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Crime and Place: Plenary Papers of the 1997 Conference on Criminal Justice Research and Evaluation

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U.S. Department of Justice

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Jeremy Travis
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Nancy E. Gist
Director, Bureau of Justice Assistance

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Ralph B. Taylor

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Christopher Stone

**Cosponsored by the Office of Justice Programs,
the National Institute of Justice, the Bureau of Justice Assistance,
and the Office of Juvenile Justice and Delinquency Prevention**

July 1998
NCJ 168618

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The Professional Conference Series of the National Institute of Justice supports a variety of live, researcher-practitioner exchanges, such as conferences, workshops, planning and development meetings, and similar support to the criminal justice field. Foremost among these forums is The Annual Conference on Criminal Justice Research and Evaluation. The Research Forum publication series was designed to share information from this and other forums with a larger audience.

Opinions or points of view expressed in this document are those of the authors and do not necessarily reflect the official position of the U.S. Department of Justice.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Contents

Foreword . . . . **v**

Crime and Small-Scale Places: What We Know, What We Can Prevent, and What Else We Need to Know
Ralph B. Taylor, Ph.D. 1

Evaluating Community Youth Sanctioning Models: Neighborhood Dimensions and Beyond
Gordon Bazemore, Ph.D. 23

The Manhattan Experiment: Community Prosecution
Barbara Boland 51

The Community Corrections of Place
Todd R. Clear, Ph.D., and Ronald P. Corbett, Jr., Ed.D. 69

Neighborhood Justice at the Midtown Community Court
John Feinblatt, Greg Berman, and Michele Sviridoff 81

The Lessons of Neighborhood-Focused Public Defense
Christopher Stone 93

Foreword

In the course of a year, researchers studying crime and criminal behavior have a number of opportunities to present their work to their peers at conferences and other meetings of professional organizations, in seminars at academic institutions, through publication in scholarly journals, and in other ways. The Annual Conference on Criminal Justice Research and Evaluation is distinctive among these forums. It is the major annual event at which federally sponsored criminal justice research is showcased. Federal sponsorship means recognition at the highest level of government of the need for and value of empirically based, objective research in the field. It also ensures that the projects funded by the National Institute of Justice (NIJ), as well as the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Assistance, and other bureaus of the U.S. Department of Justice Office of Justice Programs will respond to the needs of practitioners—police chiefs and sheriffs, district attorneys, judges, and correctional officials and administrators, among others—as the major "consumers" of research findings.

The centrality of practitioner needs in the work of NIJ and the other OJP bureaus and the scope of the conference combine to make it a major annual event for the sponsoring agencies. To ensure the conference reaches an even broader audience, NIJ is publishing the plenary papers. This inaugural volume presents the six plenary session addresses delivered at the 1997 conference.

Each paper explores a variation on the 1997 conference theme, "crime and place." For a number of reasons, researchers are revisiting at the microlevel the locations where crime is committed and at the macrolevel community involvement with criminal justice agencies in addressing crime. Not least among these reasons are the advent of computerized mapping as an aid to tracking and studying crime, the trend toward devolution of government to the local level and, perhaps, the need to recover a sense of community. With law enforcement leading the way, other components of the criminal justice system are redefining their visions and missions to better address crime within the context of community. Many of these plenary addresses detail specific programs and experiments that have adopted promising new models.

We are confident the plenary papers will whet readers' appetites for more. Abstracts of the other presentations at the 1997 conference can be obtained from the Institute for Law and Justice, which organized the conference on behalf of the sponsoring agencies (Web site: http://www.ilj.org).

Jeremy Travis
Director
National Institute of Justice

Crime and Small-Scale Places: What We Know, What We Can Prevent, and What Else We Need to Know*

Ralph B. Taylor, Ph.D., Temple University, and Visiting Fellow (1997), National Institute of Justice

Criminal justice researchers and practitioners recently began to shift their focus from people to places—from people who commit offenses to specific places where offenses occur (Weisburd, 1997). Some argue that such a shift in focus will result in more effective crime prevention and suppression policies.

My presentation reviews the lessons learned from this new emphasis on specific places.[1] I examined results from a small number of interventions designed to reduce crime or disorder (or both) in "hot spots"; that is, in specific places with high crime rates. These efforts showed some success in reducing crime or disorder at specific sites, but they also showed stronger effects on some crimes than others and greater reductions in disorder than crime. Some of the benefits produced by these targeted interventions were both more modest and shorter lived than expected.

It appears that changing from an offender-centered view to a place-centered view has brought police some success and shows potential for other areas of criminal justice practice, such as parole and probation. We may be able to prevent crime or disorder more effectively if we integrate our theorizing and practice in this area with the work of analysts outside criminal justice who have been studying places for some time. More specifically, I propose turning to ecological psychology, changing our units of analysis from hot spots to behavior settings, and using tools in spatial epidemiology to help us describe and understand how crime and disorder cluster in both time and space. These viewpoints may help us predict how crime differences will shift in the future, dramatically enriching what we know about crime and place and what we can do about it.

Progressing down the cone of resolution

Geographers use a "cone of resolution" to organize knowledge about spatial processes at different levels of analysis (see exhibit 1) (Brantingham et al., 1976; Harries, 1974).[2] Spatial patterns observed for crime rates vary as you progress down the cone to increasingly smaller scales of analysis. But even more important than the shifting spatial patterns, as you change levels of analysis "from national to city-block-level[s of] analysis, . . . this changes our perception of the 'where' and the 'what' of the crime problem . . . [and] the questions that can reasonably be asked of the data at each level" (Brantingham et al., 1976, p. 264). The theoretical processes behind the spatial patterns also shift as you move down the cone of resolution. The appropriate theoretical tools for understanding the spatial and temporal differences should be used at each level of display and analysis.

Over the last century and a half, criminological researchers have moved progressively down this

*This paper is an updated version of the author's presentation at the 1997 Conference on Criminal Justice Research and Evaluation. The author received support from grant IJ–CX–96–0022 from the National Institute of Justice while preparing this manuscript. Opinions are solely the author's and reflect neither the opinions nor official policies of the U.S. Department of Justice or the National Institute of Justice. Comments on earlier drafts from Alex Piquero, Keith Harries, Darcy Kim Rossmo, Ron Davis, and especially Christy Visher and Lorraine Green Mazerolle, contributed substantially to improving the paper. The author benefited as well from conversations with Philip McGuire, Steve Edwards, and Nancy La Vigne. Address correspondence to Ralph B. Taylor, Department of Criminal Justice, Gladfelter Hall, Temple University, Philadelphia, PA 19122 (e-mail: V1008E@VM.TEMPLE.EDU).

cone of resolution (Brantingham and Brantingham, 1981; appendix A). In the past 10 years, criminological researchers and police departments have looked closely at the relationship between crime and specific street addresses. The following section describes what is being learned about both crime and prevention at this level. But first we consider why we have moved in this direction.

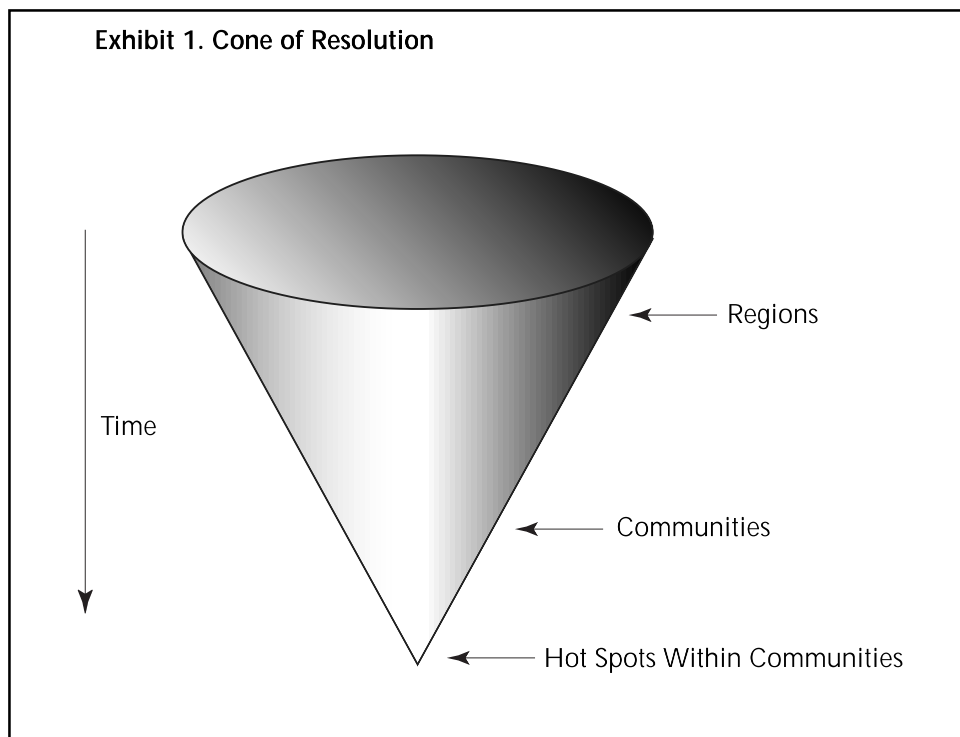
Forces leading research down the cone

Three sets of forces have contributed to focusing on progressively more detailed relationships between crime and place: growing frustration, better tools, and increasingly well-supported theories.

Frustration. Understanding that crime is higher in some neighborhoods than others has only limited relevance to a broad range of public agencies, including social services and police. Even in a high-crime neighborhood, most blocks will have low crime rates, and most addresses will have no reported crimes. Links between crime and community do not provide the data on specific places needed to guide deployment of police officers. Police hope to be more efficient and productive by focusing on high-crime places (or hot spots), rather than on high-crime communities. Crime data and police service calls that are "geocoded" reveal concentrations of crime in a few hot places (Sherman, 1995). Increasing patrol deployments to higher crime neighborhoods without knowing where and when crimes are likely to occur within those neighborhoods appears to produce only modest gains in crime control (Kelling and Coles, 1996). If we know exactly where and when crimes are taking place, we should be able to control crime more effectively.

Tools. In the last few years relatively low-cost, personal computer-based geographic information systems have become increasingly available to criminal justice practitioners, with far-reaching impact on the police. Numerous departments have sought to integrate these capabilities into patrolling, detective, and community policing operations. For example, in 1994 the New York City Police Department started holding monthly crime strategy meetings, allowing precinct commanders to report current conditions to top management and collaboratively form strategies and review results. Ini-

Exhibit 1. Cone of Resolution



tially, precinct pin maps were transported to the monthly meetings; shortly thereafter crime data were downloaded to personal computers, geocoded, and mapped. Practitioners felt that the electronic mapping successfully supported these monthly meetings (McGuire, 1997).[3]

Researchers have begun to document how these tools are used or not used, who uses them, for what purposes, and with what impact (Chicago Community Policing Evaluation Consortium, 1996; Maltz et al., 1991; McEwen and Taxman, 1995). Even though mapping led to some extraordinary successes in the Chicago Alliance for Neighborhood Safety (CANS) mapping evaluation, many officers still reacted negatively to it. Negative reactions from officers in other jurisdictions implementing crime mapping tools also have been documented. In Jersey City, researchers found it a challenge to shift narcotics detectives' thinking from people to drug markets (Braga et al., 1997; Mazerolle et al., in press).

In addition to helping officers patrol more strategically, crime maps can support police-community interactions (Maltz et al., 1991), focusing attention on key locations and documenting that some locations of concern to residents may not be crime-prone spots. The crime maps also can serve as beat institutional memory. Officers themselves can't do this because they don't serve all tours and often spend on-duty time away from their beats.

A decentralized information base such as crime mapping facilitates the local police-community responses to crime and disorder envisioned by advocates of community policing or problem-oriented policing.

Theory. The tools for understanding crime-place links have improved dramatically; the empirical support for key theories about crime and place has improved as well. Several theoretical models point toward features of the social and physical environment below the neighborhood level (see appendix A).

Several forces have encouraged researchers and practitioners to learn more about the microscale connections between crime and place. Police departments have sought to target their resources in a more spatially focused way. In addition, easily used tools for mapping crime locations have become more widely available. We are just beginning to learn how these tools are implemented in police strategies, community policing, and problem-oriented policing. Finally, several relevant theoretical developments support the trend. Situational crime prevention has gained respect as more studies have accumulated data, as displacement-of-crime effects have proved less than feared, and as diverse benefits have been documented. The evolution of routine activities theory grounds it more firmly in microscale dynamics.

Theory, operations, and research regarding crime and places

We have arrived at the bottom of the cone of resolution and are examining links between crime and specific addresses or clusters of addresses. How are researchers thinking about places? What theoretical tools are they applying? What difficulties confront researchers and operations personnel? This section discusses the concept of hot spots and the issues related to it, notes operational challenges when using the concept, and reviews some recent field experiments using the hot-spot notion to guide interventions.

Hot spots: Defining and operationalizing

What are they? Crime and place researchers have adopted the term "hot spot" to describe a location of extremely high crime. (The term is borrowed from geology; hot spots are places where hot magma rises, often causing volcanoes to erupt.) A hot spot may be a single address, a cluster of addresses close to one another, a segment of a streetblock, an entire streetblock or two, or an intersection. Reviewing data on calls for service in Minneapolis (Sherman et al., 1989), researchers discovered crime hot spots, "small places in which the occurrence of crime is so frequent that it is highly predictable, at least over a 1-year period" (Sherman, 1995, p. 36). Many service calls to police came from a relatively small number of addresses.

For example, in the case of calls for domestic violence in Minneapolis, had they been spread evenly

over all street addresses and intersections throughout the city without any repeat calls coming from the same location, 21 percent of those locations would have generated a domestic disturbance call. But the data showed that because of the repeat calls from the same addresses, only 9 percent of the street addresses and intersections generated these types of calls. The researchers also found that the clustering of crimes at the same address varied as a function of the type of crime. Not surprisingly, for example, the clustering was stronger for domestic disturbance calls than for robbery. For a number of economic, psychological, and practical reasons, a physically abused woman often will remain with the abuser for a long period before moving out—or may not move out at all (Buzawa and Buzawa, 1990). If the victim and offender remain together, it seems likely that calls will continue to be generated from that address.

Attention on hot spots has moved to many different types of calls for service. The concept also has expanded to concerns about the location of drug markets, uncivil or disorderly behaviors such as prostitution (Maltz et al., 1991), and the fear of crime (Fisher and Nasar, 1994; Fisher and Nasar, 1995).

Differential utility. At first, it would seem that the identification of hot spots has enormous policy implications. Lawrence Sherman wrote, "If future crime is six times more predictable by the address of the occurrence than by the identity of the offender, why aren't we doing more about it? Why aren't we thinking more about 'wheredunit,' rather than just 'whodunit'?" (Sherman, 1995, pp. 36–37).

I agree that for some crimes the policy implications are substantial. Domestic violence, burglary, and perhaps convenience store robberies represent the clearest cases in point. For domestic violence, both the offender and the victim are fixed in place as long as they live together at the same address. Building in part on the expectation of repeat domestic violence and domestic disturbance calls, a number of experiments have shown positive effects of police intervention for some types of households (Sherman, 1992).

For burglary, the victim's site is fixed—a continuing source of vulnerability. After analyzing victimization data, researchers concluded that a burglarized household was most likely to be reburglarized soon after the initial burglary (Polvi et al., 1991) and the risk of another burglary increased with each burglary victimization at the household (Ellingworth et al., 1995). They also learned that burglary hot spots were "hot" due in part to the high numbers of repeat victims (Bennett, 1995). (For a comprehensive review of repeat victimization, see Farrell, 1995, and Spelman, 1995b.) These insights have led to projects in Kirkholt and Huddersfeld, United Kingdom, where council households (public housing households) victimized by burglary received immediate assistance from the police following the event.

For the two types of crimes most rooted in space—domestic violence and burglary—there are some successful interventions, although important questions remain. In domestic violence the victim and offender are placebound and in burglary the victim is placebound; hence, the concept of hot spots seems to be worthwhile.

Community-defined hot spots may be quite different from police-defined hot spots.

In the case of general street crimes, such as robbery or assaults, where neither victim nor offender is fixed in place, the relevance of the hot-spot idea may be weaker. Certainly, with some types of these street crimes, place-based interventions also may prove successful. In the case of convenience store robberies (where the victim's location is fixed) or assaults at bars or taverns (where specific facilitating conditions are fixed), localized interventions may prove relevant.

Conceptual questions. Numerous questions arise about hot spots (La Vigne, 1997). The underlying mix of person- and place-based factors making a hot spot hot may vary considerably. Two underlying person-based factors may contribute to victimization: state dependence and risk heterogeneity. High victimization risk may be dependent upon the state the person is in at the time of victimization. For example, if a burglary victim has had her front door jimmied, she is more susceptible to another burglary until the lock is repaired; this is called state dependence. By contrast, some people are more

likely to be victimized because of their habits, routines, or occupations; this is called risk heterogeneity (Lauritsen and Quinet, 1995; Lauritsen et al., 1991). A bouncer at a popular night spot in a tough part of town is at more risk of assault than an elementary school crossing guard in a quiet neighborhood. These two underlying factors contribute in varying degrees across the population of users at a site and across sites to making hot spots hot (La Vigne, 1997). In regard to street crime, hot spots may vary in their intensity, depending on the mix of land uses and facilities at the site (La Vigne, 1997). Some sites (called crime generators) may attract many potential victims simply because they generate large volumes of pedestrian traffic. Other sites (called crime attractors) may attract many potential offenders because of their reputations. The appropriate policy response at the site may depend substantially on these underlying place- and person-based variations from site to site.

Some have even questioned the source of information used to define calls for service, suggesting it may be too limited (Maltz et al., 1991). Community residents may have other high-problem locations but not call the police about them through 911. Community-defined hot spots may be quite different from police-defined hot spots. Reports of these differences emerged from citizen-police interactions in the Chicago CANS project. At meetings, police officers would sometimes find that residents' concerns centered on sites that were neither crime-based nor 911-call-based hot spots.

An additional limitation of dependence on calls for service is that the hot spot is "tied to a physical place; thus, events that are precipitated by activity at a neighboring place are not considered" (Maltz et al., 1991, p. 42). In other words, a hot spot may appear hot because of something going on nearby, outside the hot spot. For example, fights in a parking lot at 2 a.m. may occur because a bar down the street closes around that time. In a study of public housing in the Bronx, when violence in the public housing projects increased, violence in surrounding locations also increased (Fagan and Davies, 1997). In the case of assault, crime not only diffused outward from the projects; it also diffused into the projects from adjoining areas. In the case of homicide or robbery, a crime hot spot might appear in a location outside a project, but be "driven" in part by crime from inside the project. Thus, we need to understand how activities in, attitudes toward, and crime in the hot spot itself are shaped by the surrounding context (Rosenbaum and Lavrakas, 1995).

Operational questions. Locating and bounding (that is, defining the boundaries of) hot spots are not straightforward processes. In the Minneapolis Hot Spot experiment, for example, if officers left their car parked in the hot spot and walked on foot through the alley behind the hot spot, were they counted as having a presence in the hot spot, even though they were walking outside it part of the time (Buerger et al., 1995)? Reading the research literature reveals similar difficulties. For example, Lawrence Sherman and David Weisburd (1995, p. 630) described how their research began with 5,538 "lukewarm to hot" addresses:

> We defined hot spots operationally as small clusters of addresses with frequent "hard" crime calls as well as substantial "soft" crime calls for service. . . . We then limited the boundaries of each hot spot conceptually as easily visible from an "epicenter."

They next applied a number of restrictions to these sites and procedures for resolving disagreements about hot-spot boundaries. The disagreements were resolved using the following general principles:

- No hot spot is larger than one standard linear streetblock (although a few exceptions were allowed on the basis of visual sightings on very short blocks).
- No hot spot extends for more than one-half block from either side of an intersection.
- No hot spot is within one standard linear block of another hot spot (again, a few exceptions were made).

With this final list of 268 reconfigured address clusters, Sherman and Weisburd looked for sites with at least 20 hard-crime and 20 soft-crime calls in the year studied. They also eliminated sites with high variance from year to year: clusters "with greater than 150 percent increases or 75 percent decreases in hard-crime calls from one year to the next" (Sherman and Weisburd, 1995, p. 632). When all

these operations were completed, 150 hot spots remained in which the number of calls for service ranged from 6 to 50 per month. In this same study it also appeared that narcotics detectives held very different views of drug market activities; the way they bounded hot spots depended considerably on the types of drugs sold there (Eck and Wartell, 1998).

Such complexities suggest that it may not be easy for police to define crime hot spots precisely and allocate patrol resources accordingly. This raises general questions about the clarity of the concept of hot spots.

Can crime mapping programs resolve the "fuzziness" of hot-spot boundaries and precisely locate them? Spatial and Temporal Analysis of Crime (STAC), developed by researchers at the Illinois Criminal Justice Authority, is probably one of the most widely used crime mapping programs, in part because it is free. It analyzes geocoded crime data and draws circles or ellipses around the hot spots. Although the program has proved extremely useful in a number of contexts and criminal justice practitioners strongly embrace it, its limitations probably prevent it from identifying clear boundaries of hot spots. Two restrictions illustrate the point: The shape of the hot spots produced is limited to circles and ellipses, and the hot spots defined by the program depend in part on the specific area searched (Block, 1993).

Also, officers may encounter difficulties in decoding what is happening at a hot spot and deciding who should be policed (Braga, 1997; Green, 1996). This may be a particular challenge when a hot spot extends beyond a single address to cover a corner or block. Onsite officers need to distinguish between legitimate users, such as teens waiting at a bus stop after school lets out, and illegitimate users, such as teens trying to sell drugs at a bus stop. Narcotics officers, used to chasing dealers rather than cleaning up drug markets, may have little patience for this kind of onsite detail work (Braga, 1997; Braga et al., 1997; Eck and Wartell, 1998). In summary, conceptual definitions of hot spots are understandably broad, resulting in wide variation from study to study, since researchers and practitioners want to search for hot spots for different types of crimes and disorders. The broad scope not only results in a conceptual jumble, but also creates considerable operational difficulties—both for field practitioners deciding on deployment strategies and for evaluators.

Hot spots research: Examples

Researchers have used the hot-spot idea to guide interventions for reducing drug market activity, disorderly street behavior, dilapidated physical conditions, and crime. Some of the interventions have been traditional or community-oriented policing initiatives; others used multiagency responses to the sites. This section briefly reviews a small number of experiments or quasi-experiments.

City park. Police in Oslo, Norway, learned through observation and citizen surveys that a particular downtown city park caused concern among pedestrians and store personnel (Knutsson, 1997). Detailed behavioral observations allowed researchers to target the specific, problematic locations. The park was used by addicts to gather, buy, sell, and use drugs. A park redesign, combined with more patrols by narcotics officers and regular officers, resulted in increased legitimate use of the park, improved resident perceptions of the locale, and more satisfaction among nearby business owners. The nontraditional portion of the program—the park redesign, which facilitated "natural surveillance" by legitimate users—"prolonged the effort of the intervention . . . [and] discouraged offenders from returning" (Knutsson, 1997, p. 138).

Multiagency response in Oakland. In Oakland, California, a coordinated multiagency team sought to improve physical conditions at drug nuisance properties and remove tenants causing problems. The methods used at the experimental sites were complex. Police accompanied housing inspectors, helping them gain entry. Inspectors cited owners for violations, and court action was taken against property owners failing to comply with civil law citations. Police arrested dealers and patrolled more intensively at the sites. Trained raters then judged photographs of the sites before and after the intervention.

Comparison of preintervention to postintervention scores showed a dramatic impact on physical disorder and a more modest impact on crime. For example, the number of blighted properties dropped

from 134 to 15. However, drug problem calls declined only 4 percent from the pretest period. Commercial and owner-occupied properties showed the greatest drops in narcotics activity (Green, 1996). In part because business owners were more likely than residential owners or occupants to cooperate with police efforts, the greatest impact was found at highly visible commercial establishments (Green, 1996). Another study of the same intervention examined such behavioral outcomes as drug selling and found that the program itself had an impact on block activity. So too did prior block differences in local informal social control (Mazerolle et al., 1997). Formal and informal controls apparently can work side by side to influence drug-selling activity at specific problem locations.

Police contribute in several ways to these multiagency interventions (Green, 1996). Not only are they carrying out traditional arrests and making contacts with suspects in the field, but they are also bolstering citizen confidence with their presence and empowering personnel from other agencies by accompanying them onsite. When police team up with housing inspectors, for instance, it legitimizes the inspectors' visits and helps them gain access.

In addition to modest crime reductions at the targeted sites, the adjoining two-block buffer zone around each site also benefited (Green, 1995). The diffusion of crime-reduction benefits slightly outweighed the amount of crime displaced out of the target sites.[4]

Two other studies of code enforcement are somewhat similar in spirit to the Oakland initiative. In Cook County, Illinois, researchers studied residents' views of drug activity, comparing those of people living on blocks where a drug property had been targeted for civil abatement with those of people living on blocks not targeted (control blocks) (Lurigio et al., 1998). The study generally found little positive impact of the abatement procedures. In a randomized experiment in San Diego, California, rental addresses targeted for drug enforcement in the previous 6-month period received either no treatment, a letter, or a meeting with the landlord, a police officer, and a code officer to develop remediation strategies (Eck and Wartell, 1998). Researchers found significantly reduced drug activity in the followup period for the addresses in the "meeting" group. The authors concluded that code enforcement can work effectively at rental properties used for drug activities. At the same time the study details the many reasons landlords do little to address these problems.

