’m there to help.”

After each meeting, McDonald arranges for post-release housing and the Austin Police Department provides donated clothes. Perhaps most important, upon their release the police drive each person to a temporary home. “Many say, ‘I keep telling the judge not to drop me back downtown after I serve my time, but I keep getting dropped back down there,’” McDonald said.

To monitor the effectiveness of the program, McDonald periodically runs the names of participants through the criminal database to see if any have been re-arrested. Results so far have been promising. From September 2003, when the program began, to January 2004, McDonald met with 59 soon-to-be former inmates (who collectively had literally hundreds of criminal convictions) and 53 agreed to go to a halfway house outside of the downtown area. Of the six who refused to participate, five have been re-arrested—some within days of their release and at least one has been re-arrested four times. Of the 53 in the program, however, only ten have been re-arrested or received a field release citation for a new offense. “At this point it appears that the program is having an impact on reducing the recidivism in downtown and for the city as a whole,” McDonald said, noting that the 53 participants

“are a very high-risk population—most are chronically homeless and some have literally nine or ten pages of criminal history.”

Lessons

A Job without a Description

Although a neighborhood district attorney’s job description is in many ways free-form, there are ways to give it structure. For McDonald, the biggest challenge was the lack of a job description. Although the position of neighborhood district attorney had existed prior to his arrival, there were no clear guidelines about how to proceed. “There was no model. There wasn’t any form to it, as opposed to being in court, where I knew exactly what to do, I knew my responsibilities, my obligations,” McDonald said. Although working in a courtroom can be stressful, McDonald found the free-form nature of his work even more so.

Over time, however, he’s imparted a clear structure to the job—one that he hopes to pass on to other prosecutors as the program expands. The vehicle for transmitting this information is a notebook that contains copies of all of the tools that McDonald has developed.

He has also developed a monthly reporting form that breaks down activities into several categories: connecting with police/community (including the number of meetings attended, e-mails and phone calls received and responded to, etc.); problem properties (including how many cases have been reviewed for nuisance abatement, letters sent to property owners, injunctions issued, etc.); court cases and court preparation (including the number of cases and arrests reviewed, stay away orders filed, briefs prepared, victims contacted, etc.); problem-solving with the police and community (including the number of advisory board meetings held, task force meetings held, community condition surveys distributed, etc.); new processes and strategies to enhance public safety (including new fliers, brochures, research projects started); and technical assistance provided (including the number of site visits hosted, e-mails answered, conferences attended, etc.)

Developing Partnerships

Prosecutors should think strategically when developing partnerships: even organizations that are sometimes oppositional to government make excellent partners, according to McDonald. When the Austin District Attorney’s Office developed a campaign to combat panhandling, it developed important partnerships with homeless advocates. The advocates provided key ideas and support for the program, which included an effort to encourage the public not to give money to panhandlers. The message to the public was far more credible and persuasive when delivered by social service providers than when it came from law enforcement, as it had in years past, McDonald said. “We had a news conference and all the homeless advocates and providers educated the public about not giving money to panhandlers,” McDonald said. “A key to the program’s success is that the service providers are the messenger.”

Power, Respect and Influence

Earle has been able to encourage numerous community justice projects by using the power, respect and influence of the D.A.’s Office to rally other government agencies. The Downtown Austin Community Court is one example. In 1997, Earle called for the creation of a community court to help clean up the seven-square-mile downtown neighborhood, where a high concentration of restaurants, nightclubs and bars made the area a magnet for disorder, public and underage drinking and homelessness. Under Earle’s leadership, the mayor and the city’s well-organized business community rallied around the idea, and the project gained support from community residents, service providers and the City Council. The court opened in October 1999.

Conclusion

The Travis County District Attorney's Neighborhood D.A. program is deeply involved in various activities that fall under the heading "community prosecution." One challenge that lies ahead is integrating the various community prosecution efforts—from Neighborhood Conference Committees and Project Safe Neighborhoods to the Neighborhood District Attorney program and the Downtown Austin Community Court—more closely with the rest of the office and with each other.