Minneapolis crime and disorder hot spots. In an experiment using random assignment in Minneapolis, Minnesota, hot spots received the normal amount of patrolling or increased police presence (Sherman and Weisburd, 1995). (The procedure used to define hot spots is described above.) A typical hot spot was a group of attached two- and three-story buildings clustered around an epicenter, usually a street corner. These intersections often consisted of a mix of commercial services, usually including food and drink and open until late at night. Exceptions to this pattern included low-rise multifamily housing developments and convenience stores. Bus stops, pay telephones, and intensive street lighting were common features of hot spots (Sherman and Weisburd, 1995).

During the first 6 months of the program, experimental sites received two to six times as much police patrol time as did the control sites. As in Oakland, crime decreased only slightly in the experimental site. Although the percentage reduction in calls for service was substantial, it translated into one crime call fewer per month in the experimental location than in the control locations.[5]

When measured in percentages, disorder reductions were sizable. For the period when the experiment maintained the best treatment integrity, "half as much disorder was observed in the experimental group as in the control [group]," according to the researchers (Sherman and Weisburd, 1995, p. 643). They concluded that "substantial increases in police patrol presence can indeed cause modest reductions in crime and more impressive reductions in disorder within high-crime locations" (Sherman and Weisburd, 1995, abstract). But in absolute terms, these differences were not substantial, in part because of the extremely low rate of social disorder observed. Observers saw about 2 disorderly minutes per 100 minutes in the experimental sites and about 4 disorderly minutes per 100 minutes in the control sites. Since observers were stationed in the most stable high-crime sites in the city and observed from 7 p.m. to 3 a.m., this seems an

extremely low rate of disorder. Other onsite researchers have noted similar low rates (Giacomazzi et al., n.d.). If such low rates of social disorder apply to most other areas, we can wonder about the practicality of initiatives geared to reducing those conditions.

Raids seem to provide afflicted blocks with nothing more than a brief respite from crackhouses.

A review of calls received after the patrols left the area showed that a police stop of 11–15 minutes was most useful because it represents the shortest time that created the most residual deterrence (Koper, 1995). This latter investigation of the timing of the police stops addressed the question of the most effective "dosage" at a hot spot.

Kansas City crackhouse blocks. In another experiment, researchers examined the impact of police raids on blocks with crackhouses in Kansas City, Missouri (Sherman and Rogan, 1995). The criteria for including the blocks in the study were receiving a large volume of calls for service, being the site of a successful undercover buy, and receiving at least five calls for service in the month before the undercover buy. Eligible blocks were randomly assigned either to be raided or not to be raided.

The raids showed a marginally significant impact on all calls for service, with calls decreasing 18 percent on the raid blocks and 10 percent on the nonraid blocks. The raids had no significant impact on the number of calls for violent or property offenses. Furthermore, the benefits of the raids evaporated quickly—in about 12 days. The benefits also depended on the season; effects on disorder "found in the winter disappeared in the spring" (Sherman and Rogan, 1995, p. 776). The authors concluded, "Raids seem to provide afflicted blocks with nothing more than a brief respite from crackhouses" (Sherman and Rogan, 1995, p. 777).

Jersey City drug markets. In this study a complex web of policing services—including increased surveillance, crackdowns of varying scope and intensity, and a maintenance observation period—were directed at a randomly assigned set of drug hot spots (Sherman and Weisburd, 1995). Problem-oriented policing strategies helped officers develop detailed information about the problem profiles at each site (Braga et al., 1997).

Using calls to police to construct outcome measures, researchers compared call volumes 7 months preceding and 7 months following the intervention. They found no effects on calls for violent crime or property crime and no reliable effects on narcotics calls. But some categories of disorder calls—suspicious persons, public morals, and police assistance—did show impacts.

Researchers commented, with some surprise, that drug activity did not appear to be affected by the intervention, but some types of disorder calls were affected. They suggested that drug activity and other activities around disorder were more independent of one another than previously suspected. They also noted that the bulk of the treatment effects were "evident primarily in very large changes in a few of the most active hot spots included in the study" (Sherman and Weisburd, 1995, p. 727). In other words, some features of the hot spots themselves, or of the surrounding context, made the treatment more effective in some places than others.

Reducing repeat burglary in U.K. public housing developments. In the Kirkholt (United Kingdom) burglary reduction project, a targeted police response to disadvantaged households victimized by burglary produced a 75-percent drop in this crime. Through similar programs in Huddersfield, victims received increasingly comprehensive assistance from the police immediately after the burglary; those with more burglaries received more assistance.[6] Those burgled more than twice received sensor-triggered alarms connected to the police station. The Huddersfield program design produced another benefit: It did not encourage offenders to increase their search space and move beyond the area covered by the program (Anderson and Pease, 1997). Neither study was a true experiment, however, and other initiatives at the Kirkholt site may have contributed to program success (Hope, 1995).

Conclusions from examples. The foregoing represent some of the most carefully designed experiments and quasi-experiments available on the impact of place-based, microscale interventions. The small number of studies examined suggests that we draw general conclusions cautiously.

Place-based interventions have effects on crime and disorder. The impacts on crime calls are more modest and less enduring over time than had been expected. All else being equal, high-crime addresses or clusters of addresses are most likely located in areas with generally higher crime rates. As Lawrence Sherman and David Weisburd have stated, "Substantial increases in police patrol presence can typically cause modest reductions in crime and more impressive reductions in disorder within high-crime locations" (Sherman and Weisburd, 1995, p. 104).

Many hot spots are probably surrounded by and nested within hardened criminal subcultures. Many offenders, as well as previous offenders returned from supervision to the community, are likely to live in or near such locations. The resistance of criminal activity to crime control efforts is not surprising given such surroundings. If we look only at the impact of such interventions on crime, questions arise about their cost-effectiveness.

The substantial impact observed on disorder suggests that we know more about reducing disorder than about reducing crime. Interventions like the Specialized Multi Agency Response Team (SMART) program in Oakland show that police can substantially reduce physical disorder by working closely with other regulatory agencies such as those responsible for housing, zoning, and public works. Creating and maintaining a productive partnership with other agencies appear key to an effective intervention, but "perhaps the greatest challenge for SMART-like interventions rests in the ability of the police to develop good working relationships with other city agencies" (Green, 1995, p. 99).

The relative independence of changes in crime and changes in disorder in several studies raises questions (Giacomazzi et al., n.d.; Popkin et al., 1997; Taylor, 1996). How do interventions that succeed in reducing disorder more than crime fit into the broken-window thesis (Kelling and Coles, 1996)? What factors contribute to the relative independence of crime and disorder shifts? We know how to reduce disorder in small locations. Other short- and long-term studies also suggest that shifts in crime and disorder are relatively independent of one another (Giacomazzi et al., n.d.; Popkin et al., 1997; Taylor, 1996). Rousting panhandlers, citing landlords for nuisance tenants or substandard conditions, or using other strategies can change local conditions. Perhaps we know less about preventing crime on the microscale. Are the two processes linked more loosely than anticipated, especially on the small scale of the units targeted here—addresses, address clusters, intersections, and blocks? Do researchers expect a strong linkage between crime and disorder in small units only because that linkage exists in large units (Hannan, 1971)? Might the two processes link with considerable strength, but fail to shift over time with comparable speed? Each may cause the other, but one may shift more rapidly than the other.

We know more about reducing disorder than about reducing crime.

Finally, presuming the prevention effects attributed to the Kirkholt burglary prevention programs have not been overstated, are place-based interventions most effective when either the victim (of burglary) or the victim and offender (in the case of domestic violence) is fixed in place? When neither is fixed in place, are prevention impacts more modest?

Issues ahead

Studies have clearly demonstrated that context-focused crime control is useful. The gains have not been as substantial as initially promised, but they have been noticeable. To make more progress in this area, we need to pay attention to a number of issues.

How we think about places

Thus far the development of concepts about crime and small places has been guided by the hot-spot idea or analogies based on individual offender dynamics. Neither line of thinking may be the most helpful one to pursue.

The hot-spot analogy with geology suggests one underlying cause "bubbling up" to create disorder. But several factors may be responsible. Features of the site itself and the surrounding area jointly contribute to the high crime rate. In the case of large, open-air drug markets, adjacency to high-volume traffic arteries and vacant housing is important (Rengert, 1996). In the case of tavern crime in the north side of Chicago, tavern density and proximity to mass-transit stops played roles in creating hot spots (Block and Block, 1995). The number of contributing factors may be so great that the emergence of the hot spot is "overdetermined"; removing some of the factors may have little or no effect.

Several authors, following up on the theory that neighborhoods can have "criminal careers" (Reiss, 1986), have suggested this might be true for specific places as well (Weisburd, 1997). Places, however, may be too fundamentally different from people to warrant pursuing this notion. The career theory is grounded in offender-centered criminological theory. Although some dimensions of career theory may have some relevance to places, it remains unproven and its relevance is likely to be far weaker than the relevance of place-centered theories. Place-centered theories will be applied as appropriate to particular levels of analysis (Brantingham et al., 1976). To apply place-centered theories, person-centered criminologists need either to learn these theories or to collaborate with those who know them.

Behavior settings theory

It may prove more profitable to rely on empirically validated constructs found within an extensive volume of available research on places (Felson, 1995). Ecological psychologists have been trying to understand how places work since the late 1940s (Barker, 1968; Wicker, 1979).

According to ecological psychology (Barker et al., 1943; Fox, 1983; Fox, 1984a; Fox, 1984b; Wicker, 1972; Wicker, 1979; Wicker, 1987), behavior settings are freestanding, natural units of the everyday environment with a recurring pattern of behaviors and a surrounding and supporting physical milieu. These units organize community life. As Allan Wicker has noted, "Roger Barker [the psychologist who originated ecological psychology] views behavior settings as small-scale social systems whose components include people and inanimate objects. . . . The various components interact in an orderly, established fashion to carry out the setting's essential functions" (Wicker, 1987, p. 614).

Analyzing all behavior settings in a small Midwestern town for a year, Roger Barker and his colleagues found different types of behavior settings, such as billiard parlors, taverns, bus stops, parking lots, parks and playgrounds, street fairs, variety stores, and welfare offices (Barker, 1968). In some urban areas, some of these behavior setting types can be high-crime locations.

"Streetblocks"—the two sides of a street between two cross streets—qualify as behavior settings for the following reasons (Taylor, 1997):

- People get to know others as they pass by and observe their routines. At certain times or on certain days, they know what others are going to do. They consequently develop positive or negative sentiments toward others.
- Associated role obligations such as neighborliness go along with being a group member (Mann, 1954). Role differentiation also occurs, with some residents playing more central roles, such as the block organizer or block busybody, and others being more peripheral in the ongoing life of the block.
- Unless there is extremely high turnover or heterogeneity, norms about acceptable and unacceptable behavior are generally shared. People generally agree about what is and is not acceptable at various times. The specific points of agreement—and their clarity—vary as a function of location, structure, and social psychological factors. So too, norms, ranging from clear to diffuse, may be more or less widely shared.
- Blocks exhibit regularly recurring rhythms of activity (Jacobs, 1961; Jacobs, 1968). In ecological psychology these are called standing patterns of behavior. People go to work and come home, children go to school and come home, mail carriers and paper carriers make

their rounds certain times of the day, people engage in weekly activities (like car washing) and seasonal activities (like leaf raking or lawn mowing or gardening). Each block has a regular standing pattern of behavior composed of overlapping cycles, although the pattern may evolve noticeably over a substantial period or, in changing neighborhoods, over a short period.

- The surrounding physical milieu supports and contains the behavior program. A streetblock is physically bounded by the fronts of houses or the alleys or fences behind the houses and the cross streets. What happens one block over or behind the streetblock has much less impact on the block than activities occurring within it. This is particularly evident when a fire or large snowstorm occurs. The block is a major container, partitioning residents from what is happening elsewhere. The behavior setting can no longer exist if the physical container is removed (e.g., urban renewal).

- Behavior settings and streetblocks evolve over time. "Settings are continually constructed and reconstructed as new personnel and equipment are added or exchanged for exiting components" (Wicker, 1987, p. 616). Similarly, on streetblocks families move in and out and houses may be converted to apartments or stores or abandoned and torn down. Small stores may come and go or be converted back to apartments. As the streetblock changes physically over time or its population shifts, so too may the standing patterns of behavior change.

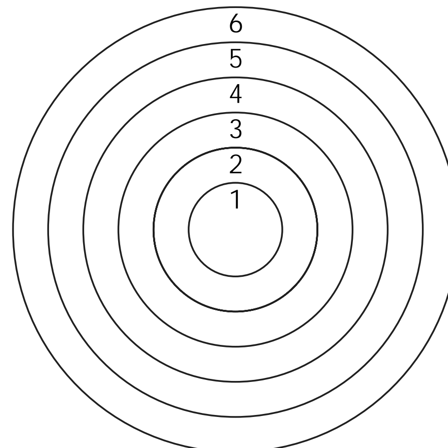
The daily and weekly rhythms on a streetblock depend not only on the residents of the block and its layout but also on conditions on the surrounding blocks and in the broader neighborhood—and how that block and surrounding blocks may shift over time. For example, a block with a corner store will have different numbers and types of people on the sidewalk at different times of day compared with a block that has no store (Baum et al., 1978). Who comes to the store depends on the makeup of the broader neighborhood as well as the block, and the arriving foot traffic will shift as the neighborhood shifts.

What will we gain by drawing on ideas about behavior settings? If we understand how specific types of settings work and what their standing patterns of behavior are, we should be able to identify which critical pieces are missing when such a site becomes a high-crime location.

An isolated bar may become a high-crime location. A pizza parlor at an intersection with several other stores may likewise become a trouble spot. But the route by which each site became a high-crime site may be quite different. What is needed to lower crime also may be quite different.

The evaluation of Oakland's SMART intervention hints that different remedies are needed for commercial and residential sites (Green, 1996, p. 68). Police helped initiate multiagency civil remedies at problem addresses in both types of sites. The tactics most effectively reduced drug activity at the commercial sites, "where business owners risk more

Exhibit 2. Zones of Penetration Into Behavior Settings



Zone 1 = Single leader
Zone 2 = Joint leaders
Zone 3 = Active functionary (helps manage the setting)
Zone 4 = Member or customer
Zone 5 = Audience or invited guest
Zone 6 = Onlooker

Source: Barker, 1968, figure 4.1, p. 51.

than residential tenants do by not cooperating with police."

Location-specific remedies are required. Understanding how the setting went awry helps gauge what remediation tactics are most effective. Routine activity theory is beginning to incorporate behavior setting ideas. Marcus Felson (see appendix A) has suggested differentiating guardians of specific targets in a setting—for example, differentiating site managers, who are responsible for the overall functioning of a place, from those with lesser responsibilities (Felson, 1995). This closely parallels Roger Barker's (1968) observation that people participate in behavior settings at different levels (see exhibit 2).

A particular type of behavior setting may become a high-crime location because setting participants needed to maintain the standing pattern of behavior are missing from some parts of that setting. Alternatively, involved personnel may lack the experience needed to maintain the standing pattern of behavior.

To solve the crime problems in a location, we need to "unpack" the dynamics of the site. Detectives or patrol officers can intervene most effectively if they can discriminate between legitimate and illegitimate participants in the setting (Green, 1996; Rosenbaum and Lavrakas, 1995; Weisburd and Green, 1996). Although behavior setting theory provides an extremely efficient lens for focusing on the most relevant dynamics, the process may prove awkward and unfamiliar to detectives and uniformed patrol officers (Braga, 1997; Braga et al., 1997).

A final advantage of behavior setting theory is its explicit recognition that the standing pattern of behavior is timebound. Several of the interventions mentioned earlier point to timebound effects. For example, residual deterrence from crackdowns may be seasonally dependent (Sherman and Rogan, 1995). Understanding how block behavior settings vary by season would help to interpret this dependency.

What police personnel do in these locations

How do police decide what to do after arriving at a high-crime location? The most effective and minimally intrusive response is for officers to disrupt the illegal activities and avoid disrupting legal activities (Green, 1996). An understanding of setting dynamics would provide guidance on achieving such a goal. Lacking this understanding, the officers may simply want to aggressively police the entire setting (Braga et al., 1997).

What information sources are needed

To intervene effectively in high-crime sites, detailed knowledge of the setting is needed. Beat officers have such detailed knowledge. The challenge is to systematically elicit, share, and archive that information. Sometimes locations become high-crime sites because of surrounding conditions, including movement patterns of potential offenders and victims (Maltz et al., 1991). Detailed information about these conditions can help to make these connections (Mazerolle and Terrill, 1997).

Crime mapping tools become even more powerful if crimes are combined with other geocoded community information. When certain rules are followed for the contextual information, it becomes a "GeoArchive" (Block, 1996):

> A GeoArchive is a particular kind of geographic information system [GIS] database. . . . Like all GIS, a GeoArchive is especially organized for spatial data, and contains a digitized map and data geocoded to that map. It can be seen as a large set of map transparencies that can be overlaid on each other. But a GeoArchive has several characteristics that distinguish it from other GIS databases. . . . A GeoArchive links (1) address-based local-level data from (2) a variety of law enforcement and community sources, and (3) is organized so that it can be updated, maintained, mapped, analyzed, and used by those who are developing and implementing strategies of crime reduction in the local community.

Such a system includes information on housing code violations and locations of facilities like bus and subway stops. The geographic display of local features and data on crime and calls for service quickly links local features to various crime problems. For example, proximity to mass-transit stops was an important factor in tavern crime in the north side of Chicago (Block and Block, 1995). Effectively reducing crime in high-crime locations requires knowing much more about the site than the crime profile.

Deciding how much the site needs to be fixed

Crime varies from place to place and over time, and numerous factors affect those variations. Random influences and temporal patterns, for example, can contribute to a high crime rate at a site. Deciding how much of that crime profile emerges from factors police can address is a challenge for those allocating police resources. Some analytic techniques can answer such questions (Spelman, 1995a). For example, differences in high school crime rates may arise from random sources, changes over time, and persistent differences between the sites. Persistent differences may arise from the demographics of students attending the various schools, the administrations running the schools, and the surrounding neighborhoods. Changes over time may arise from seasonal variation or long-term regional or national trends. But it is only the persistent site differences that are an appropriate target of police interventions. Consequently, in planning an intervention and deciding what the criterion for success is, police planners might profitably isolate those persistent site differences so they know how much of a reduction they seek.

Therefore, the intervention goal is tied to the analysis of the crime variation or the calls for service variation. Otherwise, agencies risk "overmedicating" a hot spot that is only "warm," or "undermedicating" a "red-hot" hot spot.

Picking sites for intervention

The process of identifying high-crime locations for intervention is still in a rudimentary stage, especially compared with the work in spatial epidemiology of disease (Giggs, 1990; Thomas, 1990a; Thomas, 1990b; Thomas, 1992; Wartenberg and Greenberg, 1990). Whereas we look for crime clusters in space, they look for disease clusters in space and time. Whereas we look for clusters compared to a background of random variation, they look for clusters compared to a theoretically meaningful indicator of background intensity. Spatial epidemiologists can readily determine where and when there is more disease than there should be, given a range of factors. For criminologists, the theoretical tools, understanding of etiology, and data available rarely permit determining where there is more crime than there should be.

Some would argue the above approach is inappropriate, stating that wherever crime or calls for service are sizable, intervention is needed. On the other hand, if we know how much site features, local population features, and characteristics of adjoining locales—factors that cannot be changed—contribute to the crime rate, we have a better idea of how effective we can expect to be at these sites.

Granted, spatial epidemiologists work with causal frameworks far different from those used by criminologists. Given strong enough space-time clustering, they can assume one disease agent is at work. Within our field, pinning down causes seems much more arduous. Nevertheless, despite these differences, spatial epidemiology's simultaneous attention to time and place clustering and concern with finding the appropriate control rate should be incorporated into spatial criminology.

Further expanding the concept

Policymakers and practitioners alike have lavished considerable attention on connections between crime and small places in the past few years. They have added issues of disorder and fear of crime to the mix as well. In the middle to late 1990s, police operations have been most affected by the small-scale focus. Nonetheless, it is easy to imagine expanding further and, for example, using information about parolee or probationer residence linked to a GeoArchive to help decide supervision levels (Buckley and Kane, 1997; Van Dine, 1997). In short, the current focus may expand the outcomes of interest and the type of place-based processes of interest, proving relevant to criminal justice practitioners beyond the police.

Appendix: Overview of Theories Relevant to Crime-Place Links

Shifting from an offender-based to a place-based criminological theory—or more accurately, developing the place-based theory as a complement to the individual focus—requires thinking in new ways (Weisburd, 1997). That conceptual retooling is now under way and is needed to effectively support crime prevention and control initiatives. I have proposed that we spur this development by relying on ecological psychology research. Recent revisions to place-based routine activity theory are already moving in that direction. This field helps us better understand how public places go awry and become high-crime or high-fear sites. It also helps us focus on what officers should do onsite.

Quick historical tour

French and English researchers in the middle of the last century investigated regional and within-county variations in offenders and crime (Glade, 1856). Regional variations continue to inspire debate in the United States, the debate on the Southern subculture of violence being one case in point (Messner, 1983; Wolfgang and Ferracuti, 1967). For example, most recently Dov Cohen and Richard Nisbett suggested that the higher homicide rates in the South emerged from a culture of honor linked to a history of independent pig farmers in mountainous Southern regions (Cohen and Nisbett, 1994; Nisbett, 1993).

Social workers in the latter part of the 19th century pointed to parts of London where misery, drunkenness, and crime flourished and many children were homeless. Some urban renewal plans around that time and later were focused on breaking up those troublesome areas (Morris, 1957).

In the first half of this century, researchers who were later identified with the Chicago School of Human Ecology documented within-city variations in delinquency (Bursik and Grasmick, 1993; Shaw and McKay, 1969), offender rates (White, 1932), mental illness (Faris, 1948), and other social problems. These and other researchers have linked crime, offending, and delinquency rates with features of community structure like economic status, stability, and racial composition (Bursik and Grasmick, 1993; Sampson and Lauritsen, 1994). Even more recently, with the availability of the British Crime Survey (Sampson and Grove, 1989) and the Project on Human Development in Chicago Neighborhoods (Sampson et al., 1997), researchers can document the contributions of informal social control (Bursik, 1988), independent of community structure or mediating community structural impacts. Recent quantitative and qualitative studies help explain how offending patterns are linked to employment opportunities, unemployment levels, street culture, and ethnic background (Bourgois, 1989; Bourgois, 1996; Sullivan, 1989; Sullivan, 1993; Williams, 1989; Wilson, 1987; Wilson, 1996) and how all these factors contribute to long-term neighborhood deterioration. In short, after several decades of theorizing we have begun to empirically document the individual- and community-level connections and contextual effects that link delinquency, offending, and crime rates to neighborhood features, over time as well as at one point in time.

In the past 20 years or so, theorists like Jane Jacobs (Jacobs, 1968) and Don Appleyard (Appleyard, 1981; Craik and Appleyard, 1980) have devoted attention to how streetblocks "work." Researchers have either focused on streetblocks themselves, on both sides of the blockface, between two cross streets, or on census blocks (the four sides of a city block as you walk around it). Streetblock researchers have confirmed the contributions of land use (Baum et al., 1978; Taylor et al., 1995), block design (Taylor et al., 1984), and social and organizational block characteristics (Perkins et al., 1990; Perkins et al., 1992; Taylor et al., 1981) to social withdrawal, crime, and disorder. Census block researchers have linked crime to a range of block features, including high schools, bars, and public housing (Roncek, 1981; Roncek and Bell, 1981; Roncek et al., 1981; Roncek and Faggiani, 1985; Roncek and Maier, 1991; Roncek and Pravatiner, 1989; Snyder, 1995).

Available theoretical tools

Both the tools for understanding crime-place links and the empirical support for key theories about crime and place have dramatically improved. The following theoretical models point toward features of the social and physical environment below the neighborhood level.

Crime prevention through environmental design and territorial functioning theory

Ideas about crime prevention through environmental design (CPTED)—including defensible space and related ideas about territorial functioning dating from the early 1970s—suggested that some places were safer than others partly because of how they were built and, in turn, how people used those spaces (Taylor, 1988). Some of these early views credited architecture and site planning with too strong an influence on human behavior (Taylor et al., 1980), but later works in this area have extensively documented that site features contribute to safety in many instances (Newman and Franck, 1982; Taylor et al., 1984), although not all (Merry, 1981). People in many different neighborhoods have put these ideas to work. Residents in Asylum Hill in Hartford in the 1970s (Fowler and Mangione, 1986), North Miami Shores in the early 1990s (Atlas and LeBlanc, 1994), Five Oaks in Dayton in the mid-1990s, and Guilford in Baltimore in the mid-1990s redesigned traffic circulation patterns through their neighborhoods and closed entrances to reduce crime. Some of these efforts received considerable attention from the news media, even though success has been hard to document. Across the Nation, the increasing construction of gated communities, once considered only for extremely upscale developments, represents one widespread (albeit controversial) application of these ideas.

Situational crime prevention theory

Situational crime prevention also focuses on specific features of settings that might contribute to crime. A steady stream of studies over the past 15 years or so has documented how specific setting features and changes in those features can deter offenders (Clarke, 1995). This model assumes that offenders are rational, are motivated by potential benefits, are aware of likely crime costs, and recognize opportunities for getting away with a crime—whether that crime is vandalizing a telephone, putting slugs in the subway, or stealing a car. Sometimes reducing opportunities means making it harder for someone to commit a crime ("hardening a target"), but other times it is more than that. A recent study of Washington, D.C.'s Metro station designs and operations represents an example of situational crime prevention that integrated a number of design, management, and operational features (La Vigne, 1996).

Some are concerned that situational crime prevention strategies will simply result in displaced crime (Barnes, 1995; Repetto, 1976)—displaced spatially, temporally, or in other ways (Lab, 1992). Researchers have documented that as a result of situational crime prevention initiatives less than one crime is displaced (that is, occurs elsewhere) for each crime prevented. In some instances, adjoining areas may experience a diffusion of benefits (Clarke and Weisburd, 1994), enjoying enhanced safety only because they are near a prevention site. The debate about the volume of displacement, the quality of studies gauging such volume, and even the definition of displacement continues (Barnes, 1995). Nevertheless, most of the studies show that the effects of displacement do not nullify the benefits of prevention—and the benefits of diffusion sometimes outweigh the effects of displacement (Anderson and Pease, 1997; Green, 1995). If practitioners look at outcomes like physical deterioration and fear of crime, instead of at crime, displacement becomes a much less salient issue. As interest has shifted to these noncrime outcomes and evidence has not supported worst-case displacement scenarios, practitioners have become more comfortable with crime prevention or suppression efforts focused on small-scale locations.

Behavioral geography/crime pattern theory

According to this theory, offenders go to work, visit friends, come home, do their shopping, and carry out other daily activities just like the rest of us. During these activities, motivated offenders search for likely targets for the type of crime they hope to commit. For example, suburban burglars look for

worthwhile houses to enter that are not too far off their route between home and work (Rengert and Wasilchick, 1985). Urban, drug-using burglars may choose sites near drug markets (Rengert, 1996). Crime pattern theory integrates ideas about offenders' movements with the geographic distribution of crime targets (Eck and Weisburd, 1995). It links places with desirable targets and the context in which they are found by offenders.

Geographic profiling inverts the usual behavioral geography questions (Rossmo, 1995). Instead of asking, "If we know where the offender works and lives, can we predict what targets he or she will select?" it asks, "If we know the locations of a connected series of crimes, what can we say about where the offender most likely resides or works?" D. Kim Rossmo (1995, p. 217, and abstract) explains:

> The probable spatial behavior of the offender can thus be derived from information contained in the known crime-site locations, their geographic connections, and the characteristics and demography of the surrounding areas. By determining the probability of the offender residing in various areas and displaying those results through the use of isopleth or choropleth maps, police efforts to apprehend criminals can be assisted. This investigative approach is known as geographic profiling.

The technique's creator believes it will assist police most substantially in investigations of serial murder, serial rape, and serial arson. It also may prove relevant to other serial crimes for which a set of spatially defined clues is available.

Routine activity theory

Routine activity theory and the affiliated lifestyle theory (Hindelang et al., 1978; Hindelang et al., 1979; Titus, 1995) relate closely to behavioral geography. In their earlier versions, these theories proposed that crimes occur when three things come together in space and time: a motivated offender, a suitable target, and the absence of a capable guardian (Felson, 1994).[7] The perspective helps us understand why certain crime rates are higher around high schools and taverns, as Dennis Roncek and his colleagues have demonstrated. It also helps explain long-term shifts in some crime rates (Felson, 1986) and differences in victimization rates among groups of people (Kennedy and Forde, 1990a; Kennedy and Forde, 1990b).

More recently, theorists have added three more pieces to the model (Felson, 1995). Motivated offenders have "handlers": Relatives, friends, or acquaintances who, without resorting to force, can discourage the motivated offender from committing the crime. Furthermore, in addition to guardians, who are focused on protecting a particular target, settings often have "place managers" who discourage crime by controlling places. A doorman on Fifth Avenue in front of an apartment building, a bus driver on a bus, a private security guard looking out over a parking lot are all looking after a particular place. Their spheres of concern are spatially broader than those of the guardian. Place managers may be differentiated based on the type of responsibility each has for the place in question. The stronger the responsibility, the more likely the place manager will do something about a crime about to happen or that has already taken place. With the introduction of the place manager, routine activity theory develops into a perspective clearly focused on small-scale locations. It tells us about differences across sites, not across communities, over time (Eck, 1995). According to John Eck, "Specific places should be a focus of research . . . for small time increments" (Eck, 1995, pp. 795–796). The theory itself has progressed down the cone of resolution.

Notes

1. The current focus on small-scale places may be a continuation of a longer term trend. See the appendix for a brief historical analysis of research on crime and its relationship to place.

2. Criminal geographers differ on the specific levels they might discuss within this cone. Keith Harries (1974) includes the following levels: regional, intermetropolitan, macro-intraurban, and micro-intraurban. Paul and Patricia Brantingham (1981) discuss State, tract, census block group, and census block levels, in accord with easily available census data.

3. These have come to be known as Compstat (computer comparison statistics) meetings. But an exclusive focus

on the crime maps overlooks the broader command and control processes, as well as the strategizing, that occur in the meetings.

4. This study did not examine the possibility that crime was displaced to a remote location. For example, in the fall of 1997, residents of Kensington, a neighborhood considerably north and east of downtown Philadelphia, expressed concern about the dramatic rise in prostitution in their locale. Many of those working the street had reportedly been displaced from the downtown area as a result of Business Improvement District (BID) activities.

5. To be selected, sites were required to have at least 20 hard- and 20 soft-crime calls in the selection year. Hard- and soft-crime calls in the experimental and treatment sites ranged from 56 to 628 (with a mean of 183).

6. The time period used for compiling the burglary history record is not clear.

7. Questions of what makes a guardian capable (and in whose eyes) remain to be explored.

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Evaluating Community Youth Sanctioning Models: Neighborhood Dimensions and Beyond

Gordon Bazemore, Ph.D., Florida Atlantic University

"Community justice" is taking hold throughout North America and elsewhere in the world. Although the application of community sanctioning models with adult offenders is increasing, nowhere has the interest in these new approaches been greater than in the response to youth crime.[1] (See exhibit 1 for descriptions of four community youth sanctioning models.) While it is difficult to track each local application, at least 10 States are experimenting with, or in some cases reviving, community sanctioning programs for young offenders.

Viewed as a whole, the movement toward community-based youth sanctioning and decisionmaking encompasses a wide array of processes, goals, and practical and philosophical rationales. The enthusiasm for community sanctioning as a new response to juvenile crime appears to be a result of both crisis and opportunity in juvenile justice. Advocates of these approaches view them as an opportunity to build support for a juvenile justice system frequently criticized as insular and out of touch with community needs and expectations (Bazemore and Day, 1996). Stated and implicit objectives for youth community sanctioning initiatives include (but are not limited to) giving citizens a greater role in sanctioning, increasing citizen involvement in juvenile justice, providing a more meaningful and immediate response to delinquency, encouraging alternative dispute resolution, reducing fear of youth crime, improving monitoring of young offenders, and diverting more young offenders from the court.

These more positive rationales are being joined with a practical and realistic sense of urgency driven by the fear that the survival of the juvenile justice system may be in jeopardy. In at least one State, it appears that one political motivation behind neighborhood sanctioning is to create a community response to misdemeanor and less serious offenses while policymakers pursue abolition of the juvenile court and transfer of jurisdiction over most felony offenses to criminal courts (Torbet, et al., 1996). In other jurisdictions such approaches are viewed as a means of strengthening community commitment and participation in what has become a closed and one-dimensional response to youth crime.

While underlying philosophies in community youth sanctioning also run the gamut from traditional prevention and diversion paradigms to those emphasizing reparation and offender accountability (Umbreit, 1995; Bazemore, 1997a), to various adaptations of shaming (Kahan, 1996; Karp, 1997) (including reintegrative shaming) (Braithwaite and Mugford, 1994; Retzinger and Scheff, 1996), the four models described here (and presented in exhibit 1) share several common characteristics. As part of a growing but still emergent and loosely connected national and international movement for restorative justice (Zehr, 1990; Mesmer and Otto, 1992; Van Ness, 1993; Van Ness and Heetderks Strong, 1997; Braithwaite and Mugford, 1994), or community restorative justice (Young, 1995; Bazemore and Schiff, 1996), these approaches stand as case studies in an effort to give citizens, victims, and community groups an explicit decisionmaking role in an informal youth sanctioning process. Although an indepth description of important differences among the four models is beyond the scope of this paper, these models will be used here for the specific purpose of illustrating different trends and themes within this larger movement that have important implications for defining key dimensions of this emerging community response to youth crime. Yet, like many other initiatives in neighborhood or community justice (National Institute of Justice, 1996; Barajas, 1995),

Exhibit 1

Four Community Youth Sanctioning Models

Model 1: Family Group Conferencing (FGC). In cities and towns in the United States and Canada—as well as in Australia and New Zealand—family members and other citizens acquainted with a young offender or victim of a juvenile crime gather to determine what should be done in response to the offense. Often held in schools, churches, or other facilities, family group conferencing (FGC) is facilitated by a Community Justice Coordinator or police officer and is aimed at ensuring that offenders are made to face up to community disapproval of their behavior, that an agreement is developed for repairing the damage to victim and community, and that community members recognize the need for reintegrating the offender once he or she has made amends. Based on the centuries-old sanctioning and dispute resolution traditions of the Maori, a people native to New Zealand, modern FGC was adopted in national juvenile justice legislation in New Zealand in 1989. "Conferencing" is now widely used in modified form as a police-initiated diversion alternative in Australia and is being rapidly introduced in communities in Minnesota, Pennsylvania, Montana, other States, and parts of Canada.[2]

Model 2: Community Boards (CBs). In a number of U.S. juvenile court jurisdictions, nonviolent offenders meet with local citizen community boards or neighborhood panels whose members recommend a plan generally requiring that they complete community service, make restitution to the victim, and become involved in educational activities or treatment. At the end of the session, the offender signs an agreement or contract to complete the plan within a specified time. Community boards, which may be formally coordinated by probation, court, or diversion staff, generally include five or more local citizens who make dispositional recommendations for cases referred by courts, intake departments, schools, or police officers.

Model 3: Circle Sentencing (CS). In Canadian towns and First Nation communities and in two communities in Minnesota, residents sit in a circle listening (sometimes for hours) to citizens, offenders, victims, victim advocates, and other community members speak about the impact of the crimes. When the feather or "talking stick" is passed to them and it is their turn to speak without being interrupted, participants may comment favorably on rehabilitation already begun by the offender, who may be a chronic and sometimes violent perpetrator well known to the community. Speakers in these circle sentencing sessions also express concern for the victim or about the continuing threat posed by the offender. At the end of the session, participants attempt to come to consensus about a rehabilitative plan and an approach to healing the victim and the community. A recently updated version of ancient sanctioning and settlement practices adapted from the traditions of Canadian aboriginals (Stuart, 1995b) as well as those of indigenous people in the Southwestern United States (Melton, 1995), circle sentencing was resurrected in 1991 by supportive judges and community justice committees in the Yukon and other northern Canadian communities. These committees and community members are now working with judges, police, justices of the peace, and other criminal justice officials to assume increasing responsibility for offender sentencing and supervision.[3]

Model 4: Victim-Offender Mediation (VOM). Throughout North America, as well as in many cities in Europe and other parts of the world, crime victims and offenders meet with trained mediators to allow victims to tell their stories to offenders, express feelings about the victimization, make the offenders aware of the harm they caused, and obtain information about the offenders and the offenses. At the conclusion of most of these victim-offender mediation sessions, victim and offender work with the mediator to develop a reparative plan that ensures that the offender provides appropriate restoration to the victim and the community based on direct input from the victim. Originally and still frequently referred to as victim-offender reconciliation programs, VOMs are still unfamiliar to some mainstream criminal justice audiences and marginal to the court process in many jurisdictions where they do operate. However, VOM programs now have a long (25-year) and respected track record, and more than 300 programs now serve victims and offenders in Canada and the United States (Umbreit, n.d.; Umbreit and Coates, 1993).

perhaps the most important shared characteristic of the new sanctioning models is the fact that relatively little is known about their impact, their objectives, or the nature of the process itself.

Research in community sanctioning. Although there is a long tradition of evaluation research on community-based programs, research on community sanctioning is in its infancy. Relevant recent studies for the most part offer findings on specific applications of selected restorative justice sanctions and processes. Primarily, this research has focused on one model/process: victim-offender mediation (Umbreit and Coates, 1993; Umbreit, 1994) and one sanction: restitution (Bazemore and Schneider, 1985; Schneider, 1986; Schneider, 1990; Butts and Snyder, 1991).[4]

Research describing and evaluating the new community sanctioning approaches is critical for several reasons. On the positive side, these new models represent some of the most promising approaches for changing the nature of the sanctioning function in juvenile justice (Bazemore and Umbreit, 1995). Although community sanctioning is but one component of a wide range of restorative community justice interventions that specifically addresses prevention, rehabilitation, victim services, and public safety (Young, 1995), some have suggested that citizen involvement in decisions about the disposition of juvenile offenders is an important gateway to broader and deeper participation in all aspects of the response to youth crime and greater support for juvenile justice (Braithwaite and Mugford, 1994; Bazemore and Day, 1996). On the negative side, the movement to devolve justice to the neighborhood level is fraught with dangers ranging from concerns about "net-widening" (broadening the reach of the system to take in more offenders) (Polk, 1994), to power imbalances for young offenders and adults in conferencing settings (Umbreit and Stacy, 1995), to insensitivity to victims (Braithwaite and Parker, 1998), to the "tyranny of community" in cases where community dynamics have resulted in a variety of abuses (Griffiths et al, 1995).

Need for an evaluation protocol. At this stage the primary obstacle to meaningful evaluation of these approaches is neither technical nor methodological.[5] Rather, a first step is to become clear about what the new models are trying to accomplish and how they are trying to accomplish it. An evaluation protocol is needed to define the intended outcomes in community youth sanctioning, describe intervention inputs, and provide theoretical rationales that link inputs, sanctioning processes, and outputs.

Toward this end, this paper is limited to the "independent variable" in community youth sanctioning; i.e., those inputs or interventions expected to lead to the desired outcomes. Currently, there is little knowledge about how the four models work in practice and the principles that guide the informal decisionmaking processes employed. Although it is important to also articulate the intended outcomes of these and other similar approaches, the primary purpose of this paper is to suggest theoretical and practical ways in which the sanctioning process may vary. These variations can help to define the research questions and propositions most helpful in assessing the integrity of community youth sanctioning interventions.

This, however, departs somewhat from the primary theme of this symposium: the role of the neighborhood as specific locus or place for justice processes to take place. In keeping with the theme, the neighborhood concept is used to define one broader dimension of accessibility in community youth sanctioning. However, although the community youth sanctioning models share a commitment to making justice processes more accessible to those most affected by crime, even cursory observation of these processes will confirm that much more is going on than the fact that they are occurring in neighborhoods rather than in courts. Therefore, I will describe two additional categories that help to define theoretical dimensions in community youth sanctioning—community justice and restorative justice.[6]

Defining dimensions of variation

Neighborhood sanctioning boards or community panels are nothing new and, in some ways, are not unique. Indeed, such programs have a long history in the United States and the rest of North America.[7] Clearly, the four models in the case examples presented here share with both current and earlier

community-based criminal justice approaches an emphasis on bringing a more accessible and "user-friendly" justice process to the neighborhood (National Institute of Justice, 1996). What distinguishes this new crop of community sanctioning models from most current efforts to decentralize courts and court functions—as well as from traditional sanctioning and neighborhood dispute resolution initiatives (McGillis and Mullen, 1977; Garafalo and Connelly, 1980)—are several important themes and a primary unifying focus. This focus moves beyond the concern with neighborhood alone and suggests that this dimension of influence may, in fact, be far less relevant in some parts of the country than others.

But while "neighborhood" may not be relevant to young offenders, crime victims, and other citizens participating in community sanctioning processes, "community" in one form or another and relationships will be. These concepts suggest a range of focal concerns related to restorative justice and community justice, including an effort to identify and engage those most affected by crime in problem-oriented and preventive solutions; changing the role of justice agencies to one of strengthening community capacity against crime; a commitment to repairing harm to victims and victimized communities; and actively involving victims, other citizens, and offenders in an informal, nonadversarial dispositional or decisionmaking process aimed in part at holding offenders personally accountable (Bazemore, 1997b; Stuart, 1995a).

The integrity of interventions

At this early stage in the development and evaluation of community youth sanctioning models, it is critical to establish theoretical and value-based criteria for answering the question, how do we know it when we see it? That is, how do evaluators know that a process referred to as a family group conference, for example, has been carried out in a way consistent with the principles of restorative justice or reintegrative shaming that inform it? Can evaluators know—when an offender recidivates 2 months after participating in such a conference or when the victim feels dissatisfied—that the theory of intervention underlying this approach was incorrect or inappropriate? Or was this apparent failure due to the fact that the conference was inadequately implemented?

The first concern with determining whether an intervention has actually occurred is a construct validity issue of the utmost importance in evaluating any new initiative. The possibility of multiple interpretations of terms like "mediation," "shaming," and even "involvement" leaves new processes open to the phenomenon in which the name of very traditional practices is simply changed to fit new trends (e.g., community policing, restorative justice), with little or no actual change in content. To avoid situations in which relabeled traditional practices are evaluated as restorative justice or community justice programs, it is important to establish definitions and criteria for determining whether and to what extent an intervention has occurred.

More commonly, because consistency with underlying principles in processes such as mediation often varies along a continuum (Umbreit, n.d.), it is important in evaluation to have access to common criteria that allow for valid and reliable assessment of intervention integrity. Such criteria would reflect one or more dimensions of practical and theoretical importance to practitioners and participants in implementing a youth sanctioning model, and they could be used to compare different implementations of the same or contrasting models.

Ideally, multiple dimensions could be grouped into theoretically meaningful categories based on underlying propositions about why each dimension is important. Such a classification also makes possible the development of independent variable categories associated with specific theories of intervention or logical propositions. These theories as propositions would be based on assumptions about the importance of such characteristics as where the intervention occurs, who is involved, participant roles, the nature of the process, and the importance attached to crime victim needs and reparation. Ultimately, such variable sets might allow for comparisons between, for example, the relative importance of a neighborhood location and active citizen involvement in sanctioning processes, or between an emphasis on victim input and a focus on participation of other stakeholders.

For purposes of this discussion, what could be a wide range of dimensions for classifying the inputs of community justice decisionmaking is divided into three conceptual categories. First, several

dimensions of variation that view the neighborhood as the locus of decisionmaking and reflect concerns related to place, proximity, and availability of justice services are classified here under the larger conceptual category of accessibility. Second, several characteristics referred to as community justice dimensions (Barajas, 1995) relate primarily to the role of the community as both the object of and coparticipant in intervention. Finally, the category of restorative justice refers to dimensions focused on reparation of harm, victim involvement and victim needs, and a process that defines an active role for victim, community, and offender.[8]

Although overlap between these categories in practice makes clear division of specific community sanctioning interventions into these categories impossible, each category adds theoretically and practically important evaluation criteria that can be used in defining the inputs or independent variables in community sanctioning. In describing these dimensions, family group conferencing, community boards, circle sentencing, and victim-offender mediation are used as ideal types to illustrate the general range of variation in community sanctioning inputs.

As the case examples (see exhibit 2) imply, there is substantial variation among the four youth sanctioning models in how the decisionmaking process is organized, the primary goals of participants, how and to what extent they prioritize efforts to involve citizens and build community ownership, and the role assigned to victims, community members, and offenders. Making sense of these differences as "inputs" into the sanctioning process can help evaluators assess the consistency and comprehensiveness of the implementation of various approaches. Beyond their relevance in these evolving models, such dimensions should prove useful in comparing other community sanctioning processes.

Accessibility dimensions: Neighborhood location, flexibility, and informality

Historically, the most common and predominant concept in the discussion and practice of community justice has been accessibility to justice services. In this regard, the new youth sanctioning models can be compared on the basis of three primary dimensions that address the extent to which justice processes and services are easily available and likely to be used by neighborhood residents who represent target users. These dimensions are labeled location/proximity, flexibility, and informality.

Location/proximity. The assumption underlying concern with location—distance as a primary barrier to participation in and satisfaction with justice services—has at various periods in recent history prompted a movement to physically decentralize justice services—often with a special focus on inner-city neighborhoods thought to need them most. Initially a primary motivator for community-based corrections, team and neighborhood policing, neighborhood dispute resolution, and foot patrol, this theme is also heard in the community sanctioning movement.

Assessing variation in proximity as an independent variable involves measuring to what extent distance varies for individuals involved in a community sanctioning process and to what extent this affects overall satisfaction and other long- and short-term outcomes. Researchers should also examine whether residents are indeed more likely to participate in sanctioning processes in their own neighborhood and the extent to which lack of transportation may be an obstacle. At the program level, evaluators may wish to compare outcomes (such as client satisfaction) of programs held in neighborhoods with those held in more centralized settings. They may also wish to examine the extent to which neighborhood sanctioning programs vary in the average distance participants must travel to access justice services and processes.

Turning to the four youth sanctioning models, it is clear that each takes place in neighborhood locations such as community centers, schools, churches, and other informal settings (see exhibit 3). Actual proximity to most users is unknown and has not been a topic of discussion or investigation in existing evaluations; it appears that in practice some models like victim-offender mediation (VOM) seem less concerned with neighborhood location than others. Mediation sessions may even be held in centralized locations (near courthouses, for example) to attract more clients or users, or in the victim's home if the offender agrees. While

Exhibit 2

Case Examples of Four Community Youth Sanctioning Models

Case 1: Family Group Conferencing (FGC). After the offender, his mother and grandfather, the victim, and the local police officer who had made the arrest had spoken about the offense and its impact, the Youth Justice Coordinator asked for any additional input from other members of the group of about 10 citizens assembled in the local school (the group included two of the offender's teachers and two friends of the victim). The coordinator then asked for input on what the offender should do to pay back the victim (a teacher who had been injured and whose eyeglasses had been broken in an altercation with the offender) and the community. In the remaining half hour of the approximately hour-long conference, the group suggested restitution to the victim to cover medical expenses and the cost of a new pair of glasses and community service work on the school grounds.

Case 2 : Community Boards (CBs). The young offender, a 17-year-old caught driving with an open can of beer in his pickup truck, sat nervously awaiting the conclusion of a deliberation of the community board. He had been sent to the board hearing as a condition of informal probation and did not know whether to expect something tougher or easier than regular probation. About half an hour earlier, before retreating for their deliberation, the four citizen members of the board had asked the offender several simple and straightforward questions about what he had done, the damage that could have resulted from his actions, and what he felt he needed to do to make amends and avoid repeating this behavior. At 3 p.m. the chairperson explained the four conditions of the offender's contract: 1) begin work to pay his traffic tickets, 2) complete a State police defensive driving course, 3) undergo an alcohol assessment, and 4) complete 30 hours of community service at a drug abuse treatment facility. After the offender had signed the contract, the chairperson adjourned the meeting.

Case 3: Circle Sentencing (CS). The 16-year-old offender had crashed into a man's parked car and also damaged a police vehicle after joyriding in another vehicle. The victim talked about the emotional shock of seeing what had happened to his car and his costs to repair it (although he was insured). Following this, the feather was passed to an elder of the First Nation community where the circle sentencing session was being held, and he and an uncle of the offender expressed disappointment and anger with the boy. The elder observed that this incident, along with several prior offenses, had brought shame to his family—noting that in the "old days," he would have been required to pay the victim's family substantial compensation. The feather was then passed to the next person in the circle, a young man who spoke about the contributions the offender had made to the community, the kindness he had shown toward the elders, and his willingness to help others with home repairs. Having heard all this, the judge asked the crown council (prosecutor) and the public defender, who were also in the circle, to make statements and then asked if anyone else in the circle wanted to speak. A police officer, whose car had also been damaged, then took the feather and spoke on the offender's behalf, proposing that in lieu of statutorily required jail time, the offender be allowed to meet with him regularly for counseling and community service. After asking the victim and the prosecutor if either had objections, the judge accepted this proposal. In addition, he ordered restitution to the victim and asked the young adult who had spoken on the offender's behalf to serve as a mentor for the offender. After a prayer in which the entire group held hands, the circle disbanded, and everyone retreated to the kitchen area of the community center for refreshments.