In addition to two full-time community prosecutors, the district attorney has recently created three community prosecution teams. These teams consist of full-time prosecutors from various parts of the office that devote part of their time to community prosecution projects. Each team surveys the assigned neighborhood to help focus on creating achievable projects relevant to their assigned section of the city. Prosecutors will be rotated through this program "so they'll get a taste of what community prosecution is like," said Claire Dawson-Brown, director of community prosecution.

Dawson-Brown conceded that it can be hard to "change the culture of a district attorney's office," even one as actively involved in creating new programs as the Travis County office. Dawson-Brown observed that "so far it is working well and [the team neighborhood D.A.s] have become very enthusiastic about the work."

Jurisdiction and Contact Information

Jurisdiction: City of Austin, Travis County, Texas

District Attorney: Ronald Earle

Travis County Statistics:

Population: 812,280

Size: 1,022 square miles

Population Density: 821 per square mile of land

City of Austin Statistics:

Population: 656,562

Size: 258 square miles

Population Density: 2,610 per square mile of land

Top Public Safety Concerns: Burglary of vehicles & drug crimes.

Unique features: Two full-time community prosecutors are supplemented in the last several months with three teams of two prosecutors each who share the responsibility for both traditional prosecution and community prosecution.

Funding: BJA leadership site grant and a combination of other funding sources including the County General fund, City of Austin and the Downtown Austin Alliance.

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WASHINGTON, D.C.

Foreshadowing Community Prosecution

Long before the label was coined, the Office of the United States Attorney for the District of Columbia was experimenting with practices now commonly associated with community prosecution.

In the 1980s, in a foreshadowing of community prosecution, the office began assigning some prosecutors to cases based on geography. This strategy arose in response to the crack epidemic, which generated new kinds of highly complex and interrelated cases. Under the old system, cases involving members of the same gang or overlapping witnesses and victims were often assigned to different prosecutors. But under the new system, these types of interrelated cases all went to the same prosecutor, who was able to develop a more sophisticated understanding of drug-trafficking schemes, gang rivalries and the individual criminal personalities operating in a particular neighborhood.

A Successful Pilot Program

Expanding on this foundation, U.S. Attorney Eric H. Holder Jr. launched a community prosecution pilot project in 1996. The pilot was based in a single police district (one of seven in D.C.) which was further subdivided into smaller territories coinciding with police beats. Each prosecutor was responsible for handling the serious cases from their assigned area and for developing a strong rapport with neighborhood stakeholders.

After three years, the pilot program was declared a success. The feedback—from the community and the police—and the experience of the community prosecutors themselves was overwhelmingly positive. “When I first moved into the community eight years ago, it was like I moved into the devil’s bowels,” said Willamina Lawson, a community activist from the Fifth District, where the pilot was based. But “when the community prosecutors [came into the neighborhood] it all just abated down to a livable level of life. ... I come out now and hear birds instead of gunshots. I come out now, I smell air instead of marijuana.”

There were also numbers that suggest that the pilot program was having a measurable impact. In 1996, when the pilot was launched, the Fifth District had the second highest rate of serious crimes in the city. By 1999, the Fifth District dropped to fifth place and regularly led the seven police districts in monthly crime reductions. There were even numbers that seemed to show that the pilot had, in fact, helped prosecutors build better cases. The pilot’s overall conviction rate was 81 percent, for example, while the overall conviction rate in the Violent Crimes Section was 68 percent and in the Homicide Section was 63 percent. When it came specifically to homicide trials, the pilot project’s conviction rate was 90 percent.

By 1999, Holder had been replaced by Wilma A. Lewis, but the office’s commitment to community prosecution continued. Lewis re-tooled the entire Superior Court Division, the office’s largest, turning the entire 166-prosecutor division into one of the most ambitious community prosecution programs in the country. Lewis’s successor, Roscoe C. Howard Jr.,¹⁹ sustained the program throughout his tenure and, as a result, the Superior Court Division serves as a unique example of community prosecution applied on a large scale.