Case 4: Victim-Offender Mediation (VOM). After an hour of heated and emotional dialogue, the mediator felt that the offender and victim had heard each other's story and learned something important about the impact of the crime and about each other. They had agreed that the 14-year-old offender would pay $200 to cover the cost of damages to the victim's home resulting from a break-in. In addition, he would have to reimburse the victims $150 for the VCR he had stolen. A payment schedule would be worked out in the remaining time for the meeting. The offender had also made several apologies to the victim and agreed to community service hours in a food bank sponsored by the victim's church. The victim, a neighbor of the offender, said that she felt less angry and fearful after learning more about the offender and the details of the crime and thanked the mediator for allowing the mediation to be held in her church basement.

advocates of all models prefer holding youth sanctioning events close to participants, it is only in community boards that neighborhood setting appears to be a key concern.

Flexibility. The flexibility dimension refers to efforts to adapt working hours, staffing, and services to the needs of neighborhood residents (Rottman, 1996; Stone, 1996). Decentralization may also be a component of this dimension (Clear, 1996), since an objective of such efforts may be (but is not necessarily) to allow and encourage managers to reorganize agencies to avoid multiple units, narrow specializations, and compartmentalization. Because these features add to citizens' difficulties in understanding (and thus accessing) the justice process and also limit the capacity of professionals to respond to the diverse needs of communities, this aspect frequently has been mentioned by advocates of community sanctioning (Stuart, 1995b; McElrae, 1993), as well as by more mainstream advocates of juvenile court reform (Edwards, 1996). One of the most theoretically interesting aspects of this dimension is the ability of justice professionals to adapt their professional roles to various and often diverse community needs outside their job description. Community policing initially was the prototype for this "role stretch" or "role blurring" as law enforcement officers became community police officers and found themselves with a new rationale for accepting an assignment that included service provision, prevention, capacity building, and problem solving (Stephens and Moore, 1988).

The degree of flexibility in community youth sanctioning processes could be assessed by examining the roles of professional and paraprofessional staff and using client surveys and interviews. The latter would seek to determine if users perceive the process as rigid and narrow or if staff are viewed as willing to meet diverse local needs, rather than be bound by job descriptions and departmental protocols. Variation in flexibility among the four models seems again relatively minimal. But while practitioners of each model attempt to adapt the process somewhat to local needs, role stretch or role blurring is apparent primarily in circle sentencing, where police officers, judges, and prosecutors play the role of citizen participant in the circle process after fulfilling their legal responsibility (e.g., reading the charges) (Bazemore, 1997b). In two models, VOM and CB (community boards), justice system professionals are involved in only the most distant sense, usually as sources of referral. In family group conferencing (FGC) programs that use the Australian (or Wagga Wagga) model, a police officer is a facilitator of a sanctioning process. This role may vary depending on the extent to which the officer views his or her function as a coordinator and facilitator or as administering sanctions and leading a shaming process (Alder and Wundersitz, 1994; Umbreit and Stacy, 1995). The role of the coordinator as key staff person varies from the multifaceted one in circle sentencing to the very minor one on most community boards to the more focused role of the mediator in victim-offender mediation (see exhibit 3).

Formal legalistic barriers and procedures alienate many citizens from courts and other justice agencies.

Informality. Informality may also increase access by limiting formal legalistic barriers and procedures, which alienate many citizens from courts and other justice agencies. Getting away from rules and procedures, providing an array of nonlegal or paralegal services not typically provided by courts (e.g. counseling, victim support), and offering informal mediation and problem-solving options that allow citizens to speak and enhance the human and humanistic qualities of the process are all features of the informality dimension (National Institute of Justice, 1996; Zehr, 1990). The level of informality can be measured in part by the number and range of nonadversarial processes, but also by observation of how services are provided and the extent to which the process itself is rule- and procedure-driven or informal.

Comparison of the formality of the four models (except most CBs, which tend to deliberate cases) reveals that decisionmaking is more or less achieved by consensus of participants (including victim and offender). In no case is there anything resembling an adversarial process. While all models are informal, process and protocol vary substantially, from ancient rituals involving passing the

feather or talking stick, to the "script" of FGC, to the nondirective and facilitative approach now taught to many, if not most, mediators in VOM programs (Umbreit, 1994). The amount of time allowed for decisionmaking is also an indicator of the extent to which the process is driven by court case processing or caseload requirements (see exhibit 3). A central critique of the formal court process among VOM advocates, for example, has been the primary emphasis on speed and efficiency. Mediation practitioners insist on ensuring that time in VOM is based primarily on the needs of what are for them the primary clients of justice processes—victim and offender.

Limits to improving access. The relative influence of having a justice decisionmaking or sanctioning process in one's neighborhood, the flexibility of process, and whether it is adaptable, user-friendly, and comfortable are empirical questions. For many, the various dimensions of accessibility are no doubt central, because citizens cannot easily experience justice from a distance and are unlikely to participate if the process is overly complex, unfriendly, or formal.

All accessibility distinctions, however, appear to take as a given a constant flow of otherwise willing participants who are simply limited from involvement by logistical and "user-unfriendly" barriers.

Exhibit 3

Accessibility Issues and Dimensions of Youth Sanctioning Models

	Family Group Conferencing (FGC)	Community Boards (CBs)	Circle Sentencing (CS)	Victim-Offender Mediation (VOM)
Local Setting	Social welfare office, school, community building, (occasionally) police facility. Neighborhood location preferred but not necessary.	Public building or community center. Strong preference for neighborhood location.	Community center, school, or public building. Neighborhood location preferred but varies.	Neutral setting such as meeting room in library, church, or community center. Occasionally in victim's home if approved by other parties. Less preference for neighborhood location.
Staff Roles and Flexibility	Community justice coordinator organizes conference. Coordinator facilitates in New Zealand model; police facilitates in Wagga Wagga model. No specific role for other juvenile justice professionals.	Probation or diversion staff role and participation varies. No role for other professionals.	Community justice coordinator responsible for orchestrating efforts of community justice committees (volunteers). Police, judges, prosecutors, treatment staff play supportive roles in the circle process.	Mediator—other positions vary. Paid program coordinator typically hires and trains volunteer mediators. No role for other professionals.
Informality of Process	Consensus-based. Approximate time: 1/2 to 2 hours.	Deliberation of appointed board members. Approximate time: 15 minutes to 1/2 hour.	Consensus-based. Approximate time: 1–3 hours, up to 8 hours.	Consensus-based. Approximate time: 1 hour.

As the experience with community corrections indicates, however, simply locating courts and other agencies in neighborhoods, in the absence of involvement of community groups and residents, often results in isolated programs that may be said to be *in* but not *of* the community (Byrne, 1989; Clear, 1996).

Breaking down formal barriers and increasing flexibility may increase citizen willingness to seek and receive assistance. But improving access does not change the primary role of citizens from service recipient to decisionmaker or partner in a justice process that provides a feeling of ownership over what services are provided and how they are delivered. It is in part this intentional effort to increase community involvement and ownership that distinguishes the accessibility dimensions from the next major category—community justice.

Community justice dimensions: Role of the community

Community justice has been defined as:

> . . . all variants of crime prevention and justice activities that explicitly include the community in their processes. Community justice is rooted in the actions that citizens, community organizations, and the criminal justice system can take to control crime and social disorder. Its central focus is community-level outcomes, shifting the emphasis from individual incidents to systemic patterns, from individual conscience to social mores, and from individual good to the common good (Karp, 1997, p. 3).

Like the neighborhood dimensions, the new practice and emerging theory of community justice suggest a preference for neighborhood-based, more accessible, and less formal justice services (National Institute of Justice, 1996) that to the greatest extent possible move the locus of the justice response closest to those affected by crime.

Community justice uniquely changes the role of the community in the justice process. While accessibility may reinforce the strength of community justice efforts and may even make them possible, professionals and community groups may begin to move forward with this role change even in the absence of a neighborhood location. The change in the role of the community has four important dimensions: how the community is defined for purposes of intervention; the extent to which community change, or community-building, is a focus of intervention; the extent to which citizens and community groups are active participants; and the scope of discretion granted to citizens and community groups as collaborators in decisionmaking.

Simply locating courts in neighborhoods, in the absence of involvement of community groups and residents, often results in isolated programs that may be said to be in but not of the community.

1. What is the "community" in community sanctioning? The first dimension, the definition of community, has been conceptually problematic in all neighborhood- or community-based interventions. Community is often an amorphous concept that more often confuses than clarifies issues of citizen involvement in government-sponsored processes. It is possible, however, to break the community into component parts for purposes of discussing citizen involvement in public life and government intervention with citizens and community groups. Community may be defined, for example, as a school, church, workplace, city block, extended family, tribe, or support group (Gardner, 1990).

How community is operationalized for purposes of community justice sanctioning—who is at the table—will have tremendous importance for all other key dimensions of community justice (Bazemore, 1997b). Assessing the scope of the community definition in a community youth sanctioning process will involve contrasting both the intent of the process and the reality of participation. The latter can be measured only by observing who is present, noting the role of the participants, and interviewing citizen participants to determine their perceptions of the experience and their influence on the process. Intent is in part determined by the

Exhibit 4

Community Justice Issues and Dimensions of Youth Sanctioning Models

	Family Group Conferencing (FGC)	Community Boards (CBs)	Circle Sentencing (CS)	Victim-Offender Mediation (VOM)
Participants	Coordinator identifies key people. Close kin of victim and offender targeted, as well as police, social services.	Court or probation board are standard participants. Offender, family, and victim are asked to participate.	Judge, prosecutor, defense counsel participate in serious cases. Victim, offender, service providers, support group present. Open to entire community. Justice committee ensures participation of key residents.	Mediator, victim, offender are standard community participants; family and others allowed on rare occasions.
Gatekeeping and Discretion	New Zealand: Court and criminal justice coordinator has discretion, but all juvenile offenses are eligible except murder and manslaughter. Wagga Wagga model: Determined by police discretion or diversion criteria. Australian and U.S. law enforcement and school officials have discretion over previous diversion cases.	Judge has discretion over nonviolent, frequently first offenders. Provides a diversion or probation option.	Community justice committee decides whether to use process as diversion or alternative to formal court hearings and correctional process for indictable offenses. Entire range of offenses and offenders eligible. Chronic offenders often targeted.	Victim has ultimate right of refusal; discretionary consent of victim is essential. Largely diversion and probation option. Also used in residential facilities for more serious cases. In some locations used with serious and violent offenders (at victim's request).
Role and Relationship to System	New Zealand: Primary process of hearing juvenile cases. Requires sharing of disposition power. Major impact on court caseloads. Australia: Police driven. Variable impact on caseloads concern regarding net-widening.	One of several diversion or probation options for eligible low-risk offenders with minimal services needs. Plan to expand. Some impact on caseloads anticipated.	Judge, prosecutor, court officials share power with community; i.e., selection, sanctioning, followup. Minimal impact on court caseloads.	Varies on continuum from core process in diversion and disposition to marginal programs with minimal impact on court caseloads.
Community Change Focus	Encourage and increase community involvement in setting tolerance limits, "shaming," and reintegrating offenders.	Engage and involve citizens in community decisionmaking processes. Increase others' involvement.	Increase community strength and capacity to resolve disputes and prevent crime.	Increase involvement of citizens as mediators.

structure of various models and the importance attached to citizen involvement in each (see exhibit 4).

While the community may be defined de facto as anyone who attends a community sanctioning meeting, the specific definition of community in each model runs the gamut from the most restricted focus on only victim and offender in traditional VOM, to the widest definition in circle sentencing, to the rather "hand-picked" community of appointed board members present at community board hearings. In comparing VOM and FGC, for example, one may examine outcomes to determine the impact of parties on mediation (e.g., family members, friends) who are essential participants in the FGC or CS process. Or one may compare mediation, FGC, or CS sessions in which the victim was not present.

2. Community as object of intervention. As James Byrne (1989, p. 10) has noted, "offender-based control strategies are incomplete, since they take a closed system view of correctional interventions: change the offender and not the community." The second dimension of community justice is best described as the extent to which the object of intervention changes from the offender to the community and community groups. In community policing, for example, the emphasis changed from arresting individuals to working with and through community members in problem solving and capacity building (Sparrow, Moore, and Kennedy, 1990). The latter were aimed at supporting citizens in attempting to change institutions and community groups rather than seeking to apprehend, or alter the behavior of, individual offenders.

Such interventions, like those now becoming more common in corrections (Dooley, 1995) and other fields, seek to strengthen the capacity of the community, community groups, and socializing institutions to control and prevent crime (Barajas, 1995; Bazemore and Schiff, 1996). In contrast to both accessibility and restorative justice dimensions, a primary aspect of this work with the community as client is preventive. Efforts based on this perspective focus less on remedial and ameliorative services and more on proactive attempts to change conditions in neighborhoods and institutions believed to be criminogenic; less on targeting individual delinquents and at-risk youths and more on institutional change to promote youth development and personal growth (Polk and Kobrin, 1972; Lofquist, 1983; Pittman and Fleming, 1991).

Much more information is needed on what interventions focusing on community rather than individual change actually look like in practice. However, in assessing variation on this dimension it is possible to distinguish commitment to the idea of community as the target of intervention in part by how community sanctioning staff view and operationalize their role. A primary measure might be the amount of time devoted to individual casework compared to organizing sanctioning panels, developing victim support groups, job development, community training, and other such tasks. In addition, researchers should examine the extent to which time is devoted to preventive efforts that seek to change educational or employment practices, increase citizen and community group skills in conflict resolution, provide services to victims, and support mentoring young offenders.

The extent to which the community is targeted for intervention, at least in intent, differs substantially among the four youth sanctioning models (see exhibit 4). The content of the intervention directed at community change varies from simply attempting to increase the number of citizens participating in CBs to involving residents in a reintegrative shaming process in FGC (Braithwaite and Mugford, 1994). Intervention may also differ in scope. This is shown in the contrast between CS participants' holistic efforts to promote community healing, peacemaking, and capacity building for increased involvement (Stuart, 1995a; Bazemore, 1997b) on the one hand, and the micro-level and incidental efforts of VOM staff to involve the community by recruiting additional volunteer mediators on the other. What differences in outcomes for victim, offender, and community would be expected, for example, as a result of the CS focus compared with that of VOM, which is concerned first with victim outcomes, second with offender outcomes, and only very indirectly with the community?

3. Community as participant. While the second community justice dimension can be interpreted as changing the intervention target from individuals to communities and community groups, the third

dimension—involvement—is concerned with the extent to which the community is granted and assumes an active role as participant in justice processes (Pranis, 1997a; Griffiths and Hamilton, 1996). This role is alternatively labeled “coparticipant,” “stakeholder,” “partner,” and other terms such as “customer.” Such designations suggest meaningful input into, as well as significant responsibility for, the response to crime (Stuart, 1995b; Barajas, 1995; Bazemore and Day, 1996). Another way of expressing the difference between this dimension and the second community justice dimension is through the distinction between the community as a recipient of service and the community as an entity with both needs and responsibilities in the justice process. Such community needs and responsibilities are largely interdependent and, as some proponents argue, cannot be met without active, sustained citizen participation (Pranis, 1997b; Bazemore, 1997b).

Mediation programs involve victims and offenders and may allow (though not usually recruit) family and other community members to participate.

One of the most important tasks for empirical research concerned with the collaboration/involvement dimension will be to examine the extent to which citizens wish to participate. Systematic surveys conducted before establishing reparative boards in the Vermont Department of Corrections resulted in affirmative answers to their question (Dooley, 1995). There are other initial concerns, however, which might include the extent to which a community sanctioning process really invites participation, how volunteers are recruited, and the clarity of expectations for citizen participants. Observational techniques and written attendance records, if they exist, can be used to determine the mix of potential participants at the table over time in community sanctioning processes, how they participated, and what difference it made in the process and initial outcomes (e.g., the number of sanctioning agreements reached, initial victim satisfaction). Indeed, in practice, there are subtle differences along this continuum of involvement that may be driven both by the nature of the specific sanctioning intervention and by the willingness of juvenile justice professionals to assume the role of collaborator and facilitator, rather than primary provider of services (McElrae, 1993; Bazemore, 1997a). Community sanctioning approaches may therefore be ranked along other continua that attempt to assess intensity and type of participation.

The four models suggest that participation may well vary depending in part on which citizens are targeted for participation, how they are recruited, and the commitment to ensuring attendance. Community boards are the only intervention that tends to formalize participation, generally by appointing a group of semipermanent board members who typically deliberate in sanctioning sessions scheduled for specific days. The other models rely more or less on word of mouth and hope to sustain enough interest to attract interested participants. Some Australian FGC programs have suffered from an apparent lack of commitment to ensuring citizen (especially crime victim) participation (Alder and Wundersitz, 1994), while New Zealand conferences appear to have devoted resources to ensuring that “communities of concern” are present (Maxwell and Morris, 1993). Circles rely heavily on word of mouth with apparent success, at least in aboriginal communities (Stuart, 1995a; Griffiths and Hamilton, 1996), although it is possible that community justice committee members themselves are often the core participants. Mediation programs typically make strong efforts to involve victims and offenders and may allow (though not usually recruit) family and other community members to participate.

4. Community as collaborator and “driver.” Dan Van Ness has written that “government is responsible for preserving order, but the community is responsible for establishing peace” (Van Ness et al., 1989). The fourth community justice dimension is concerned with the extent to which community groups are granted discretion by the justice system to work toward this goal and with the nature and scope of discretion granted. While related to involvement, the collaboration dimension is centered more on concepts such as power sharing, community empowerment, active collaboration, the devolution of justice decisionmaking (Griffiths and

Exhibit 5

Justice Systems and Communities: Stages in an Evolving Relationship

Stage 1: Justice system operates independently of the community

- Expert model: "We (the justice system) have the answers."
- Community contact is a nuisance and gets in the way of the real work.
- Professionals define and solve the problem.

Stage 2: Justice system provides more information to the community about its activities

- Expert model: "We (the justice system) have the answers."
- The community is viewed as a client with the right to know what the professional system is doing.
- Professionals define and solve the problem but keep the community informed about what they do.

Stage 3: Justice system provides information to the community about its activities and asks for intelligence information from the community to help do its work

- Expert model: " We (the justice system) have the answers."
- The community is seen as a client and as a good source of information for the expert work.
- Professionals define and solve the problem with useful information provided by the community.

Stage 4: Justice system asks for guidance, recognizes a need for community help, and places more activities in the community

- Modified expert model: Experts provide leadership, but the contribution of the community is valued.
- The community is cooperative, but the justice system still leads.
- The community is asked to help define problems but the justice system is still the chief problem solver, with help from the community.

Stage 5: Justice system follows community leadership while monitoring community process

- Experts are support system.
- The justice system supports the community in achieving community goals while protecting the rights of individuals and ensuring fairness.
- The community defines and solves problems with help from the justice system.

Source: K. Pranis. 1997. "From Vision to Action," *Church and Society* (March/April) 87(4):32–42.

Hamilton, 1996), and citizen ownership of a process that is to some degree outside the absolute control of the formal justice system. One practitioner, Kaye Pranis (1997a), has described this dimension as an evolving relationship between justice systems and communities in which the community role slowly changes in relation to changes in the government role. This change from "expert" crisis manager with no need for community input to partner with the community occurs as citizens assume more responsibility and provide more input in an emerging collaborative process. Stages along the way may reflect intermediate steps in which the justice system attempts to become more information-driven (Clear, 1996) and community-focused.

At the highest level of collaboration, justice intervention may be referred to as community-driven (see exhibit 5). The basis for partnership at this level is a normative commitment to the community's role as *moral* authority, as the first line of reaction and decisionmaking in the response to crime (Pranis 1997a, p. 4). The government, in the form of the justice system, acts as *legal* authority, assuming a role of broad oversight and support as well as guardian of individual rights (Braithwaite and Parker, 1998).

For practical purposes, especially in the context of community youth sanctioning models, this dimension is best assessed by first examining the structural relationship of the community-based process to the formal process. One specific component of this relationship is the extent to which the sanctioning intervention or program depends on courts or other government agencies for referrals. While some relationship with the formal system is almost always necessary, what is at issue here is the extent to which the process is driven by system needs—for example, to reduce court dockets or divert offenders—or by the needs of citizens, victims, and offenders (Van Ness, 1993).

The issue of discretion and gatekeeping also raises questions about the degree of power sharing in decisionmaking and the role of the formal system in the process. What degree of collaboration and authority is granted to the community by the system? At two extremes, the system's relationship to the community may be one of facilitator/collaborator or agent of co-optation and control. A second component is whether both paid and unpaid staff view their primary "client" as the probation department, the judges, or the prosecutor—or the victims, offenders, and citizens involved (see exhibit 4). Unintended consequences of collaboration with formal agencies include co-optation of the community justice process (Griffiths and Hamilton, 1996; Bazemore and Griffiths, 1997), while extreme independence, on the other hand, leads to irrelevance and marginalization.

The four youth sanctioning models vary significantly on the gatekeeping and discretion dimension, as well as on the relationship of each process to the formal system. Regarding relationships to the formal system, discretion is played out in control over admission to the process, indicated in part by differences in the range of offenders eligible. Notably, eligible offenders range from rather minor first offenders to violent, chronic offenders (in the case of circle sentencing). While each model seems capable of claiming some discretion for citizens, only circle sentencing allows citizens control over admission. New Zealand FGC law requires that local sanctioning conferences dispose of cases for adjudicated delinquents or those admitting guilt for all offenses except homicide, rape, and aggravated assault. Hence, the New Zealand conferences are the only other approach that frequently admits delinquents who commit more serious offenses. New Zealand FGC also allows citizens input in decisions about the need for custody and because of their broad legislative mandate have the only truly significant impact on court caseloads. In VOM the victim is in one sense the primary gatekeeper because victim participation is totally voluntary, but most programs depend on court, probation, and diversion programs for referrals. Their relative independence and commitment to victims and offenders as clients, however, may be driven in part by whether VOM programs operate as a unit of courts or probation or function as somewhat independent community agencies (Belgrave, 1995).

Of the four models, circle sentencing provides perhaps the best case study in power sharing. Interestingly, this emerged as an issue when Northern Canadian community justice committees in the gatekeeper role expressed a desire to hear some of the most, rather than least, serious cases in the circle process (Griffiths and Hamilton, 1996). In

contrast to community sanctioning programs, which function essentially as diversion programs and in which judge and prosecutor presence is rare, in sentencing circles key system decisionmakers are often present (and must be present in felony/indictable cases). As the case example suggests, however, during circle discussions, the role of the justice professional quickly becomes one of citizen, supporting other participants in the process to the greatest extent possible.

Restorative justice focuses on repair, the central and elevated role of the victim, and mutual involvement and support for coparticipants.

Does collaboration with formal justice agencies lead inevitably to co-optation? Does independence from the formal system lead to irrelevance? While these may seem like unusual questions for emerging and somewhat marginal programs, the concern with them has been part of the tradition of community and neighborhood justice for three decades (Harrington and Merry, 1988). The more basic issue in some of the most extreme rhetoric of community justice is the extent to which courts and the formal system are indeed perceived as part of the community—or as enemies of community and community justice. For most proponents of youth sanctioning models, however, this issue is one of simply wanting to give citizens some control over decision-making. This desire is based on the practical rationale that control will increase the likelihood of their sustained participation and the belief that when granted discretion in sanctioning, citizens will make wise decisions (Stuart, 1995b; Bazemore, 1997a).

While the community justice dimensions raise important questions, one criticism is that the rationales and goals of these interventions are often not specific about what the community groups and justice system staff are trying to accomplish in the proposed collaborative process. By engaging citizens in the justice process, community justice sets the context for a different kind of nonadversarial sanctioning intervention but often says little about content and objectives in the response to the crime. Although community justice is often said to be process driven (Karp, 1997), the nature of that process is addressed only briefly. In addition, even though the process focuses on community-level outcomes, they are generally not specified, and the nature of changes expected in citizen, victim, and offender participants is not addressed.

Restorative justice dimensions: coparticipants in repairing harm

In the absence of a set of underlying values or principles that give priority to certain outcomes and specificity to the roles of participants, it can be argued that, at one extreme, the lines between community justice processes and a lynch mob are not clearly drawn. More typically, it is difficult to locate common principles that can bring together diverse groups in an informal community sanctioning process that operates with respect and regard for individual rights.

Restorative justice can be distinguished from community justice in that it is not simply community focused and process driven but also explicitly value driven. Restorative justice therefore begins with value statements about the primary goal of intervention and the process itself. Specifically, because crime is viewed first as harm to victims and victimized communities, the justice intervention must focus on repairing this harm, or "healing the wound" crime causes (Zehr, 1990; Van Ness et al., 1989). The process necessarily elevates the role of the victim and focuses on victim needs, while allowing for victim, offender, and community input and involvement in a process that seeks to find common ground and attend to the mutual needs of each coparticipant.

As the case studies illustrate, the extent of focus on harm; the prominence given to victim needs; and the specific, active roles of victim, offender, and community members are also variable features of the four models. In addition, there may be a substantial relative difference in emphasis in each application of each specific model.

Restorative justice therefore has three unique dimensions of variation in community youth sanctioning: the general focus on repair, the central and elevated role of the victim, and the emphasis on a process that seeks mutual involvement and support

Exhibit 6

What Does the Restorative Justice Response to Crime Look Like?