¹⁹ Howard resigned his position on May 31, 2004 and was succeeded by Kenneth L. Wainstein.

“When you’re in the community, you look at the problems harder,” Howard said. “Our prosecutors start to understand the concerns of the community, and instead of just being a reactive prosecutor—‘Let me get this person off the street’—they start thinking in terms of solving problems in the community.”

How Geography Has Influenced Office Structure

The U.S. Attorney’s Office in the District of Columbia handles not only all federal crimes, including international terrorism and espionage, but, like a county district attorney’s office, local crimes as well. It is among the latter types of cases—those under the Superior Court Division’s jurisdiction—that community prosecution has flourished. The office has 350 attorneys and more than 650 employees overall, making it the largest U.S. Attorney’s Office in the country.

Under U.S. Attorney Wainstein, the Superior Court Division divided into a number of sections, including the Misdemeanor Section, Felony Trial Section, Homicide Section, Violent Crimes Section, Community Prosecution/Intake Section and the Grand Jury Section.

In most sections, prosecutors are organized geographically. The prosecutors from the various sections who are assigned to the same territory confer regularly to share information and strategy. Thus the Second District prosecutor in the Misdemeanor Section regularly talks to his Second District counterparts in the other sections. “From basic training onward, we teach our attorneys not to think of themselves as attorneys working in a particular section on a particular case,” said Assistant U.S. Attorney Kathleen O’Connor, who supervises the Community Prosecution/Intake Section. “They’re taught to think of themselves as part of a team of neighborhood-based prosecutors who are looking to solve problems in their communities... The e-mail traffic between the different units is incredible. The computers are practically blowing up. It’s really amazing.”

This is all in sharp contrast to past practice when there was little communication between the sections in the office. “We couldn’t get the chiefs of the sections to talk to each other,” said Clifford T. Keenan, former chief of the Superior Court Division. “One section might be trying to solve a homicide, and the other learns that the homicide was over drugs, but that information never made it back to the first unit.”

Ten Prosecutors without Caseloads

In a way, the current emphasis on geographic assignment of cases makes every assistant U.S. attorney in D.C. a community prosecutor. Nonetheless, there is a team of ten prosecutors in the Community Prosecution/Intake Section who officially carry that special title. These ten prosecutors divide their time between the main office, where they review the daily lockup list and identify cases of special interest, and their offices based in police district headquarters. The ten community prosecutors also attend community meetings, where they educate the public about the work of the U.S. Attorney’s Office, respond to citizens’ complaints about crime and foster prosecutor-community collaborations. Ultimately, they serve as a liaison between the community and the office, helping line attorneys identify potential witnesses and obtain crucial information to build their cases.

“A case that might look marginal to someone else might look significant to one of our ten community prosecutors because they know that the offender has been a long-standing troublemaker,” O’Connor said. “They also know which suspects we might want to debrief because they know what homicide cases we’re working on, what witnesses we’re looking for.”

By working within a narrow geographic area and meeting regularly with neighborhood stakeholders, these ten community prosecutors get to know the local players, both good and bad. Anne Pings, a former community pros-

ecutor who was assigned to a seven-square-block high-crime neighborhood, said residents routinely paged her in the middle of the night to report a shooting, drug sale or other troubling event. “A lot of folks would rather call me than the cops, so I call the police for them. It’s a question of trust.”

When a crime was committed, Pings had a wealth of personal contacts at her fingertips to help her track down leads. After four years assigned to the same district, she knew someone on virtually every street. “It’s like being the D.A. in a small town,” she said.

O’Connor also asks the ten prosecutors to develop a specialty in a particular subject area—public housing or prostitution, for example—allowing them to become a resource for their colleagues. “That way, each community prosecutor doesn’t have to re-invent the wheel with that same problem in their district,” O’Connor said. The prosecutors’ areas of specialty include: public housing, prostitution, robberies and fencing operations, joint projects with the city’s alcohol and beverage agency, Hispanic gang intelligence, probation and parole and nuisance abatement.

The work of these ten community prosecutors complements the work of the other geographically assigned prosecutors. For example, if a homicide prosecutor sees a pattern of shootings and other criminal activity in and around a particular bar, she herself might not have the time or knowledge to close the establishment, but she can turn to the community prosecutor in her district for help in mitigating the bar’s negative impact on the community.

In turn, the community prosecutor for a particular district might identify a pattern of criminal behavior from the lock-up list, which he or she reviews every day. “When you review the lockup list every single day for your district, you very quickly start seeing patterns, of people, areas, and you’re also interviewing the police officer who made the arrest,” O’Connor said. With that information, the community prosecutor can advise his or her district counterparts in other sections about which cases and which defendants are important to the community’s well-being.

Interestingly, O’Connor has used the ten community prosecutors to address not only problems in the community, but also problems within the office. For example, one of the ten prosecutors was given the job of improving the flow of information between the Forensic Unit and prosecutors. In the past it sometimes took weeks for lab reports, photographs and diagrams to make their way from the unit to the relevant prosecutor; now, with a community prosecutor serving as a liaison, it only takes a few days, O’Connor said. Among other things, the new expedited system has saved the police department \$150,000 in court overtime, O’Connor said.

To maintain a constant presence in the community prosecutors’ districts, seven paralegals, or “community outreach specialists,” are stationed in the seven police district headquarters full-time. The paralegals attend community meetings, handle complaints from community stakeholders and help the prosecutors solve neighborhood problems.

The community prosecutors also access other office resources, such as the Civil Division, which once focused exclusively on the needs of federal agencies but now also gets involved with issues of local community concern, such as nuisance properties and crack houses. The Appellate Division is another resource, helping the community prosecutors develop strategies—like stay-away orders—that can effectively withstand appeal.

‘Smart Prosecution’

The emphasis on gathering better information about cases based on geographic assignments and the creation of an elite ten person community prosecution team is what staff in the U.S. Attorney’s Office of the District of Columbia likes to call “smart prosecution.”

The office has found that some of the imperatives of community prosecution—fostering partnerships with local communities and developing a strong neighborhood focus—have actually made it easier for them to build cases and obtain convictions.

In this way, community prosecution as practiced in the nation’s capital differs dramatically from the way it has developed in other jurisdictions. While many jurisdictions around the country view community prosecution mainly as a way to solve safety issues apart from the traditional work of prosecuting and convicting criminals (whether by creating drug-free zones in Portland, Oregon, or partnering with city agencies to clean up nuisance properties, as was done in Indianapolis), the assistant U.S. attorneys in Washington, D.C., have used the tools of community prosecution to enhance the traditional work of getting criminals off the streets.

Lessons

The U.S. Attorney’s Office for the District of Columbia has learned some important lessons from its seven-year involvement with community prosecution. Here are three highlights.

Promote Staff ‘Buy-In’ Early in Their Career

Kathleen O’Connor not only heads up the office’s community prosecution effort, but also the intake section, where she has contact with new prosecutors beginning their rotation. This allows her to promote prosecutor ‘Buy-In’ by teaching staff about community prosecution early in their careers. This enables her to educate new hires about the value of community prosecution as soon as they walk in the door.

“We start right at the beginning,” Howard confirmed. “We let them know that this is how the office operates, and start indoctrinating then and there.”

Added O’Connor: “I have access to these junior-level prosecutors, which allows me to show them the ropes and help them think outside the box. They see community prosecution as an integral part of our office from the beginning.”