Crime Victims

- Receive support, assistance, compensation, information, and services.
- Receive restitution and other reparation from the offender.
- Are involved and encouraged to provide input at all points in the system and direct input into how the offender will repair the harm done.
- Have the opportunity to face the offender and tell their story to offender and others if they so desire.
- Feel satisfied with the justice process.
- Provide guidance and consultation to professionals on planning and advisory groups.

Offenders

- Pay restitution to their victims.
- Provide meaningful service to repay the debt to their communities.
- Face the personal harm caused by their crimes by participating in victim-offender mediation if the victim is willing or through other victim awareness process.
- Complete work experience and active and productive tasks that increase skills and improve the community.
- Improve decisionmaking skills and have opportunities to help others.
- Are monitored by community adults as well as juvenile justice providers and are supervised to the greatest extent possible in the community (if young offenders).

Citizens, Families, and Community Groups

- Are involved to the greatest extent possible in offender accountability and rehabilitation and community safety initiatives.
- Work with offenders on local community service projects.
- Provide support to victims. Provide support to offenders as mentors, employers, and advocates.
- Provide work for offenders to pay restitution to victims and for service opportunities that provide skills and also allow offenders to make meaningful contributions to the quality of community life.
- Play an advisory role to courts and corrections and an active role in disposition through one or more neighborhood sanctioning process.
- Assist families in helping young offenders repair the harm and in increasing competencies (if community groups).

Source: Bazemore, G. 1997. "What's New About the Balanced Approach?" *Juvenile and Family Court Journal* 48 (1): 1–23.

for three coparticipants and is explicitly attuned to the role of each in producing justice outcomes.

Repairing harm. Currently, when a crime is committed, two primary questions are asked: Who did it? and What should be done to the offender? The latter question is generally followed with another question about the most appropriate punishment and, when the crime is committed by a juvenile, the most appropriate treatment or service. Viewed through the restorative "lens," however, crime is understood in a broader context than that suggested by the questions of guilt and what should be done to the offender. Howard Zehr (1990) argues that in restorative justice three very different questions receive primary emphasis. First, what is the nature of the harm resulting from the crime? Second, what needs to be done to make it right or repair the harm? Third, who is responsible for making it right or repairing the harm?

In restorative justice, repair is by no means limited to financial reparation; followup ensures that emotional and other needs are also addressed.

The restorative justice response to crime is best described as a three-dimensional collaborative process involving victim, offender, and community. The restorative justice vision for juvenile justice reform is best understood by examining what this response might look like for these three coparticipants (see exhibit 6).

For the victim, restorative justice offers the hope of restitution or other forms of reparation, information about the case, the opportunity to be heard, and input in the case, as well as expanded opportunities for involvement and influence. For the community, there is the promise of reduced fear and safer neighborhoods, a more accessible justice process, and accountability, as well as the obligation for involvement in sanctioning crime, restoring victims' sense of well-being, reintegrating offenders, and crime prevention and control. For the offender, restorative justice requires accountability in the form of obligations to repair the harm to individual victims and victimized communities and the opportunity to develop new competencies and social skills and the capacity to avoid future crime.

Zehr's first two questions require that the first dimension of assessment in restorative justice is the extent to which harm is effectively identified and that a plan is crafted to repair the harm. This cannot be done in a vacuum, and these questions are best answered with input from victims and victimized communities. The extent to which the process concentrates on answering these questions is then a key variable in assessing the reparative dimension of restorative justice. Based on key principles of restorative justice, the focus on reparation can also be assessed by variation in the extent to which: participants define crime as an act against another person and the community rather than the state; the offender is accountable first to the victim and community, while the state is responsible for ensuring that these obligations are met; accountability is defined as taking responsibility for the offense and acting to repair the harm; and the community plays a role in setting the terms of accountability, assisting offenders in repaying the debt, supporting victims, and reintegrating offenders (Braithwaite and Mugford, 1994; Pranis, 1997b).

Answering Zehr's third question, which concerns responsibility for repairing harm, requires that the process is geared to the future in ensuring that these obligations are met. While formal restitution programs have devoted extensive effort to documenting harm and developing clear and workable payment schedules (Schneider, 1985; Schneider, 1990), much more observation of the various community sanctioning processes is needed to determine the extent to which obligations and actions are identified and followup occurs. Community sanctioning processes are well situated to engage citizens in monitoring, and each seeks this desirable goal of having citizens assume responsibility for enforcing obligations. Little is known about the ability of most of these processes to ensure that reparative agreements are carried out, however.

In comparing the four models on the reparative dimension of restorative justice (see exhibit 7), the relative concern with reparation to victim and victimized communities is assessed in part by the attention to detail in enforcement and followup—and to a lesser extent in preparation. Repair is by no

means limited to financial reparation, and the concern with followup is a major dimension that applies also to ensuring that emotional and other needs are addressed. Victim-offender mediation staff often take on this responsibility or work with court or probation systems to do so (Umbreit and Coates, 1993). Circle sentencing appears to go furthest toward actively assigning responsibilities to victim and offender support groups, and community justice committees generally require some demonstration of initial reparation before admission to the circle (Stuart, 1995b; Bazemore, 1997b). Less information is available on the other models, although in the most extensive evaluation of family group conferencing to date in New Zealand, reparative agreements often were found to be unfulfilled (Maxwell and Morris, 1993). In any case, this critical enforcement variable should be a key focus in examining variation on the reparative dimension.

Exhibit 7

Restorative Justice Issues and Dimensions of Youth Sanctioning Models

	Family Group Conferencing (FGC)	Community Boards (CBs)	Circle Sentencing (CS)	Victim-Offender Mediation (VOM)
Victim Role	Expresses feelings about crime. Provides input to reparative plan.	Input to plan sought by some boards. Inclusion of victims currently rare but being encouraged and considered.	Participates in circle and decisionmaking. Provides input on eligibility of offender. Chooses support group.	Has major role in decision re: offender obligation and content of reparative plan. Expresses feelings toward crime and impact.
Preparation	Phone contact with all parties to encourage participation and explain process. New Zealand model requires offender and family to have face-to-face visits.	Pre-service training provided by boards. No advance preparation for individual hearings.	Extensive work with offender and victim prior to circle; explain process and rules of circle.	Typically face-to-face with victim and offender to explain process. Some programs use phone contact.
Nature and Order of Process	Coordinator follows "script" in which offender speaks first, followed by victim and other participants. Consensus decisionmaking.	Largely private deliberation by board after questioning offender and hearing statements. Variations emerging in neighborhoods that occasionally use VOM or FGC.	After judge, justice of the peace, or keeper opens session, each participant is allowed to speak when feather or "talking stick" is passed to them. Victim generally speaks first. Consensus decisionmaking.	Victim speaks first; mediator facilitates but encourages victim and offender to speak. No script or forced consensus.
Enforcement and Monitoring	Unclear; police in Australian Wagga Wagga model; coordinator in New Zealand model.	Condition of probation. Coordinator monitors and brings petition of revocation to board, if necessary.	Community justice committee. Judge may hold jail sentence as incentive for offender to comply with plan.	Varies; mediator may follow up. Probation or other program staff may be responsible.

Because the emphasis on repair is almost never an "either/or" concern in community sanctioning, several continua are now available that include indicators of the extent to which this dimension has been addressed (Zehr, 1990; Umbreit, n.d.; Claussen, 1996). Zehr, for example, includes the following assessment questions in his restorative justice "yardstick": "Do victims receive needed compensation or restitution? Do victims receive adequate support from others? Do victims' families receive adequate assistance and support? Are other needs—material, psychological, and spiritual—being addressed? Is there a need for symbolic restitution for the community? Are there provisions for monitoring and verifying outcomes and for problem solving?" (Zehr, 1990, Appendix).

Role of the victim. Although not the only dimension of restorative justice (Van Ness, 1993; Bazemore, 1996; Bazemore and Maloney, 1994), the victim's central, essential, and elevated role perhaps most distinguishes restorative justice interventions from those that may be labeled "neighborhood or community justice." Assessing this dimension could involve a range of observations, interviews, and victim impact surveys to measure how much the process attends to victim needs and concerns, provides for victim safety, allows victims to express their feelings, meets victim needs for information, and makes the victim feel that these things have occurred. In this regard, Mark Umbreit (n.d.), for example, has developed restorative justice continua that center on the victim experience in various justice processes, with a special emphasis on victim-offender dialogue.

While these factors can vary substantially within each implementation of a specific community sanctioning model, some of the possible variation in these dimensions can be attributed to structural and procedural differences among the four models (exhibit 7). The victim's role, the emphasis on preparation, and the nature of the process indicate primary concern with this dimension in the VOM protocol. While in VOM victims speak first and extensive preparation aims to ensure their concerns are addressed, CBs and some implementations of FGC, for example, appear less structured to do so. Circle sentencing, on the other hand, provides at least equally extensive pre- and post-session work directed at victim concerns and is the only approach that provides for a victim support group (Stuart, 1995a). It is possible, however, that the broader concerns of CS and FGC (which include offender healing, and offender shaming and reintegration, respectively) may overwhelm the process when offender needs appear to be extensive. These are all empirical questions, however, which should be addressed by comparing how these processes achieve victim, offender, and community satisfaction and other outcomes.

The victim's central, essential, and elevated role most distinguishes restorative justice interventions from those labeled "neighborhood or community justice."

Role of three coparticipants and the restorative process. Despite the prominent and elevated role restorative justice assigns to the victim, the concept cannot be reduced to a victim rights agenda, and interventions are certainly not limited to victim services or addressing victim impact alone. From a restorative justice perspective, the emphasis on victim healing and reparation itself implies a critical, though at times indirect, role for offender and community. If there is a theory underlying restorative justice, it is that neither offenders nor victims are well served when the needs of one or the other and the community are neglected. Justice is best served when the needs of each are addressed and each is involved in crafting the response to crime (Zehr, 1990; Van Ness, 1993). When justice is viewed as repairing harm and rebuilding damaged relationships, the response to crime must attend to all those damaged by crime.

In addition to the prominent role restorative justice assigns to the victim, it can also be distinguished from community justice by its specification of a critical role in the justice process for the other parties most affected by the crime: victim, offender, and those closest to both (Braithwaite and Parker, 1998; Bazemore, 1997b). From a restorative justice

perspective, community responses to crime would be judged by the extent to which the process is sensitive to the needs of each party. Regarding assessment of this dimension, Zehr's third question about responsibility is again relevant. Specifically, assessment would measure whether the coparticipants are assigned meaningful and active roles in the justice process.

The following questions may be asked in developing indicators of how much common ground was found in a community youth sanctioning process that meets the mutual needs of the three coparticipants suggested by Zehr (1990, Appendix): "Is the victim-offender relationship addressed? Can victims and offenders meet, if appropriate? Can victims and offenders exchange information about the event and about one another? Are community concerns taken into account? Is the process and the outcome sufficiently public? Is community protection addressed? Does the community need restitution and/or symbolic reparation? Is the community represented in the legal process?"

If held frequently, restorative justice community conferences, which bring citizens and victims together, accomplish much more than sanctioning the offender.

In examining the experience of the three clients in community sanctioning and determining the impact on immediate outcomes, evaluators will look closely at the impact of the sanction itself (Schiff, n.d.). But equally if not more important than the actual sanction of restitution, victim service, or community service assigned to offenders is the process by which these sanctions are meted out. So vital is the nature of the decisionmaking process that some proponents of restorative justice argue that process and outcome are not easily separated. Few sanctioning processes have been rigorously evaluated and there has been little attempt to separate the influence of process and sanction completion. However, the various theories and perspectives underlying the "reintegrative shaming" process in family group conferencing (Tomkins, 1992; Retzinger and Scheff, 1996; Moore and O'Connell, 1994) should provide further impetus for expanding an evaluation aimed at a closer examination of process in community youth sanctioning (Hudson et al., 1996; Maxwell and Morris, 1993).

An assumption of restorative justice now more frequently discussed is that sanctioning processes are more likely to enhance rehabilitation and reintegration when they directly involve family, victims, and key members of the offender's community (Braithwaite and Mugford, 1994; Stuart, 1995a). Some have also gone further to suggest that strict adherence to a balance of power between victim and offender supporters may critically influence the dynamic of this process (Braithwaite and Parker, 1998). If held frequently, restorative justice community conferences, which bring citizens and victims together accomplish much more than sanctioning the offender. The conferencing process contains some basic elements of true offender and victim support groups (Stuart, 1995b). However, if not carried out with a thorough grounding in restorative goals and values, FGC and other processes may exacerbate the reintegration problem (Polk, 1994; Umbreit and Stacy, 1995). Empirical questions can be asked to determine if a specific sanctioning approach or process is likely to be helpful or harmful. John Braithwaite and Stephen Mugford's (1994) distinction between "conditions of successful reintegration ceremonies" that differentiate condemnation of the *act* from condemnation of the *actor*—and processes that promote "status degradation" (Garfinkel, 1956) is a useful criterion in this assessment.

Summary

In outlining three types of dimensions that may influence outcomes in these processes, the goal has been to suggest a systematic way of classifying independent variable influences that have empirical and theoretical coherence. Because community justice dimensions are likely to also encompass a concern with neighborhood dimensions, and because restorative community justice is likely to be sensitive to both, there is an implicit bias in favor of the latter. However, because certain restorative justice interventions occur in places other than neighborhoods and provide only a symbolic role for the community (an example is community service in

a jail or other secure facility), the categories are in fact independent.[9]

For community and restorative justice to be effective, justice must first be accessible—justice agencies may have to locate in neighborhoods and otherwise make themselves more user friendly. But this first step does not guarantee a change in the community's role or a commitment to serve and to make whole the victim, the offender, and the community. While this restorative challenge of getting the process right for each participant is significant, the community justice challenge of power sharing and community ownership seems to be even more difficult.

Discussion: Determining "what works" in community sanctioning

A shortcoming of this paper's singular focus on dimensions for defining independent variables in community youth sanctioning has been a failure to discuss impact measures. Although the importance of clear outcome measures for community justice processes cannot be disputed (Bazemore, 1997a), it is also important to determine what citizens and professionals are doing (and what they believe that they are doing) in community youth sanctioning before jumping into impact evaluation. Specifically, before evaluators impose outcomes and impact designs on interventions not fully understood, they should think carefully about whether they can describe inputs, processes, and intended outputs. The next step before moving to impact evaluation is to develop a clear conceptualization of how these are linked in intervention theories or logic models (Horowitz, 1991).

Impact evaluation designs for community youth sanctioning present some interesting, if not completely unique, challenges. The questions does it work or how well does it work must be addressed by first asking another question: work for whom? As Judge Barry Stuart insisted:

> . . . Communities should not measure the success of any [community-based initiative] based upon what happens to the offenders. The impact of community-based initiatives on victims, the self-esteem of others working [in the community justice process], strengthening families, building connections within the community, enforcing community values, and mobilizing community action to reduce factors causing crime ultimately make the community safer. While not readily visible, these impacts are in the long run significantly more important than the immediate impact on an offender's habits (Stuart, 1995b, p. 6).

Recidivism and other traditional offender-focused measures will remain important in evaluating community and restorative justice sanctioning interventions. The commitment to three clients rather than one, however, means that offender impact measures alone are insufficient. While traditional evaluation designs should eventually measure victim and community impact, measuring the extent of community building, cultural revitalization, healing, community wellness, and empowerment will prove more challenging.

A key concern in community youth sanctioning implied throughout this paper is the need to observe and assess the informal, nonadversarial processes central to most of these approaches. For purposes of discussing outcomes, what is most important about these processes is not just their ability to develop meaningful sanctioning agreements. Rather, what is most critical (and most difficult for traditional evaluation) is that the intervention itself is often concerned as much or more with means as ends and may make little distinction between the two.

The reason for this blurring of process and outcome is that when the underlying element in crime is viewed as conflict between individuals and groups (Van Ness et al. 1989; Stuart, 1995a and b), the simple act of embracing conflict and connecting the parties may be all that needs to happen. (And it is, in fact, what almost never happens in the formal, isolating context of the court process, which focuses on minimizing conflict.)

It is also possible, however, to speak of independent outcomes that occur when the process has integrity. For example, the development of mutual respect and a sense of connection between community members is often cited as an outcome in community

sanctioning. Perhaps most significant in terms of a community macro-level impact is a potential community learning effect. As Judge Barry Stuart has written:

> When citizens fail to assume responsibility for decisions affecting the community, community life will be characterized by the absence of a collective sense of caring, a lack of respect for diverse values, and ultimately a lack of any sense of belonging. Conflict, if resolved through a process that constructively engages the parties involved, can be a fundamental building ingredient in any relationship (Stuart, 1995a, p. 8).

While measuring community learning may seem complex in one sense, in another, such impacts are gauged by the extent to which processes are repeated successfully and by the extent to which community sanctioning programs address more serious problems and accept more serious offenders. In essence, each successful community sanctioning ceremony can also be viewed as a demonstration that builds confidence elsewhere in the community that citizens are capable of resolving conflict.

Each successful community sanctioning ceremony builds confidence in the community that citizens are capable of resolving conflict.

Rather than question the terms and premises of evaluation in community justice (which appear to involve developmental if not incremental outcomes) or the terminology of that evaluation (e.g., healing, capacity building), evaluators might choose to reexamine the limits of *traditional* impact evaluation designs and measurement protocols. These designs and the research paradigms they reflect are often abstract and attempt to force a complex reality into impact "templates." As such, they may increase research efficiency and improve measurement reliability but blind researchers to the validity that often underlies community justice processes. Indeed, an emerging criticism of traditional evaluation locates the problem as much with the designs themselves as with the emergent and developmental nature of interventions in the real world. As Steven Bennett (1995) notes, for example, what are often viewed as "stronger evaluation designs" may identify fewer successes because they fail to take account of community and organizational impacts and may even impose research constraints on interventions that hinder the effectiveness of community groups in achieving their goals (Karp, 1997). While none of these problems is insurmountable, solving them requires that evaluators be willing to learn from community sanctioning processes rather than trying to reshape them to fit the needs of mechanistic evaluation protocols (Karp, 1997).[10]

Community sanctioning and all community justice processes need to be rigorously evaluated, if for no other reason than the fact that negative, unintended effects on multiple participants are among the possible outcomes. Victims, for example, may feel disempowered or abused by a sanctioning process in which the offender is unwilling to accept responsibility or in which they feel that most participants favor the offender. Community members may feel disempowered if expected power-sharing arrangements with courts and other agencies of the formal system do not result in shared decision-making or give due consideration to their recommendations or if they feel that one person or group was allowed to dominate the process (Griffiths and Corrado, 1998). Carol LaPrairie (1994) observed competing or conflicting goals in current community sanctioning experiments in Canada as follows:

> On the one hand, community justice is about autonomy, empowerment, and control. On the other hand, community justice is about tradition and, in contemporary terms, about "healing" and the transformation of communities into healthier states of being. The reality, however, is that the primary goal of community justice is the exercise of social control, the use of surveillance, and the dispensing of "justice," which may or may not involve punishment . . . the potential for the community justice to divide rather than unite people, particularly where communities are small in size and geographically isolated, is great.

What is important at this stage is that community justice processes be fairly evaluated. In other words, they should not be held to a standard higher than the current system. As a Canadian First Nations community justice coordinator working with circle sentencing put it:

> So we make mistakes. Can you say you [in the current system] don't make mistakes? . . . If you don't think you do, walk through our community; every family will have something to teach you. . . . By getting involved, by all of us taking responsibility, it is not that we won't make mistakes . . . but we would be doing it together, as a community instead of having it done to us. We need to find peace within our lives . . . in our communities. We need to make *real differences* in the way people act and the way we treat others. . . . Only if we empower them and support them can they break out of this trap. (Rose Couch, Community Justice Coordinator, Kwalin Dun First Nations, Yukon, Canada. Quoted in Stuart, 1995b.)

Notes

1. Indeed, all but one of the above approaches has been used in one form or another with adult offenders, and some of the most interesting and successful efforts to implement these approaches have occurred in adult corrections or as alternatives to adult courts (Dooley, 1995; Stuart, 1995a and b).

2. Differences between approaches to family group conferencing based upon the police role, as well as the exclusion of more serious offenders, have led some to discuss the New Zealand and Australian Wagga Wagga models as distinct approaches (Alder and Wundersitz, 1994; Umbreit and Stacy, 1995). A Pennsylvania project based primarily on the Wagga Wagga model is now being evaluated with funding from the National Institute of Justice, U.S. Department of Justice.

3. Experiments with circle sentencing are currently being carried out in the United States in small towns and on Indian reservations in rural Minnesota. The parallels between circle sentencing and the widely discussed Navajo peacemaker court models are also obvious (Yazzie, 1993; Melton, 1995). The decision to focus on circle sentencing is based on its more frequent implementation, growing popularity among indigenous and nonaboriginal peoples, and links in Canada to a larger devolution movement (Stuart 1995b; Griffiths and Hamilton, 1996).

4. Findings on both are encouraging, but many unanswered questions remain, and little is known about other emerging neighborhood-focused models such as community boards and circle sentencing. While discussion of existing research findings is beyond the scope of this paper (see Schiff, n.d.; Umbreit, 1995; Belgrave, 1995 for summaries), what is known about community sanctioning pales in comparison to what is not known. Family group conferencing has been the topic of some recent evaluations that have shown mixed results (Maxwell and Morris, 1993; Hudson and Galaway, 1996). This model is currently the focus of a comprehensive study in the United States, and an Australian evaluation is underway.

5. Indeed, many of the key tasks at this stage involve simple observation and description to determine, for example, whether victims and other citizens are actually participating in these processes and to characterize the nature of this participation.

6. Although I believe the dimensions and categories suggested here have broader applicability, I make no claim beyond the specific focus on youth sanctioning models. The field is unsettled about what should be included under the restorative and community justice "tent." Interest in both concepts is developing at what appears to be a unique period of convergence between emerging justice philosophies and political, social, and cultural movements. These movements and philosophies include but are not limited to: indigenous community justice and the political movement to "devolve" justice (Griffiths and Hamilton, 1996; Melton, 1995), new developments in and an expanded role for the victims movement (Young, 1995), the spread of communitarianism and its application in a justice context (Etzioni, 1993; Moore and O'Connell, 1994), the community and the problem-oriented policing philosophy and movement (Sparrow, Moore, and Kennedy, 1990), the women's movement feminist critique of patriarchal justice (Harris, 1990), and the growing theoretical critique of both just desserts and rights-based, adversarial perspectives, as well as social welfare models, in criminal and juvenile justice (Braithwaite and Petit, 1992; Bazemore and Umbreit, 1995; Walgrave, 1993).

7. For example, the first citizen sanctioning panels in juvenile court apparently began in New Jersey in 1948 as the result of State legislation. Neighborhood dispute resolution centers differed from the new decisionmaking models in that they generally dealt with a more narrow range of cases, focusing primarily on domestic and neighborhood disputes rather than crimes per se and also

appear to have been motivated primarily by an attempt to relieve overcrowded court dockets (Garafalo and Connelly, 1980). As an anonymous reviewer pointed out in commenting on the currency of community sanctioning, New Jersey has had a statutorily mandated system of Juvenile Conference Committees since 1948.

8. A great deal of the current writing in community justice at this time is wrestling with criteria and dimensions. In thinking about dimensions or the independent variables that are important in evaluating youth sanctioning models, I have been influenced by several recent efforts to define key dimensions of community justice (Pranis, 1997a; Clear, 1996; Karp, 1997), as well as the efforts to define criteria or yardsticks based on principles of restorative justice (Zehr, 1990; Van Ness et al., 1989; Umbreit, n.d.; Claussen, 1996). Important themes in both restorative and community justice also are clearly grounded in applications in aboriginal and Native American settings (Melton, 1995; Stuart, 1995a and b), from which have emerged concepts such as healing, atonement, and reconciliation.

9. Given these concerns, restorative justice interventions thus may or may not give priority to a neighborhood location or setting but certainly would place great importance on accessibility and informality. In one sense the latter is even more important from a restorative justice perspective because of its emphasis on open expression of feelings and emotions (Zehr, 1990; Umbreit, 1994). As the sanctioning models described above suggest, restorative justice interventions also vary in the extent to which the community is empowered, involved, and targeted for intervention and in the role assumed by the formal system in the process. But both neighborhood and community justice dimensions are incorporated in much restorative justice not simply because of a commitment to accessibility or the community role in the abstract, but because of the role of these factors in helping to meet the goal of repairing harm to victims and victimized communities.

10. Moreover, new evaluation models that take account of developmental, capacity building impacts (Cohen and Kibel, 1993; Horowitz, 1991) make it possible to think more creatively about what outcomes can tell us about whether a neighborhood sanctioning process is helpful, making little difference, or harmful.

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The Manhattan Experiment: Community Prosecution

Barbara Boland, Visiting Fellow, National Institute of Justice

Community prosecution is a local political response to the public safety demands of neighborhoods as expressed in highly concrete terms by citizens who live in them. Citizens have immediate, specific crime problems they want addressed that the incident-based 911-driven system of justice is ill suited to handle. They are aggressively pressing local authorities to respond to their complaints. Many neighborhood crime problems involve quality-of-life and disorder issues. In high-crime neighborhoods, disorder is now overlaid with drugs, gangs, and guns, and too often the offending behavior is violent and dangerous. Violent behavior in these neighborhoods is inextricably intertwined with less serious disorders and conventional street crime. To deal effectively with any one of these issues requires dealing with the linkages among them.