One sign that community prosecution has become mainstreamed is that more prosecutors are expressing an interest in joining O’Connor’s elite ten-member team. “We have a professional development office that keeps track of people’s wishes and desires, and over the past year and a half there have been many more people who are adding to their wish list that they want to be a community prosecutor,” O’Connor said.

Know Your Limits—and the Limits of Line Prosecutors

Several years ago, all prosecutors—from a new hire prosecuting misdemeanors to a seasoned veteran prosecuting international espionage cases—were required to attend community meetings or otherwise involve themselves with the D.C. community (such as speaking at schools or volunteering with local organizations). This sweeping policy was borne out of a conviction that community engagement at all levels was essential to foster greater confidence in the prosecutor’s office and improve the office’s relationship with the community. Whether or not a prosecutor was involved in community activities affected “raises, promotions, everything,” said former Assistant U.S. Attorney DeMaurice F. Smith, who oversaw the team that developed the office-wide community prosecution program.

But the requirement eventually proved unworkable. Even though prosecutors were being offered time off for the hours spent at community meetings, for many there were not enough hours in the day. “The average assistant works ten to 14 hours a day,” said Assistant U.S. Attorney Jeff Ragsdale, former chief of the Homicide/Major Crimes Section. “To ask them to then go out into the community after working those hours [was] a hardship.”

When Howard took over the office, attending community meetings was no longer mandatory. “For some prosecutors, it’s simply not their forte,” Howard said. “One thing I really want is the intelligence out of the community meeting, and we want prosecutors who want to fill that role. What’s the point of being at a community meeting when you’re mad and upset because you’re required to be there? We make sure our prosecutors know when the meetings are, but nobody is made to go. As a result, I think we get better attendance from our assistant U.S. attorneys and they’re there for the right reasons.”

Strong support from top management is required to carry out a community prosecution program as ambitious as D.C.’s, according to O’Connor. Community prosecution has enjoyed strong support from the last three U.S. attorneys in D.C., although when Howard came aboard he had to be convinced that it made sense. “I came in here needing to be convinced it was a good way to expend our resources,” Howard said. And what convinced him it was worth the investment? “I saw it in action. Like the old cliché, the proof is in the pudding. I found it made us more effective as prosecutors,” he said.

Because Howard and Cliff Keenan, the former chief of the Superior Court Division, both supported the philosophy, O’Connor was given wide latitude to manage the program. For example, the ten community prosecutors are drawn from senior staff, and since none of them carries a caseload, it’s an especially “big resource commitment,” O’Connor said.

To maintain the support of top management and other staffers, however, the philosophy must continually generate results, O’Connor said. By creating value for the entire office—for instance, by helping improve communication between the Forensic Unit and other staff—O’Connor is trying to create as broad a base of support for the program as possible.

Conclusion

There is no one way to do community prosecution. This has given jurisdictions around the country the freedom to develop their own approaches. The U.S. Attorney’s Office in the District of Columbia has come up with its own unique version, one that emphasizes what it likes to call “smart prosecution.”

“Smart prosecution” shares some of the features of other community prosecution programs, particularly a neighborhood focus and stronger ties to the police and community stakeholders. But “smart prosecution” is not merely a way to boost the public’s confidence in the U.S. Attorney’s Office, or monitor a community’s safety-related priorities. It is also—and this is what makes it unique—an effort to enhance and make more effective the prosecutor’s traditional role of solving crimes and trying cases.

Howard said community prosecution gives his prosecutors much more knowledge than he himself was afforded as a line prosecutor in the very same office back in the 1980s. “Back then, you found a body, a broken piece of property, some dropped drugs. You trusted your officers that you had the right people, and that was your case,” Howard said. “But what I found out was that none of these things happened in a vacuum. Ordinarily, the offender is part of a larger group, a history in that area. Community prosecution puts our prosecutors in the community, so that you understand the history of the community. Maybe someone named in the file is someone you

looked at earlier. Instead of looking at them individually you realize that maybe they're working together. Maybe it's a precursor to gang activity or a violent act, and you realize you better take a different approach, do something to prevent things from escalating."