The nature of neighborhood crime problems and the responses that are emerging to address them differ fundamentally from conventional notions about crime and crimefighting. Current efforts to address citizens' concrete complaints are altering existing organizational arrangements among district attorneys, citizens, and police and the actions they take to control crime.

What follows chronicles the genesis, activities, and evolution of the community prosecution experiment in the Manhattan District Attorney's office that now addresses both quality-of-life crime and serious crime. These efforts have resulted in the emergence of an organizational capacity to respond to neighborhood crime problems that are not readily ameliorated by the traditional case-by-case arrest-convict process. What began as the assignment of one individual to work with citizens on drugs and crime has evolved into a varied set of initiatives within the office that in essence connects the legal expertise of the district attorney's (DA's) office to citizens in neighborhoods and precinct police. When this happens, official attention focuses on the specific circumstances and intricacies of neighborhood crime, and citizens get a response they do not get "downtown."

Early work: Citizens, drugs, and traditional prosecution

In October 1985, Manhattan District Attorney Robert Morgenthau tapped Connie Cucchiara, then director of legal staff hiring, to do community outreach. Morgenthau knew from his contacts with citizens that a lot of information about crime in neighborhoods was not making its way into his office. Block associations and community groups sprang up spontaneously to combat the street drug dealing that hit New York City that year when the crack-cocaine business took root in northern Manhattan's Washington Heights. These citizen groups had nowhere to go to get help on a consistent basis.

Morgenthau appointed Cucchiara head and sole staff member of a new Community Affairs unit. She joined the executive staff and set up an office in a conference room down the hall from Morgenthau, reporting to the first assistant or directly to Morgenthau. Relocating her office and shifting her place on the organizational chart was intentional and important. It sent the message to more than 600 attorneys in the office that her assignment was important. Cucchiara was not an attorney, but she could get what she needed from the legal staff. Her directives from the district attorney were modest: work with citizen groups on drugs and crime, identify what the office can do for youth (a longstanding concern of the district attorney), and "don't raise expectations you can't meet."

Cucchiara, who had worked in the district attorney's office for 9 years, had no experience in community outreach. She was, however, involved in activities that shaped the organization's mission, especially as director of legal staff hiring. She understood what made a good prosecutor, what the executive staff looked for, the importance of personal integrity, and the nonpolitical traditions of the office. Despite these traditions, some attorneys feared that Community Affairs might become a political arm through which particular communities would seek to influence the outcome of individual cases for reasons unrelated to legal merit.

During the mid-1980s, anybody with an investment of $1,000 could set up an independent retail crack operation in New York City.

Cucchiara was, and remains, sensitive to this concern, although the problem has not materialized. She saw her greatest challenge as providing real service—something of substantive value—to citizens. In 1985, no one in the office knew what the district attorney could do for the community. Citizen contact in the performance of the prosecutor's traditional pursuit of convictions is largely limited to victims and witnesses in individual cases, most often for serious crimes. Cucchiara's first tasks were to let people know the office was available to help them and ask them what they need. She began by reaching out to established institutions and attending community meetings, bringing along executive legal staff on an as-needed basis. In January 1986 she and Richard Girgenti, administrative assistant district attorney, launched the office outreach effort at a community meeting in Harlem.

The crack era in New York City. In 1986, drug dealing in neighborhoods dwarfed all other crime and quality-of-life concerns in New York City. With the arrival of crack it was "the problem about which people of the city were most intensely concerned" (McElroy et al., 1993, 6). New York City (with Los Angeles and Miami) had long been a major distribution point for Colombian powder cocaine destined for a relatively small number of traditional hardcore addicts and well-heeled recreational users. In the early 1980s, a cataclysmic shift to crack production emerged in the U.S. urban drug market. New York City and Los Angeles were hit first. Investigative reporter Michael Massing chronicled the events in New York City.[1]

According to Massing's account, by the mid-1980s cocaine was arriving in New York City by the ton. Street dealers had figured out how to make crack from cocaine. The simultaneous drop in the wholesale price of powder cocaine, the infusion of a new entrepreneurial class of local distributors, and the invention of crack (one ounce of cocaine combined with baking soda produced 1,000 "rocks" of crack cocaine) opened up the previously exclusive, lucrative cocaine market to unprecedented numbers of new street dealers and users. For a time, anybody with an investment of $1,000 could set up an independent retail crack operation. Manhattan dealers quickly built up thriving street markets in neighborhoods such as Washington Heights, strategically located near quick entry and exit routes to serve users and dealers from other parts of the city, New York State, New Jersey, and Connecticut. Sleepy neighborhoods seemingly overnight turned into teeming drug locations (Massing, 1989).

Enforcement difficulties. The enforcement response to this early cottage-industry phase of the crack epidemic was swift and dramatic. Police increased arrests, prosecutors increased convictions, and judges increased sentences to prison. In New York City, felony drug arrests increased from 18,000 to 88,000 between 1980 and 1988 (Fagan and Chin, 1989). Imprisonments rose even faster. In Manhattan the number of defendants sent to State prison on drug charges rose three times faster than arrests. The chances an arrested drug dealer would end up in prison roughly doubled between 1982 and 1987 (Boland, 1989; Boland, 1990). Street-level drug dealing abated but, as elsewhere, dealers adapted. In New York City, the drug trade moved indoors.

Retail-level dealers learned, largely by trial and error, that they could thwart traditional street enforcement tactics by dealing out of apartments or, if selling operations remained on the street, by keeping "felony weight" stash locations inside. Selling only "misdemeanor weight" quantities on the street shields dealers from felony prosecution in case of

arrest and shields drug supplies from confiscation. Such operations considerably complicate the task of law enforcement. Police officers cannot pursue dealers indoors without court-issued search warrants, commonly obtained through indoor undercover buys or testimony from reliable informants who have observed dealing firsthand. Resident complaints about "what everybody knows is going on" rarely provide the detailed evidence required in court.

Enforcement difficulties in New York City were compounded by police department policies. In the aftermath of the police corruption scandals investigated by the Knapp Commission in the early 1970s, official fear of police corruption led to a series of policies centralizing narcotics enforcement to the point that precinct patrol officers were largely removed from the task of drug enforcement. Fearing the "temptations of the drug trade would be too great for uniformed personnel," police administrators strongly discouraged precinct patrol officers from making drug arrests. Street drug dealing and drug locations observed on patrol were instead to be reported for investigation to centralized narcotics units. Similarly, 911 complaints about drug dealing in buildings were referred not to a precinct patrol car for immediate response but to boroughwide Organized Crime Control Bureau units for future investigation. The only precinct-based drug units assigned to undercover street surveillance, Street Narcotics Enforcement units, had to work in uniform (New York City Police Department, 1994, pp. 13–14; McElroy et al., 1993). Citizens, observing officers dutifully ignoring blatant drug dealing, were understandably frustrated and angry, but not defeated. New Yorkers, in response to the drug crisis, mobilized.

Citizens mobilize a response. It did not take citizen activists fighting drugs long to hook up with Cucchiara and come up with a role for the DA's office. The Citizens Committee for New York, founded in 1975 to support citizen grassroots efforts, by the mid-1980s was heavily involved in helping neighborhood groups fight drugs. Committee staff understood the nature of neighborhood drug crime and the kind of action required to effectively address it. They knew experts' prescriptions focusing on either-or solutions (enforcement vs. prevention, for example) were not helpful in thinking through neighborhood crime problems. Effective action against specific concrete problems required multiple tactics and cooperative efforts (Kirby et al., 1995).

The committee staff had learned from their work with hundreds of groups all over New York City that when a crime problem is continuing, when it can be narrowed to a specific location or target, and when everybody in the neighborhood knows about it, then it is very effective to get citizens and law enforcement together to devise anticrime strategies. Some aspects of the problem require citizen initiative and others, law enforcement; success requires both.

Focusing on either-or solutions (enforcement vs. prevention, for example) was not helpful in thinking through neighborhood crime problems.

Committee staff also understood that strained police-citizen relations created barriers to effective action. The process requires a neutral facilitator to bring the parties together, shepherd the discussion, and translate concerns into an action plan. Committee staff saw in Cucchiara a highly effective facilitator. They also recognized that she brought a new tool to the table they had not considered. She could feed the results of citizen problem-solving activities into effective prosecutions. She brought access to the district attorney's office. On the other hand, the committee taught her how to work with groups, the principles of community mobilization, and the philosophy of problem solving, and they gave her her first case (Kirby et al., 1995).

Community outreach begins. At a committee training session, Cucchiara met a tenant organizer who was trying to oust a paraplegic drug dealer from her Lower East Side apartment building. Armed with a gun hidden under a blanket in his wheelchair, the dealer had taken control of the subsidized housing complex and was "brazenly selling [crack and marijuana] from his apartment and terrorizing residents" (Kirby et al., 1995, p. 15). Working with community policing officers and committee staff, the tenant group had generated

arrests, but the charges, low-level drug offenses, went nowhere in court. In court the dealer did not look dangerous sitting in his wheelchair; he looked pathetic. The tenant organizer asked Cucchiara to help.

The Community Affairs unit of the Manhattan DA's office set up channels of communication between the DA's office and citizens so people know that the office is a place they can go for help.

Cucchiara coordinated with an assistant district attorney (ADA) who was already working on a minor case against the dealer. Staff from the Citizens Committee and community policing officers trained tenants in how to observe and report the specific, detailed information law enforcement needs to build a strong case. Community policing officers worked with other precinct officers to be more responsive to problems in the complex. Eventually, coordination paid off. One day tenants, hearing gunshots from inside the dealer's apartment, immediately summoned police, who immediately contacted the ADA, who immediately drafted a search warrant. The search yielded the evidence needed to launch an aggressive prosecution. The dealer was convicted and ultimately served 5 years in prison. His removal energized the tenant group members. With their community policing partners, they helped other tenant groups evict resident dealers, closed down a storefront brothel (again with help from the DA's office), and collaborated with youth service organizations to neutralize a local "youth posse" (Kirby et al., 1995).

Goals are set. Facilitating access to traditional prosecution for citizen groups fighting neighborhood drug crime characterized much of the early work of the Community Affairs unit. In addition to actively working with citizen groups, these activities include flagging arrests that should receive special attention, providing feedback to citizens on cases in court, training citizens in how to watch and report drug activities, and above all setting up channels of communication between the DA's office and citizens so people knew that the office is a place they can go for help. Now, more than 10 years later, the Community Affairs unit has expanded to a staff of 10 with their own offices down the hall from the executive suite. Cucchiara is still the director, and six permanent Community Affairs associates work with citizens and community groups in designated geographic areas that coincide with Manhattan's 22 police precincts, covering all Manhattan.

As director, Cucchiara has set three formal goals for Community Affairs. One: inform the community that the DA's office has resources citizens can use in dealing with drugs and crime. This is not as labor intensive as at first, but nonetheless requires constant maintenance. Two: educate the public in how the legal system works, with a special emphasis on youth. In response to citizen requests, Community Affairs has developed formal citizen training and youth education programs. Three: reach out to the community and work with citizens on neighborhood crime. In accomplishing this task, Community Affairs associates do many things, but their most critical role is bringing information about crime problems from citizens into the DA's office so the office can do its part. It is this direct engagement of the office with citizens that connects the office's legal expertise to neighborhood crime and in turn leads to new ways to respond.

Connecting the district attorney's office to neighborhood crime

In essence, the Community Affairs unit has created for the Manhattan DA's office a vast network of contacts that reaches out to neighborhoods and offers citizens access to the office. Community Affairs is a consistent point of entry for complaints that do not fit the traditional incident-based, 911-driven response to street crime. It is a place where citizen complaints about neighborhood crime problems can get an official response. The response may be simply information on how the system works, feedback on specific cases, or a nontraditional route to traditional prosecution. But if information, feedback, or traditional prosecution is not appropriate or enough, Community Affairs associates facilitate alternative solutions by bringing to bear the appropriate legal expertise.

Alternative solutions fall into two broad categories. One involves development of new legal tools for use within the office and by the police. The second involves coordination of legal responses that, via the political authority of the district attorney, mobilize external resources (Federal law enforcement agencies, for example). In developing alternative solutions, direct daily involvement of the executive legal staff is routine. Solutions evolve from attorneys' day-to-day application of the law to specific, concrete crime problems that come to the attention of the office via the Community Affairs network.

Building a network. The network created in neighborhoods by Community Affairs builds on existing structures of New York City government with institutionalized vehicles through which citizens in neighborhoods can channel complaints to agencies of local government. The boundaries of the city's 59 Community Board Districts intentionally coincide with police precincts. Each of the 12 Community Board Districts in Manhattan includes one to three police precincts. All Community Boards and police precincts hold open monthly citizen meetings. Each also conducts closed monthly management meetings attended by the staff of elected political representatives and city agencies. A similar arrangement operates independently in public housing projects through tenant associations and housing police councils. The importance of these institutions to the work of Community Affairs is obvious in hindsight. In the beginning, Cucchiara had to figure out where to go for help.

Community Board and police precinct citizen meetings are not necessarily conducive to coordinated action. Several interviewees described open meetings in one police precinct as raucous free-for-alls (obviously an extreme case). They are, however, generally recognized as a forum to connect with legitimate citizen activists and organized groups. The smaller management meetings allow specific problems of many people to receive official attention.

Although Cucchiara did not try to systematically attend all of these community meetings when she first started outreach, she and her staff now do. Community Board, police precinct, housing police council, and public housing tenant association meetings are a central component of their outreach strategy. All are attended by Community Affairs associates on a regular rotating basis. From these sessions associates meet citizens involved with smaller action-oriented block associations, tenant groups in private buildings, church groups, business improvement districts, and other public and private organizations seeking help with crime problems. At all public meetings, Community Affairs staff flood the neighborhood with personal business cards, resource lists with names and phone numbers, as well as written information on what the district attorney's office does and can do to help citizens working on crime. Written materials are an important part of the strategy of being accessible.

Linking with the police. The second critical component of the Community Affairs network in the community is direct linkage with precinct police. In an early stage of outreach, a precinct commander advised Cucchiara to contact precinct commanders and work with them. Precinct commanders confront daily the kinds of problems the DA's office was starting to hear about from citizens. The police are always in the community, and they too were engaged in new efforts to work with citizens on neighborhood crime. About the time Morgenthau dispatched Cucchiara to do community outreach, the New York (City) Police Department (NYPD) launched its first community policing initiative.[2]

Community policing beat officers and Manhattan Community Affairs associates were natural allies. Community Affairs contact with police is not limited to these officers (narcotics officers have also been natural collaborators), but they have played a key role in the unit's work and vice versa. Community policing officers possess an enormous amount of street knowledge, but early in the program neither they nor their precinct commanders had the organizational authority required to redirect police resources to launch a sustained attack on the crime problems they uncovered (Julien, 1994; McElroy et al., 1993). Community Affairs associates were allies in helping Manhattan beat officers obtain the resources they needed to address neighborhood crime problems. In turn, beat officers opened up their vast store of street intelligence and extensive contacts with citizens. Executive attorneys in the DA's office now see being connected to precinct police as part of what the office needs to do to be responsive to citizens' concerns.

Office executives recognize that opening up the DA's office to the needs of police is an important part of what changes the way the office responds to neighborhood crime. In Cucchiara's words, "The office is pushed by police who are trying to help citizens and get frustrated that the rest of the system won't help." Morgenthau and Cucchiara both recall that they did not see this in advance—that police, like citizens, also needed a conduit into the office other than the traditional arrest-convict track. Sergeant Brian Murphy bears witness to what can happen when a frustrated officer trying to help citizens gets a responsive ear. His complaint and Cucchiara's response, "Please come downtown," laid the foundation for one of the office's most commonly used legal tools to confront Manhattan's number one quality-of-life problem, indoor drug selling.

A new legal tool: Sergeant Murphy and the DA

In fall 1991, Reverend John L. Scott of St. John's Baptist Church and Commander Peter Buccino of Manhattan's 30th Precinct called a meeting of West Harlem's St. Nicholas Place neighborhood residents. Though the public flier announcing the meeting said nothing about drugs or crime, citizens knew the issue. Narcotics enforcement in Washington Heights was pushing the crack business south into Harlem. Residents wanted to know what they and police could do. At this meeting Deborah Carter and Patricia Johnson,[3] members of a small group working with Reverend Scott to organize the neighborhood antidrug campaign, met Sergeant Murphy of the Manhattan North Narcotics District. Carter and Johnson had come to look for police help with the drug dealers in their building.

Need for innovation. The dealing operation Carter and Johnson described to Sergeant Murphy was low level (for New York) but sophisticated. Dealers in their building stayed in apartments and out of public view, while active trading took place in the lobby and corridors. Murphy knew there was not much he could do using traditional police approaches. These dealers had figured out how to defeat conventional narcotics enforcement tactics.

"Buy and bust" arrests of low-level minions likely would not get at the real dealers in apartments. Arrested minions were more afraid of their employer-dealers than of the police and rarely talked unless facing serious felony charges with significant prison time. Arrested buyers—even if willing to turn informant—could not identify dealers' apartments or provide the eyewitness accounts of inside dealing operations police needed to get search warrants. Police undercover buys directly from apartment drug locations did not work because dealers opened doors only to known minions. Citizens knew which apartments were the problem and despite personal threats were willing to provide police with intelligence. Though helpful, this information alone is difficult to convert into the evidence required for court search warrants.

Sergeant Murphy thought he could at least improve conditions for legitimate residents in the short term by arresting the "drug loiterers" in the lobbies and corridors for trespass. When the system downtown threw out his arrests for lack of probable cause, he was furious. He called Cucchiara, he recalls, primarily to vent. She listened and asked him to come downtown.

Cucchiara had been working with the St. Nicholas Place group. She knew traditional law enforcement responses were not having an impact. She wanted Sergeant Murphy to meet with Paul Shectman, the deputy district attorney in charge of Criminal Court. Prosecution of quality-of-life crime fell under Shectman's jurisdiction as head of Criminal Court (the misdemeanor court in New York City). Shectman was one of several legal executives Community Affairs routinely turned to for legal input when traditional approaches did not work.

In pursuit of trespassers. After listening to Murphy, Shectman decided it was a good idea for officers to be in drug-infested buildings arresting trespassers, but additional legal justification was required for arrests to show probable cause. Legally, police officers needed to be able to show that before arrest they had information that allowed them to distinguish people who have a legitimate right to be in the privately owned building from those who were trespassers. Anonymous tenant complaints were not sufficient.

Alternatively, Shectman reasoned that if police had ready access to accurate, up-to-date tenant lists with written landlord affidavits and asked the right ques-

tions of loiterers (Do you live here? What is your name? Whom are you visiting?) the drug loiterers would themselves provide the information needed for probable cause.[4] Trespassers would not be able to identify legitimate tenants, and if they lied officers could verify the claim by checking the lists. Shectman recalls that officers liked his standing up for them at community meetings and explaining why officers cannot do the things citizens often think they ought to be able to do. They were really thrilled when he came up with alternative ideas.

Working together, Shectman, Community Affairs, and Murphy tried out the idea. Shectman instructed Murphy in how to proceed and briefed ADAs downtown in how to handle Murphy's trespass arrests. Using Shectman's revised procedures, the arrests held up in court and they had the effect Sergeant Murphy had intended. Arresting loiterers for trespass did not immediately result in removal of dealers from apartments, but it did improve the level of order in the public spaces of the building. The idea spread to other officers and buildings. Ultimately, Community Affairs set up the Trespass Affidavit Program that has grown to include more than 2,000 buildings.

The Trespass Affidavit Program. Community Affairs now routinely works with community policing officers and landlords to enroll problem buildings in the program. To enroll, landlords must agree to take security measures recommended by police, post prominently throughout their buildings signs that read "Tenants and Their Guests ONLY," provide the precinct police with keys, and sign an affidavit that includes an up-to-date tenant list. To ensure that affidavits and lists are always up to date (a major issue for the court in determining legality of arrests), Community Affairs faxes fresh affidavits to landlords for renewed signature every 3 months. Landlords return the affidavits with current tenant lists attached. Local precincts then schedule "vertical patrols" by community policing officers to target buildings experiencing drug problems. Teams of officers walk through each floor of a building, using the landlord's affidavit to question loiterers, and when the facts warrant, arrest them for trespass (Morgenthau, 1993).

The program is most popular with landlords and tenants in the high drug-crime areas of northern Manhattan. It is also popular with precinct police. By giving officers a legitimate reason to be in residential buildings and a legal tool for minor arrest—trespass—the number of participants in the drug trade who are subject to police contact, arrest, legal search, and debriefing is increased.

Under the Narcotics Eviction Program within the Community Affairs unit, landlords cooperate with the DA or face a possible fine and/or court-ordered cost reimbursement. Most landlords are relieved to have the DA's help.

Sergeant Murphy's story is a particularly lucid illustration of how the legal expertise in the DA's office, when allied with the situational perspective of police officers in the street joined by the goal of responding to citizen-identified problems, results in new legal tools and a new response. It is not, though, an isolated incident. It characterizes the second phase in the evolution of community prosecution in Manhattan. The first phase provided citizens and precinct police access to the DA's office off the conventional arrest-convict track. The second, founded on the access of the first, generated alternative legal tools, the most prominent of which are now institutionalized as stand-alone programs aimed at indoor drug dealing.

In addition to the Trespass Affidavit Program run by Community Affairs, a separate Narcotics Eviction Program operates out of the attorney-staffed Special Projects Bureau. Like the trespass affidavit idea, Narcotics Eviction evolved out of individual problem-solving efforts to oust drug dealers from residential buildings. Senior trial attorneys who worked with Cucchiara thought they could use the State law that authorizes ousting tenants operating a "bawdy house" or any illegal trade, business, or manufacture in a rented apartment (Finn, 1995) to streamline evictions. Under the Narcotics Eviction Program, the DA rarely initiates eviction proceedings, but prepares the paperwork and hands it over to landlords, who must proceed or face a possible

fine and/or court-ordered cost reimbursement. Most landlords are relieved to have the DA's help.

Tackling larger problems: The Kenmore Hotel

The Trespass Affidavit and Narcotics Eviction Programs now handle a large volume of cases independent of specialized problem-solving activities but are also used by Community Affairs, attorneys, and police to build strategies to attack bigger problems. The third drugs-in-housing initiative, the Landlord Responsibility Program, kicks in when these lesser remedies fail. A critical issue is whether the drug dealing is confined to certain apartments or infects an entire building. The ultimate consequence is Federal seizure through the U.S. Attorney's Office. One highly publicized seizure at the Kenmore Hotel in the Gramercy Park area of lower Manhattan required all three legal tactics plus the coordinated efforts of police, the DA's office, and Federal law enforcement.

The problem builds. When the Kenmore Hotel changed ownership in 1985, Scott Kimmons, a community policing officer in the 13th Precinct, observed physical conditions in the once-respected single-room-occupancy (SRO) residence steadily deteriorate. The predictable invasion of addicts, prostitutes, and drug dealers followed and, in an effort to stave off serious criminal activity, Kimmons teamed up with Detective Kenneth Farrell of Manhattan South Narcotics to set up undercover drug arrests. In June 1992 they contacted Community Affairs associate Fredericka Jacks for help from the DA's office. Jacks, Kimmons, and Manhattan South Narcotics detectives began by working with ADAs handling arrests at the Kenmore. Jacks brought in Shectman to help with legal strategy. In the end, the group effort brought together the law enforcement and legal expertise of the DA's Asset Forfeiture unit, Central Narcotics units of the New York City Police Department, the New York City Special Narcotics Prosecutor, the FBI, U.S. marshals, and the U.S. Attorney for the Southern District of New York—culminating in seizure of the Kenmore by the Federal Government.

For years city officials had tried to force Kenmore owner Tran Dinh Truong to improve conditions in his buildings. The City Department of Housing Preservation and Development took him to court over conditions at the Kenmore four times, on one occasion levying a fine of $10,000 and on another imposing a (never-served) sentence of 20 days in jail. Independently the New York City Environmental Control Board fined him $35,000 for failure to remedy health-code violations. City lawyers considered him a slum landlord and clever at working the system. He fixed just enough violations to get by and then turned around and generated a host of new ones (Faison, 1994b).

Conditions inside the Kenmore eventually spilled onto the street of the otherwise stable Gramercy Park neighborhood, causing several long-time business establishments to move. Area businesses and residents saw the problem as loitering addicts housed at the Kenmore, who supported their habits through panhandling and petty thefts. For Kenmore tenants, the real problem started when "drug dealers discovered [that] the absence of a working security system allowed them to deal crack from inside hotel rooms" (Faison, 1994b).

To deal with the Kenmore's drug dealers effectively, Jacks and Kimmons had to get Truong to work with them on building security. Shectman advised that they bring in Anne Rudman, the DA's Asset Forfeiture attorney and director of the Landlord Responsibility Program. The program presumes that most owners of seriously drug-infested buildings want to cooperate with law enforcement. Nonetheless program procedures are "legalistic," in the sense that they are designed to lay the groundwork for formal legal action if informal efforts fail.