Said former Assistant U.S. Attorney DeMaurice F. Smith, who helped design the community prosecution initiative: "Even if you're wedded to the old way, the prosecutor as gun-slinger whose only contact with the community is the case, even if that's all you care about, community prosecution helps you. We have better information, can respond more quickly and build better cases. From purely a law enforcement standpoint, it makes sense."

Jurisdiction and Contact Information

Jurisdiction: Washington, District of Columbia

U.S. Attorney: Kenneth L. Wainstein

District of Columbia Statistics:

Population: 572,059 residents and 500,000 daily commuters

Size: 68 square miles of land

Population Density: 9,316 per square mile of land

Top Public Safety Concern: The violent crime rate is the top concern. The District of Columbia has a high homicide rate, with 238 homicides in 2003.

Unique Features: The U.S. Attorney's Office is charged with meeting local law enforcement needs.

Funding: All funding comes from the office's regular budget. The office does not receive funding from local sources.

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PUBLICATIONS

The following APRI publications may be obtained by contacting the National Center for Community Prosecution at 703-549-4253. They may also be downloaded from the APRI Web site at www.ndaa-apri.org:

The Changing Nature of Prosecution: Community Prosecution vs. Traditional Prosecution Approaches (2004)

What Does it Mean to Practice Community Prosecution? Organizational, Functional and Philosophical Changes (2004)

Juvenile Delinquency and Community Prosecution: New Strategies for Old Problems (2004)

Unwelcome Guests: A Community Prosecution Approach to Street Level Drug Dealing and Prostitution (2004)

Professional Ethics and Liability Issues for the Community Prosecutor (2004)

Community Prosecution Planning and Implementation Workbook (Revised 2003)

Community Prosecution Implementation Manual (1995)

The following publications may be obtained from the Center for Court Innovation by calling 212-397-3050. They may also be downloaded from their Web site at www.courtinnovation.org.

Beyond Big Cities: The Problem-Solving Innovations of Community Prosecutors in Smaller Jurisdictions (2004)

Defining the Problem: Using Data to Plan a Community Justice Project (1999)

Engaging the Community: A Guide for Community Justice Planners (1999)

Public Safety and National Service: How Volunteers Can Help Make a Safer America (2004)

Surveying Communities: A Resource for Community Justice Planners (2003)

Youth Accountability Boards: How Prosecutors are Engaging Communities to Respond to Low-Level Juvenile Offending (2004)

RESOURCES

American Prosecutors Research Institute (APRI)

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APRI is a non-profit research and program development resource for prosecutors at all levels of government. Since its creation by the **National District Attorneys Association** in 1984, APRI has become a vital resource and national clearinghouse for information on the prosecutorial function. APRI is committed to providing interdisciplinary responses to the complex problems of criminal justice. It is also committed to supporting the highest professional standards among officials entrusted with the crucial responsibility for public safety.

APRI has assembled a multi-disciplinary staff of veteran prosecutors and researchers to meet these demands. Access to comprehensive justice, medical and scientific data resources, including a nationwide network of working prosecutors, ensures that information provided by APRI is up to date, grounded in practicality, and accurate. APRI staff further conducts research on a broad range of criminal justice issues that are of interest to prosecutors. This can range from assessing the impact of new legislation on the prosecutor's office, to the effectiveness of various programs and sentencing alternatives, to office management and organization.

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. NCCP 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.

Center for Court Innovation

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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—including prosecutors' offices—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 **Red Hook Community Justice Center** (created in cooperation with the Kings County District Attorney's Office and the New York State Court System), 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 practitioners 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 original research, journal articles and white papers. The Center also provides hands-on technical assistance, advising courts, prosecutors and other criminal justice planners throughout the country. Current areas of interest include community prosecution, problem-solving principles and methods, court technology, drug courts, domestic violence courts, mental health courts and research/evaluation.



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