Landlord responsibility in action. The mechanics of the program are straightforward. Once a problem building is identified by Community Affairs, police, or citizens, the DA's office (that is, ADA Rudman) sends a letter advising owners of the drug activity in their building and invites landlords to her office for a conference. At the conference, Rudman, Community Affairs, and precinct police familiar with the building advise the landlord of the nature and extent of the building's drug problem and suggest reasonable measures to solve it.

Once Rudman advises landlords, the problem property is monitored by the DA's office and police. The DA's case-tracking system automatically notifies ADAs and Community Affairs if an arrest occurs

on the property. The owner is also informed of every drug-related arrest. Police compile a monthly drug activity report. If trafficking does not abate, the landlord is called in for subsequent conferences. At every conference Rudman reminds owners that it is their responsibility as landlords to secure their buildings. Failure to cooperate could result in legal action to forfeit.

For the DA to initiate forfeiture under State or Federal statute, attorneys must address two legal issues. First, they must prove by a "preponderance of the evidence" that drug trafficking occurs on the property and the owner knows it occurs—a relatively easy task under State or Federal statute. Second, they must demonstrate in court that the offending landlord willingly consents to the drug dealing. Under New York State law, proving consent is extremely difficult. Consent issues under Federal law, while difficult, are not insuperable, especially in cases of egregious neglect.

With the Trespass Affidavit, Narcotics Eviction, and Landlord Responsibility Programs, the DA's office has the legal tools to accumulate the evidence needed in Federal court to demonstrate "consent" on the part of grossly negligent landlords like Truong. At first Truong tried to deal with the DA's office the same way he had dealt with other city lawyers: evade, delay, make promises, but do nothing. It did not work.

Rudman meticulously documented Truong's repeated failure to take reasonable remedial steps. Jacks, Kimmons, and narcotics detectives painstakingly kept records of the numerous drug arrests that continued in the Kenmore, though Truong never filed a complaint of drug activity or tried to evict a dealer. NYPD undercover officers found informants willing to testify that Kenmore security guards were selling drugs and extorting bribes from buyers to enter the building. The FBI was brought in to conduct a financial analysis of Kenmore rent receipts. Prosecutors and other city lawyers suspected that Truong was operating a cash cow, obtaining rent payments from a number of tenants via city and public assistance agencies. They anticipated Truong might claim to be losing money on hotel operations to justify lax security.

Finally, in 1994, almost 2 years after Farrell and Kimmons had contacted Jacks, Federal agents seized the building. NYPD narcotics officers, in conjunction with New York City's special narcotics prosecutor,

"Broken windows" in New York City

Community Affairs associates, ADAs, and legal executives in the DA's office routinely refer to the problems Community Affairs associates work on as "quality-of-life" issues—the term New Yorkers use for a wide range of public disorder problems. These include classic disorder offenses like public drinking, aggressive panhandling, illegal peddling, street gambling, prostitution, and drug dealing. Before drug dealing became the predominant public disorder concern, these kinds of disorderly street behaviors in New York and elsewhere were by and large viewed as minor forms of criminal behavior with no relationship to serious crime. The error of this distinction is increasingly apparent.

The work of Community Affairs associates regularly leads them from disorder to serious crime and conversely from serious crime to disorder. On a day-to-day basis that work confirms the reality of the "broken-windows" thesis.[10] Removing violent drug dealers from apartments eliminates disorder in building lobbies. Dealing with loiterers in lobbies turns up information on homicides. Investigating routine security concerns in buildings unearths complaints of extortion from vulnerable tenants. A known member of organized crime is a block's worst slum landlord. Community Affairs associates instinctively know low-level crime is inextricably linked to serious criminal behavior. They are constantly alert to potential danger. They also know that to deal effectively with neighborhood crime they need access to legal remedies that can address both.

executed search warrants and made 18 arrests. Federal marshals then moved in and took control of the building.

Truong's abuses were so egregious that official action at some point seemed inevitable even without community prosecution. It is not obvious, though, how such a case could proceed without the involvement of prosecutors whose distinctive role rests on the official authority to initiate legal action. The response was clearly built on the DA's drugs-in-housing tactics and Community Affairs' ability to take the lead in pulling the small pieces of a big problem together so its seriousness could trigger significant legal action—in this instance, action beyond the capacity of either the police or the DA's office working alone. In the Kenmore case, the work of the DA's office was behind the scenes. Public accounts focused on the dramatic events surrounding the Federal seizure.

Community prosecution and serious crime

Policing strategies implemented by William Bratton, chief of the New York Transit Police from 1990 to 1992 and commissioner of the New York City Police Department from 1994 to 1996, rely heavily on "broken-windows" ideas. (See "'Broken Windows' in New York City.") They also fundamentally push these ideas a step beyond the original broken-windows conceptualization that disorder is a precursor to serious crime. The NYPD and the Transit Police crime strategies reflect the commonsense police insight that disorder and serious crime are both part of a complex web of interrelated criminal behaviors that includes conventional street crimes, disorderly behavior, interpersonal conflicts and disputes, and criminal enterprise activities (Bratton, 1995). In implementing the NYPD reforms, Bratton consistently argued that the key to restoring order and driving down crime is to exploit persistently and strategically, in all police activities and contacts, criminal affiliations and crime and disorder linkages. The organizational reforms underlying the implementation of these strategies riveted the attention of the entire police organization on neighborhood crime.

The NYPD's new strategies noticeably dovetailed with the evolution of community prosecution in the DA's office. To be "riveted on neighborhood crime," one could argue, is a traditional police function that police should have been doing all along. In truth, one of Bratton's most fundamental insights was recognition of how far police organizations had drifted from this mission. For felony trial attorneys in the DA's office to be riveted on neighborhood crime and the intricate, concrete circumstances that give rise to specific criminal acts, though, is a new phenomenon.

In Manhattan, the Community Affairs unit has been highly successful in bringing crime problems from neighborhoods into the DA's office. At some point, however, line attorneys independently began to see that success in their traditional task of convicting the guilty required that they too get connected to what was going on in the streets. At the minimum, this was a recognition that the traditional task of convicting people who commit serious crime required a strategic, intelligence-driven approach capable of exploiting interrelationships among criminal offenders and criminal events. This line of thinking emerged from office attorneys considerably before Bratton's strategic redirection of the NYPD, initially in response to new patterns of drug crime. Once the NYPD reforms and strategies had been adopted, the police and prosecutor initiatives began to work together.

New drug crime patterns emerge. About the time the New York drug trade moved indoors in the late 1980s and early 1990s, felony trial attorneys in the Manhattan DA's office began to notice new patterns of criminal activity emerging from the high drug-crime areas of northern Manhattan and the long-established drug markets of the Lower East Side. Retail-level cocaine dealing was moving out of its cottage-industry phase, where anyone could get in on the dealing, and in the most active markets was becoming increasingly dominated by low-level indoor drug gangs. The gangs, typically composed of four or five people headed by a very small-time kingpin, operated from indoor locations but controlled street-level dealing on specific street corners or whole blocks. The violence of these gangs resulted in homicides the police had great difficulty in solving. Witnesses had little interest in seeking the protection or interference of law enforcement and significant interest in intimidating those who did. As drug-related homicides escalated, police arrest

clearance rates plummeted, and even if perpetrators were arrested, prosecutors often could not proceed for lack of credible witness testimony.[5]

At the same time, in handling more routine cases, trial attorneys were discovering inadvertently (and to their horror) that they were making important case decisions without knowing the true nature of a defendant's criminal activity. Although beat officers and citizens had informal knowledge of defendants' criminal activity, the more sophisticated participants in the local drug trade had figured out how to shield themselves from arrest and prosecution for serious crimes. When by chance they did show up in court, it was often for minor offenses, and many did not have prior records.

Traditional prosecution assumes a defensive posture in dealing with street crime. Attorneys respond to police arrests one by one and for the most part have to work with the evidence the police deliver. To respond effectively to emerging patterns of crime, this approach was not sufficient. Two of the DA office's six trial bureau chiefs voluntarily took on the task of trying new ideas. Initial efforts focused on getting designated felony trial attorneys connected to citizens and police in high drug-crime and violence neighborhoods via Community Affairs associates and community policing officers. Warren Murray, chief of Trial Bureau 50, initiated the first project, Project Focus, in the 34th Precinct, which includes Washington Heights, where violence erupted with the crack epidemic. Ann Prunty, deputy chief of Trial Bureau 70, volunteered to take on a second project, Project Octopus, in the Ninth Precinct on the Lower East Side, where drug violence has a long history.

Project Octopus. In summer 1993 when Prunty and Trial Division executives began planning Project Octopus, they saw it as an experimental effort that would both tap nontraditional sources of information to get better case dispositions and introduce regular trial assistants to sophisticated prosecution techniques. Instead of having to "try what gets delivered," the approach they envisioned would give attorneys an opportunity to gather information and intelligence, think about what the office ought to do about various categories of crime, and then structure case evidence and trial arguments before a defendant is ever arrested.

Project Octopus within the Community Affairs unit taps nontraditional sources of information to get better case dispositions and introduces regular trial assistants to sophisticated prosecution techniques.

Prunty set two goals for the first phase of Project Octopus. First, she wanted her assistants to understand the crime situation in the Ninth Precinct and come up with an intelligent view of the problem. Second, she wanted to get the community, the police, and the DA's office talking and sharing information. She began by establishing a relationship with Ninth Precinct police. She met with the precinct commander, special operations lieutenants, the supervising sergeants of the street narcotics and community policing units, and the head of the precinct detective squad. She also reached out to the commanding officer of the local area housing police. Within the DA's office she brought in Community Affairs associates to do the community contact work and the management information systems (MIS) division to help track intelligence. Finally, she instructed her assistants to form relationships with Ninth Precinct beat officers so they would tell them about people and crime problems in their beats.

Input from beat officers. Police, she recalls, initially were skeptical but open, and they did provide information. They readily came up with a huge chunk of intelligence. Strategic direction for Project Octopus emerged in a couple of months. With hindsight Prunty does not think this would have been possible without beat officers' intimate knowledge of crime patterns and street intelligence.

From officers, Prunty and her assistants learned a lot about the precinct crime targets that office attorneys had suspected required special attention. The targets, typically small-time criminal organizations, most often involved low-level cocaine and heroin drug-dealing, but included a variety of other criminal enterprise activities like fencing operations, fairly organized and violent marijuana trafficking, and murder-for-hire operations. Citizens and beat

officers were generating an enormous amount of information about these criminal activities, but there was no coordinated use of the information.

Enter prosecution. Specialized units in the NYPD and the DA's office know how to disrupt criminal enterprise operations, but these small-time, precinct-based crime groups did not warrant special unit attention. Routine police and prosecutor operating units, on the other hand, lacked the coordination required to translate informal street intelligence into prosecutable cases aimed at disrupting criminal enterprises. Conventional arrest-convict tactics picked up only the lowest level participants, "dixie cups" (disposables) in the terms of New York City's drug trade. Prunty, an experienced homicide attorney, wanted to apply investigative prosecution techniques to street crime. She knew the tactics and what she wanted to do; putting the operational task force together was the problem.

Assistant DAs worked on targets without geographic restriction, following criminal linkages across beats and even outside the precinct if necessary.

To disrupt criminal enterprise organizations, prosecutors need evidence that connects top operatives to criminal acts. This requires surveillance and undercover work. Prosecutors cannot do this alone—they need to work with the police. To take down a typical indoor drug operation, for example, police first conduct surveillance to identify the kingpin, his top lieutenants, and low-level sellers. Undercover officers then move in and buy drugs as many times as possible from low-level sellers, make arrests, and try to work a deal for information on higher-ups. The ideal outcome is to serve a search warrant on an indoor drug location when key lieutenants and the kingpin are present with drugs. In the short term, officers have to forgo arrests, and attorneys, convictable cases in favor of the long-term goal of taking down the drug organization.

Linking attorneys and police. The problem Prunty faced was how to get regular precinct officers who operated under organizational pressure to make arrests and quickly move on to the next arrest or call for service, to work with them in a sustained, coordinated fashion to develop the evidence they needed to disrupt criminal enterprises. Phase two of Project Octopus, she decided, would focus on forging a new organizational arrangement between attorneys and police capable of accomplishing this task.

Rather than assign an ADA to learn everything about specific beats, Octopus attorneys decided to rely on citizens and police to generate beat-by-beat intelligence and identify criminal targets. Prunty then assigned ADAs to work on targets without geographic restriction, following criminal linkages between beats and even outside the Ninth Precinct if necessary. By early 1994 Dan Connolly, a felony trial attorney who volunteered for the project, was tracking a Lower East Side heroin ring controlled by an individual well known on the block as "Franco."

Octopus in action. Franco, with two lieutenants and a revolving group of minions, controlled from an indoor apartment building location all heroin and powder cocaine dealing in his block and the intersection around the corner. Undercover buys were difficult because drugs were sold deep inside the apartment building lobby. Police supervisors do not want undercover officers going into places where they cannot be watched. Routine undercover operations require a "ghost" trail, stationed at a safe distance, who can radio for help if trouble erupts.

By the time Connolly started work with the Octopus unit, much of the surveillance work was complete, but to make a prosecutable case, Connolly needed undercover work. Specifically, he needed arrests of low-level minions who might turn informant and provide insider details so police could catch Franco and his lieutenants "in the act." An elite investigative unit would simply assign a team of DA investigators or dedicated police officers to come up with undercover arrests. Although the police were willing to help, at this point they viewed Octopus as a prosecutor, not a police, project. Connolly improvised. He started to track all arrests coming into the DA's office from the street near Franco's East Second Street building. With the help of the DA's computer, every morning the district attorney's MIS Division delivered to him a computer printout of the previous day's arrests in

the target block, which he reviewed for potential informants.[6]

A false start. One day, a midlevel manager in Franco's organization showed up on the MIS arrest printout charged with an indictable drug offense. Facing a potential sentence of 18 years, he came up with a lot of information on the East Second Street organization. Connolly had what he needed to obtain a search warrant to raid the indoor location, but Ninth Precinct officers were not yet operating in a coordination mode. One evening, in hot pursuit of a defendant, officers entered and secured the building, got a search warrant for Franco's apartment, and came up empty-handed. They found guns galore but no drugs and no Franco. Connolly was furious. They could have, should have, checked to make sure Franco was present or at least consulted Connolly. The "new coordinated working world" Octopus attorneys were trying to create would take time.

Still, though Franco got away, his organization on East Second Street crumbled as a result of Octopus. Franco's number two lieutenant, "Mikie," tried to set up an operation in a neighboring building. Unfortunately (for him), his girlfriend, who was arrested in the East Second Street police raid, informed on his apartment location, which happened to be next door to a reformed drug addict who worked with the DA's office to get a narcotics eviction. Forced out on the street, Mikie was arrested by street narcotics officers. Connolly again caught the case on the MIS printout and moved forward with an indictment. The original problem building was sold and Community Affairs worked with the new landlord to adopt a maintenance strategy. Citizen informants and beat officers reported that Franco was still in the neighborhood.

Connolly was obviously disappointed. In Prunty's mind the experience taught them how they could in the future coordinate—among citizens, Community Affairs, beat officers, Ninth Precinct detectives, and Manhattan South Narcotics officers. There is no question that in the early stages these efforts were frustrating. From the ADA's perspective, they were trying to take small stuff and work it up to get at a larger problem and could not get the police to go along. (But recall Sergeant Murphy was also trying to work with small stuff to help alleviate a larger problem and the system downtown would not help.)

Cooperation takes off. By the end of 1994, cooperative working relationships (not perfect but decidedly constructive) began to emerge. Octopus attorneys had built up indepth knowledge of precinct crime conditions and began to understand what the police see and what the police needed *from them.* The police, in turn, began to view Prunty and her assistants as people they could go to for help. She knew what they knew and would listen. Prunty was tenacious in working through a continuous stream of barriers to cooperation arising out of divergent organizational goals,[7] and Bratton's reforms were taking hold in the NYPD. The immediate impact for Octopus attorneys? They and Ninth Precinct police now had a common goal: Everybody was thinking about how to reduce precinct crime. Connolly's next target started, by traditional standards, with a "nothing" arrest and worked into a big case.

Tackling fencing in a joint effort. In the summer of 1994, Prunty assigned Connolly to work on understanding the Ninth Precinct fencing business. By the fall he had learned a lot, but neither he nor Prunty knew exactly what to do. From an attorney's perspective, fencing cases are time-consuming and difficult to prove.[8] Plus, sentences are not heavy. Ninth Precinct officers, though, quickly tapped Connolly's newly acquired expertise. Ultimately, Connolly's knowledge, coupled with NYPD's new direction, generated a year-long enterprise corruption investigation of three Lower East Side legitimate businesses engaged in fencing operations that received thousands of dollars' worth of stolen property a week. The trigger event: the arrest of a young heroin addict from New Jersey for possession of a hypodermic needle, who also happened to have transported himself to New York City in a stolen car.

On the afternoon the young addict was downtown going through the arrest-booking system on the possession charge, two officers were cruising Ninth Precinct streets punching license numbers into their cruiser's computer. They found a stolen car and waited for the "owner" to return. When the young addict got out of the system, he went back to get "his" car, and was collared. This time he was facing a more serious charge; his response to the NYPD's new debriefing routine was more informative: He knew about a fence. Officers immediately called

Connolly to participate in the debriefing. The word was apparently out in the young addict's hometown that "Second Avenue Health and Beauty Aides is the place to go to fence." On Saturdays young New Jersey drug users shoplifted in malls in New Jersey, Pennsylvania, and even as far away as Delaware. In the evening they came to the Lower East Side to cash in the goods, get their complimentary clean needles, and then go out to buy heroin and shoot up.

On Connolly's advice, detectives wired the young addict and sent him back into the Second Avenue store with goods for sale. The wire corroborated his story; he even came back with clean needles. The DA's office approved an investigation. This time Connolly did not have to improvise. The office assigned investigators and put up buy money for merchandise, and the police did not view this investigation as a prosecution project. It was a joint effort. The Ninth Precinct assigned a detective "off the chart" (an unprecedented step) and overnight approved buy money (unheard of until then). Officers were as amazed as the ADAs, but now precinct commanders were calling the shots. Under Bratton's reforms, tactical decisions did not have to go to headquarters for approval.

Eventually the investigation expanded to two other health and beauty aids shops. When Connolly left the office for a job in the mayor's office, the case was picked up by ADA Susan Hoffinger. Under her guidance, the DA and Ninth Precinct detectives worked to build an enterprise corruption case, a class B felony. In the end, the evidence was insufficient to prove all elements of the enterprise case, but the investigative team was able to build criminal possession of stolen property to felony-level dollar amounts. In the process it became apparent that these "criminal facilitators" were not just in the business of servicing the needs of young addicts; they also had a thriving business in a wide variety of stolen goods. Hoffinger obtained felony convictions on two proprietors plus substantial cash forfeitures. As a result of the investigation, the stores went out of business. The criminal sentences were to probation, but stringent conditions barred the proprietors from opening similar businesses in New York City for 5 years.

The new, "coordinated working world." After almost two years Prunty finally began to feel that routine cooperation between Octopus ADAs and Ninth Precinct police was occurring without her having to constantly push for it. She herself finally brought to closure a marijuana conspiracy murder that she had been working on for a year and a half—involving East Indian marijuana gangs, several separate hit men, and a connection to Miami drug dealers. She best illustrated the emergence of a new, "coordinated working world" in recounting how Octopus, Community Affairs, Ninth Precinct police, Manhattan South Narcotics, and local political leaders responded to a community crisis by rapidly arresting and indicting a violent drug dealer who citizens knew was responsible for a neighborhood murder.

Over a period of several weeks, calls about a building on Eleventh Street between Avenues A and B had come into the office from a variety of sources. In a very short time the building had been overrun by a drug-dealing operation. When a homicide occurred on the building's roof, the community reached out to police officials, the mayor, and city council representative Antonio Pagan, a well-known community activist.

At the same time, the commander of the Manhattan South Narcotics District called Prunty to talk about building a case. Police, via citizen informants, knew the identity of the killer. The commander wanted to send in "buy and bust" undercover officers to target the suspect. If they caught him, immediate help would be needed from the DA to build a case that would get the killer off the streets. The undercover officers made the arrest and immediately beeped Prunty to help with the debriefing. In this case the dealer/killer had an extensive criminal record and Prunty was able to go forward with an indictment on a drug charge in 72 hours. The suspect informed on his codefendant, who was also indicted. Prunty then assigned an Octopus ADA to launch a long-term investigation to take out the whole drug organization. All this took place before the meeting Pagan had called with community residents, city officials, and law enforcement to discuss what to do. At the meeting, Pagan reported that the killers were off the street. Other dealers in the building were under investigation. The Manhattan DA's office and the New York City Police Department were conducting a *joint* investigation.

The essence of emerging reform

The ideas and practices of community prosecution are still evolving; nonetheless, the Manhattan experience suggests several key themes on what this reform is, what it is not, and what it needs to take root.

A process not a program. First, as I trust the foregoing has made clear, community prosecution is *not a program*—guided by clearcut procedural rules, prescribed-in-advance interventions, uniformly applied across neighborhoods or similar situations, and administered in a stable administrative environment. Nor is it a mere collection of tactics and strategies that, once proved, are routinized (although community prosecution can generate this—the Trespass Affidavit Program, for example). Rather, in the course of their day-to-day work on neighborhood crime problems, the district attorney, office legal executives, Community Affairs associates, and assistant district attorneys have built a highly flexible new organizational arrangement that is not wedded to specific solutions or responses but to the task of generating them. This is accomplished in the first instance by providing citizens and precinct police with daily access to the legal expertise of the DA's office beyond the traditional arrest-convict track, and assigning line operatives the task of responding to their complaints.

To get started, this new arrangement for dealing with crime and order requires stouthearted executives willing to delegate a lot of authority to line operatives who work in the field out of their sight—but in public view—and giving them latitude to figure out for themselves how to fashion responses to the crime and order problems in particular neighborhoods. A serious effort necessitates a closer, day-to-day working relationship with precinct officers than is now common practice. Loss of independent judgment is a risk. This is unfamiliar territory. Quick results are not certain.

Fundamental legal traditions. Second, in dealing with low-level street disorders, the legal tactics attorneys devise as often as not involve alternatives to the conventional prosecutorial focus on litigation. Yet this work is solidly grounded in fundamental traditions of the legal profession. Attorneys are applying what Mary Ann Glendon, Learned Hand Professor of Law at Harvard University, describes as the traditional order-promoting skills of lawyers to an area of crime control—order maintenance—that has caused the police much grief for more than a century.[9] In *A Nation Under Lawyers*, in which M.A. Glendon (1994) takes the legal profession in general to task for its exaltation over the last 30 years of "litigation, money making, and efforts to achieve social transformation through law" at the expense of what she argues are the more common order-affirming, peacemaking skills of the profession, she elegantly articulates the unique qualities lawyers bring to this task. Others share many of these qualities.

Glendon argues that it is the ensemble of skills lawyers possess that is unique: the ability to narrow conflicts and find common ground, to think through hypothetical cases so trouble is avoided down the road, to understand others' perspectives with detachment and respect, and to minimize arbitrariness through reasoned argument. But above all, the quality lawyers bring to peacekeeping is mastery of the legal apparatus and its constitutional framework. In devising solutions to problems, what lawyers alone bring to the table is "a vast fund of inherited experience . . . a written record of the trials and errors of others in a huge range of variants on recurring human problems. Faced with a new variant, a lawyer typically invents little but adds, adapts, and rearranges much" (Glendon, 1994, pp. 102–107). This set of skills comes naturally to attorneys engaged in community prosecution. They easily shift roles as the situation requires, from problem solver, to mediator, to consensus builder, to legal strategist. Their innovative use of the law is mostly a reworking of long-established legal principles—the communities' right to civilly sanction a public nuisance, to regulate commerce, or to document new fact patterns that justify a police search.

Grassroots demand. Third, community prosecution is a reform effort from the bottom up. After nearly three decades in which public discourse about what to do about crime has been dominated by scholars, commentators, national commissions, and other distant experts, citizens are reclaiming their right to define the crime issue in terms of concrete situations that affect their daily lives. Finally, they are succeeding, city by city and neighborhood

by neighborhood, in forcing a response that only their locally elected representatives can deliver. Experts have much to offer, but it is their forte to abstract, to frame issues in dichotomous terms, and to suggest either-or solutions that easily shift attention from the concrete facts of particular situations to ideologically intractable positions.

In the community justice movement, the seeds of reclaiming a voice in defining the crime issue for local institutions, where focus is on the concrete and consensus and balance are possible, are perhaps its most spectacular innovation. Community justice is a politics of the doable. Lacking in elegant theory, it compensates by delivering in the real world.

Notes

1. Massing's account was published in the *New York Times Magazine* in October 1989. His account is consistent with subsequent research studies (Johnson et al., 1990; Fagan and Chin, 1989) and project interviews with New York City Drug Enforcement Administration (DEA) agents, New York (City) Police Department (NYPD) narcotics officers, and special narcotics prosecutors.

2. New York City's first community policing initiative was launched with an experiment in Brooklyn's 72nd Precinct in 1984. Commissioner Benjamin Ward assigned 10 officers to foot-patrol beats, relieved them of responding to 911, and instructed them to work with residents on crime problems and street conditions in their beats. Between 1985 and 1989, the experiment was expanded to all New York City precincts as a special program, the Community Policing Officer Program (known as CPOP in New York), within the department's Patrol Services Bureau (see McElroy et al., 1993).

3. The names of citizens have been changed.

4. Police are entitled to engage anyone in conversation, and citizens are entitled not to respond. In fact, though, most people (including lawbreakers) do respond.

5. Walter Arsenault, head of the DA's homicide gang unit, which was formed to prosecute the most notorious gangs, recalls that during this period clearance rates for Jamaican posse homicides stayed at about 40 percent despite intensified efforts and that mounting successful prosecutions was extremely difficult. Police reported that homicide clearance rates in the 34th Precinct dropped to 37 percent. Homicide clearance rates in large cities are typically between 60 and 70 percent.

6. The DA's case-tracking system starts with the transfer of all information entered into the NYPD's arrest-booking system. Thus the DA has immediate access to complete arrest information for all Manhattan defendants arrested on misdemeanor or felony charges.

7. For example, "burning" (exposing the identity of) a confidential informant, shopping for search warrants, and being on call 7 days a week, 24 hours a day.

8. New York State does not have a receiving-stolen-property statute.

9. Police problems in dealing with the order-maintenance function and their retreat from performing it are documented in Wilson, 1968; Wilson, 1969; Moore et al., 1983; Skogan, 1990, Chapter 55.

10. The broken windows thesis has its roots in research, most prominently the work of George Kelling and Wesley Skogan, which proposes that disorder and serious crime are interrelated. One of the earliest and still most widely referenced works on the thesis is the article by Kelling and James Q. Wilson (Wilson and Kelling, 1982).

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The Community Corrections of Place

Todd R. Clear, Ph.D., Florida State University, and Ronald P. Corbett, Jr., Ed.D., University of Massachusetts–Lowell*

This paper describes a vision for community corrections that gives a deeper meaning to the term "community." We envision a community corrections strategy that not only is connected to individuals and groups at the community level, but that also defines its functions by their relevance to local community life. This orientation to "place" presumes an understanding of crime rooted in a local environment that can encourage or restrain criminal behavior.

Community corrections agencies have always claimed a closer alignment to community life than have other justice agencies, but this claim rests on the fact that offenders under community supervision live in the community. Little in traditional community supervision activities depends on community life.

Community supervision is now undertaken against a backdrop of paperwork: assessments, reporting schedules, urine tests, and progress reports. Supervision systems have placed a premium on "contacts" at the cost of actual involvement. Some critics (Feeley and Simon, 1992) decry the loss of old-style social work in today's risk-oriented world of supervision, but the primary consequence of this change has been alienation from the community. One could refer to the prevailing model as "fortress probation"—a system operating in isolation from and almost in defensive reaction to the community.

Community corrections administrators know this. They are the targets of citizen disdain. People distrust community corrections (Flanagan, 1996)—they think of community corrections agencies as placing and keeping offenders in their midst, not protecting them from those offenders. Or they think of community corrections as an imposition on their lives or the lives of family members who are on probation or parole.

Otherwise negative polling data suggest that citizens are not opposed to the use of community sentences, provided they are logically constructed, well run, and responsive to community concerns (Flanagan, 1996). However, a strong empirical case cannot be made that community corrections works. The studies by Joan Petersilia (Petersilia, Turner, and Peterson, 1985) have questioned the effectiveness of traditional probation and its most stringent form—intensive supervision. Community supervision today has few supporters, a limited sense of mission to citizens, and a shattered technical base.

The situation facing community corrections is not altogether unique. Caught between the public's view of policing as primarily responding to 911 calls and a series of failed methods, the police faced a similar crisis of confidence. The success of community-oriented policing and its cousin, problem-oriented policing, has led to a new approach to police work that has redefined policing.

The lesson of community-oriented policing can be understood in many ways, but the simplest is to say that the police rediscovered the community.

The lesson of community-oriented policing can be understood in many ways, but the simplest is to say that the police rediscovered the community. They recognized that the people who live in the houses and work in the businesses that they walk among are neither enemies to be controlled nor nuisances to be avoided. They are the customers, the clients of policing. When the police began to work more closely with the community, they reconnected to values rooted in citizens' everyday lives. They went from lonely crimefighters to community agents.

*presenter at conference

Community corrections is on the brink of a similar metamorphosis. Stripped of its technical base and with no justification other than a weak claim to save money for a financially strapped system, community supervision needs a new vision and a new role. We believe that a renewed commitment to "place" is the basis of a new approach to community corrections.

The emerging importance of "place"

Place is becoming important to criminology and justice for several reasons. They boil down to a simple proposition: The quality of life is closely tied to the qualities of the places where people live. It is fashionable, in these days of the World Wide Web and the international workplace, to talk of the global village. Although technology has changed our perceptions of space and time and residential life has changed radically in this century, the local residential area is still relevant to the quality of life.

This is particularly true for high-crime neighborhoods. Residents of poorer neighborhoods are less mobile, have less access to resources outside the immediate area, and are exposed to more street-level disorder, including youth gangs. An upper middle class family may easily travel to obtain services or gain experiences outside the vicinity in which they live, but less affluent citizens experience difficulty in doing so. In those areas with the lowest quality of life, people tend to be most affected by local dynamics. Consequently, they have the most to gain from a community corrections strategy that emphasizes community-building and -restoration.

Researchers have rediscovered the importance of place for understanding crime. A long tradition of community-level crime studies, often referred to as The Chicago School (Shaw and McKay, 1948), has recently gained renewed interest among researchers who seek to explain crime by studying the behavior of individuals in neighborhood contexts (Grasmick and Bursick, 1990). The resuscitation of community-level analyses in criminology has helped produce new and important insights about the link between crime and local community life.

Crime prevention theory has also moved away from the person to the situation (Clarke, 1992). Using insights from routine activities theory (Cohen and Felson, 1979), notable progress has been made in reducing crime in particular locations. A new discipline of place-oriented prevention theory has developed its own international professional organization.

Justice practitioners also have shown increasing interest in community-level organization and initiative. The prototypes of this movement are the various (and now standard) forms of community policing (Kelling and Coles, 1996). To many observers, community policing has been successful in improving public confidence in the police, strengthening police morale, and even reducing crime. But the success of community policing has not been replicated by prosecutors and corrections officials.

Taken together, these developments help explain the resurgence of interest in communities and neighborhoods. From science to politics, from public services to social policy, the community as a unit of analysis has become increasingly useful. The implications of this trend for corrections practices are immense.

The neighborhood meaning of justice

We are used to thinking about one function of justice as separating offenders from society, and of community safety as contingent upon that separation. Formal justice processes remove offenders from everyday life by indictment, conviction, and imprisonment. The idea that communities are made safe by eliminating unsafe residents is ingrained in American traditions.

These views stem from the operation of an external, centralized state justice system. Although the goal is a better community, separating offenders from their communities does not necessarily achieve that goal. This is true for a number of reasons, two of which are most important. First, offenders are resources to their communities—they are parents, children, spouses, and partners; they earn money, provide financial and emotional support to their families, and play roles in community life. To the extent their relationships are not criminal and destructive, removing the offender removes the resources as well. Second, the distinction between

offenders and nonoffenders is to some extent artificial. Research found that one-third or more of inner-city males are arrested before middle age (Wolfgang, Figlio, and Sellin, 1972), and other studies found very high rates of admitted law violation among adults sampled. If everyone who offended was forcibly removed from the community because of the offense, almost everyone would have to move sometime, and "justice" would be the main cause of mobility.

We think that a view of community justice that does not regard separation of offenders as its main function more closely approaches the ideal of justice. It treats offenders, victims, and their neighbors as dependent on one another in their pursuit of a good life. Crime is a powerful attack on the quality of life, so responding to crime in a way that helps the community recover and strengthens community life is the most profound task of justice. To do so without unnecessarily wrenching offending citizens from their communities, but instead rededicating their behavior to a safer community, is the goal of community justice.

Crime: The "shattering" of community

In practical terms, a crime is a violation of written penal law. But another way of viewing a crime is to see the social and moral relationships of the various parties.

When an offender violates the law, the act represents his claim that he has no obligation to observe fairness in his social relations. The offender claims, instead, the right to use others' observance of the law to unfair advantage. He asserts that others exist for his own personal pleasures—he may use their property and persons as he wishes, and he may disregard their desires for the use of their possessions. He puts himself above the rules and says that others live in the community with him at their peril.

The victim suffers losses that are both real and abstract. The real losses involve damage to property or self that results from crime. The abstract loss is no less painful: a loss of status as a community member who may expect to be protected by commonly applicable law. Having been badly used by their offenders, victims may feel devalued by society: Are they worth the same consideration as other community members, or do they deserve less protection of their rights?

The "onlooker" is the citizen who, neither criminal nor victim in this instance, faces the crime as a moral challenge. An associate—a fellow citizen—has claimed the "right" to injure anyone else of his choosing. Shall this claim by one fellow citizen to exploit another fellow citizen be allowed to stand? Often the actions of the onlooking community member (for example, vigilante-type actions) illustrate the need for the fairness upon which the law is based. The onlooker must not only respect the rights of the accused and victim alike, he must also understand the impact of the crime and punishment from both the accused and victim points of view.

Seen in this light, the criminal act is a denial of community. It breaks the bond of trust between citizens and forces community members to determine how to contradict the message of the crime—that the offender is above the law and the victim beneath its reach.

Contemporary criminal law leaves no room for the community to respond to the crime.

This view of crime exposes the way crime challenges not merely the community's safety, but the very essence of community life. A crime shatters the foundation of community life—a shared sense of fairness and interdependence that provides that all members may expect to live under stated, accepted behavioral limits. Yet the response to crime is also a challenge to community life. If a crime serves to make us question the rules under which social interaction progresses, what the community does about that crime defines the relationship between the community and its members, including potential offenders, and instructs members in how to choose future action.

There are several links between the onlooker's interests and those of the victim and the offender in a criminal dispute. The most basic is that the onlooker might someday be an offender or victim in a crime. The onlooker also may be obliged to live

with the victim and (ordinarily) the offender after the dispute is resolved. The viewpoint that defines criminal dispute resolutions also colors social interdependence in nondisputed interactions—the moral citizen *is* as the moral citizen *does*.

Contemporary criminal law leaves no room for the community to respond to the crime. The adversarial model posits an official, state-regulated contest between law enforcement and offenders that shifts but slightly when the victim comes into the picture, becoming a contest between the accused and the accuser. The community is left to assume that its values and interests will be reflected in the resolution of the contest between the parties allowed to participate. If public opinion about crime is any indicator, the public has its doubts.

This analysis suggests that, however important, proving guilt or innocence is but an interim goal for community justice. The larger goal is to restore the social and moral foundations for interpersonal conduct. The crime has shattered the community's confidence; justice occurs when steps are taken to recover that confidence.

Recovering community

One aim of justice is for the community to recover from the damage of crime. This aim includes recovery for everyone affected by the crime. Recovery begins with a recognition that, while it tears at the fabric of community, the criminal act also must be seen as a product of community and as an impediment to be overcome if community is to be reclaimed.

Crime is a product of community for reasons that are obvious, but too often forgotten. Criminal behavior is deeply rooted in social processes at the local level. First, crime is correlated with inequalities in neighborhood stability, wealth, and opportunity. Second, crime is a product of an individual's social experiences. Children who are raised abusively, who struggle in school and family circles, who suffer from psychosocial limitations—these children will more frequently grow up to be offenders (Widom, 1989). Communities that produce higher rates of these events will experience more offending behavior among residents; communities that work to relieve the harm done to children who have these experiences will reduce the incidence of crime. To the extent that criminality results from wrong moral choices, communities in which moral lessons are taught and moral living succeeds will experience less crime.

The criminal justice process can be built around factfinding, problem solving, and sanctioning, rather than blame and punishment.

How can communities successfully overcome crime? The answer lies in the recognition that the community justice ideal is far more than the blaming and sanctioning process suggested by an adversarial model. Instead, a justice model in which community is restored envisions a problem-solving process in which the parties to the criminal dispute have certain tasks derived from their relationship to the crime and its claims upon the disputants.

Community justice tasks of parties to crime disputes

A focus on "tasks" is extremely different from a focus on "rights" (Wolfe, 1989). Focusing on tasks emphasizes cooperation to solve problems rather than a contest between the victim (or the state) and the offender. We have described crime as a challenge to (and a breaking of) the cohesion of community life. Responding to that challenge (repairing the break) is a responsibility of all parties to the criminal dispute. Understanding their roles in resolving the dispute is the first step in defining community justice.

We begin by redefining the criminal justice process as one built not primarily around blame and punishment, but instead around factfinding, problem solving, and sanctioning. Each of the parties to a crime has specific responsibilities in establishing facts and determining sanctions.

Tasks of the offender. The offender's conduct has been a moral and social offense against the community. The behavior raises questions about the offender's willingness to live by the community's prescribed rules of conduct, and the offender's

claim that he may use others in the community unfairly to his benefit places the offender at odds with the community. The offender's task is to overcome this deficit. This involves three steps.

First, the offender must take responsibility for the offense. This occurs when the offender admits that he committed an offense and that it was wrong to have done so.

Second, the offender must take responsibility for the effects of the offense on the victim and on the community. The effects on the victim include tangible costs that may be reimbursed through labor or financial restitution. There are also less tangible victim effects that can be addressed only through acts of restitution such as community service (Adler, 1991). These same acts are a means to redress the community, which has lost confidence in the offender's citizenship.

Third, because the community has little reason to think the offender may be relied upon to act responsibly toward others, he or she owes both the victim and the community affirmative acts that give them a reason to have confidence in a claim to commit no further crimes. These acts range from involvement in intervention programs such as residential drug treatment, to maintaining limits on behavior such as curfews, to reparative tasks such as making full restitution to the victim(s).

The aim of this assurance process is for the offender to recognize the break between citizen and community that occurs in a crime and to perform the tasks needed to reestablish connection and membership. The processes of "shaming" have many of these same qualities (Braithwaite, 1989). At a practical level, the dual legal functions of sanctioning and risk management are enhanced by the offender's actions of remorse, repair, and reform.

This may seem like a "Pollyanna" view of what an offender must do to make the amends necessary to restore community. Many people looking at this list would wonder what type of offenders we might be thinking about in describing these tasks. Yet when the Vermont Department of Corrections commissioned a series of focus groups to obtain a better understanding of what citizens want from offenders, they heard the following list of priorities for the offender to accomplish:

- Take responsibility for the crime.
- Make restitution to the victim.
- Contribute something to the community as a symbol of remorse.
- Take steps to ensure that he or she will not commit the crime again.
- Learn something from the experience (Perry and Gorczyk, 1996).

Although this approach has, we believe, great promise for a range of typical community corrections offenders, it cannot encompass them all. Some offenders, by virtue of the crime(s) they have committed or their rejection of the program offered them, will appropriately be subject to incarceration, deferring the task of managing their reintegration into the community. Inappropriate selection of offenders for involvement in a refurbished community corrections effort would ignore the realistic safety concerns of citizens, trifle with the real hurt and fears of crime victims, and ultimately threaten the program, robbing communities of its many potential advantages.

Tasks of the victim. A major goal of the sanctioning process is to restore the victim's full capacity to function as a member of the community. Full functioning can be impeded in several ways. The victim may be disabled physically, emotionally, or both. The victim may feel guilty or may wonder what, if anything, he did to warrant being victimized. The victim may harbor malice toward the offender because of the crime and its effects. All of these are common and understandable responses to victimization.

To overcome these obstacles, victims first must be able to state the scope of losses, tangible and intangible, that have resulted from the crime. Then victims must determine the types of resources, financial and otherwise, that would be necessary to restore, as much as is possible, the losses they have suffered. Finally, victims must lay out the conditions under which they would forgo resentment of

the offenders, allowing that, for many victims of violent crime, reconciliation will be neither invited nor appropriate.

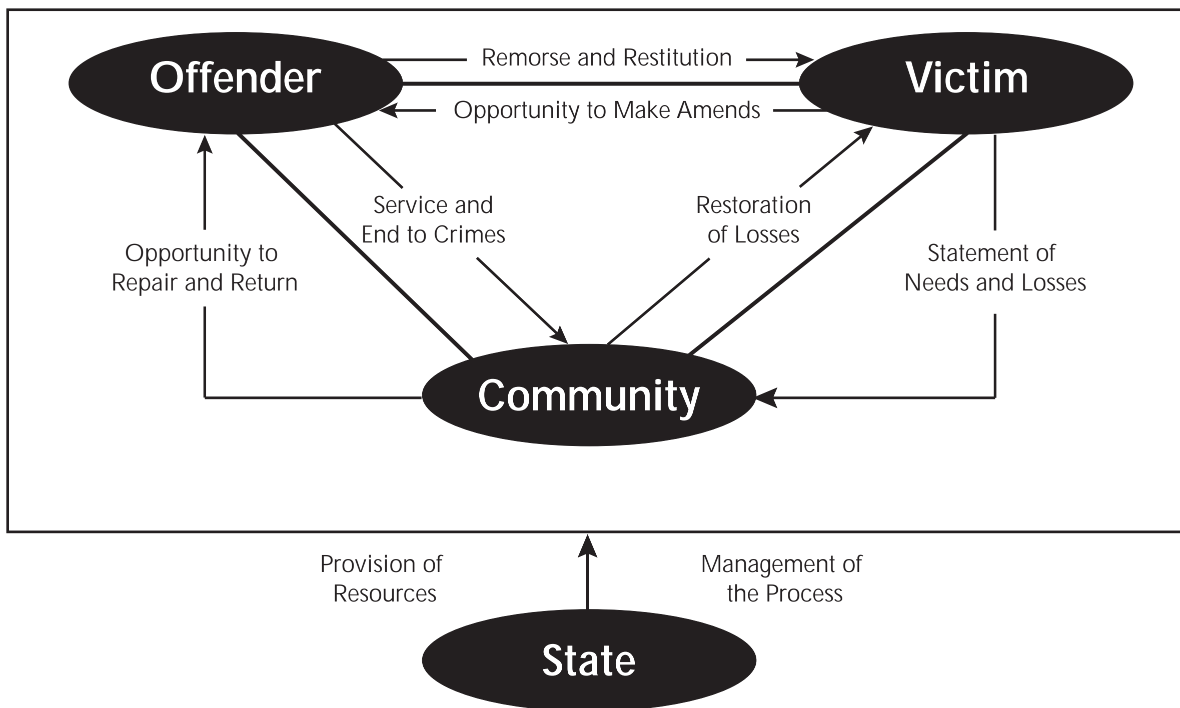
These are, for most victims, enormously difficult objectives. The victim is not required to achieve these goals, but to participate in a process in which these goals are addressed. Whether that process is successful depends not just upon the strengths of the victim, but also upon both offender and community responses to the process.

Tasks of the community. The community's laws have been violated; community life has been disturbed. Thus, in the face of criminality in its midst, the community must play a role in recovery of community life—a role often neglected or misunderstood. Community activity in responding to crime is central not only because the victim who hopes to be restored is a member of the community, but likewise because the offender came from the community.

The community has a responsibility to the victim to recognize the importance of losses resulting from victimization and to provide the support necessary for the victim to recover. This responsibility may include the willingness not only to provide financial supports that help restore the victim, but also to accept as normal the anger, frustration, withdrawal, and alienation that often accompany victimization.

The community also has a responsibility to the offender. This responsibility includes providing two opportunities: one for the offender to make reparations to the victim and the community and to meet other "just desert" sanctions, and the other for the offender to obtain the assistance and support—including treatment intervention programs—necessary to live in the community without committing additional crimes. The first responsibility allows the offender to make amends; the second allows the offender, the victim, and the community to have confidence that the risk posed by the offender is controlled.

Core Responsibilities of Parties to the Sanctioning Process



The community is obligated to support victims through their restorative process and to assist offenders with their reparative tasks, so that both may resume a place as community members.

Tasks of justice officials. The tasks of victims, offenders, and communities are reciprocal (see exhibit). In each case, the responsibilities of one party are matched by the duties of the others, so that the parties have obligations and mutual tasks. The figure illustrates why an adversarial model fails to achieve the goal of improved community life: it pits as contestants actors who are in fact interdependent.

The tasks of victims and offenders are complicated and formidable; they will not be able to carry out those tasks without assistance. It is the responsibility of the state—the justice profession—to assist these parties in performing their tasks. From this perspective, the state is not the proprietor of the criminal justice system, rather it is a consultant to and manager of the community, which is addressing crimes through sanctions. System officials are responsible for designing and managing a process that makes the accomplishment of these tasks possible.

The responsibility of the state requires sensitivity to the diversity of offenders and victims and the needs of their communities. Similar criminal events may need to be handled differently; the emphasis will be on communication and problem solving, working out options and exploring them. Thus, the state will need to accept flexible and evolving models and must develop a degree of patience to allow the parties to mature within the reclamation process.

Organizing at the neighborhood level

The current structural features of community corrections agencies do not necessarily preclude greater presence in and involvement with the community. Some State and county systems are already reasonably decentralized, with offices spread throughout jurisdictions. In other instances, central or regional offices work against close ties with the communities they serve, and those systems will first have to decentralize, with workplaces closer to the affected neighborhoods.

Working *in* the community does not guarantee working *with* and *for* the community. The philosophical shift toward community partnership will need to be reflected in structural arrangements more aligned with the new approach. For example, probation and parole officers universally can be assigned cases by address, a system already adopted in some agencies. All cases can be geocoded and all officers can receive a "beat" or "turf" for which they will handle all active cases. Rather than deal with a series of officers, which militates against any familiarity or collaboration, each neighborhood will have its own officer or team of officers whose assignments will be local and whose office will be neighborhood based.

Working in the community does not guarantee working with and for the community.

In high-crime areas, one or two officers may work a comparatively small district, but even the most decentralized system will not easily be able to provide highly localized offices. The most progressive systems have found solutions to the problem. In Washington State, under a "neighborhood-based supervision" concept, probation and parole agents work out of police substations, sharing space (and a sense of mission) with community policing officers. In Wisconsin, probation officers are located in community centers and apartment complexes and are assigned responsibility for small, manageable neighborhoods (Clear, 1996).

Community-based corrections strategies

Three types of program initiatives may be operated as "place oriented" justice under the management of community corrections agencies.

Situational crime prevention strategies have been widely discussed in recent criminological literature (Clarke, 1992). This approach is designed to respond to specific crime problems through a problem-identification/problem-solving sequence that gathers information about precise problem areas—usually defined in terms of their location in time

and space—and builds solutions to reduce the opportunities for them to occur. Although much of the data used to analyze crime situations comes from local police, residents living near those problem areas can help develop intelligence about crimes as well as strategies for eliminating the problem areas. Situational crime prevention proceeds from expert leadership and is usually implemented by those same experts. The role of residents in these efforts is generally quite limited. Neighborhood Watch groups have been more promising examples of citizen involvement in crime prevention.

Neighborhood reclamation projects rebuild neighborhood structures that have deteriorated, restoring dilapidated or abandoned buildings and repairing disintegrating road surfaces. This type of work can be useful for preventing crime. Unoccupied buildings become havens for illicit activities and drivers avoid potholed streets, leaving them empty and inviting illegal behavior. Most high-crime neighborhoods have neglected and decaying infrastructures. Often, however, the political payoff for rehabilitating these structures is limited. Thus, in many of these areas, crumbling structures are left to stand until they eventually fall. It often requires purposeful investments of time and political capital for these problems to be overcome.

Local effort can be an important part of reclaiming neighborhood structures because manual labor is usually required. Volunteer labor by offenders is heavily used by numerous rebuilding groups, such as Habitat for Humanity, because the full costs of the labor would be prohibitive. In high-crime neighborhoods, offenders are an untapped supply of potentially "free" labor that might be used to address these problems. Community justice agencies could employ this unused labor source to revitalize structures in their local areas and offenders could thus repay communities for their offenses.

Citizen support services help at-risk citizens feel safer and have a better quality of life. At-risk groups include children (especially the children of offenders), the elderly, and the disabled. Children can be supported through afterschool programs, tutoring, mentoring, and recreational programs. The elderly need various services, from transportation to and from medical and social services, to medical supervision—and even social visits for conversation. Disabled residents need access to places in the community, including transportation and wheelchair assistance.

Unlike crime prevention and reclamation projects, support services do not have an immediate crime-control payoff. Strengthening communities through investing in the quality of life of their members is a long-range strategy. It seeks to fight crime by fighting the alienation and despair of the least vigorous and most vulnerable citizens.

The idea of offenders responding to their conviction by working to resurrect the community their crimes harmed is both attractive and economical.

Taken together, these three strategies—prevention, reclamation, and services—define community targets for crime reduction. What role, if any, do offenders have in this strategy? As laborers and residents, offenders can fill some of the voids that no others are willing to fill. But is this realistic?

Some offenders plainly will not fit this agenda. Those who only seek to victimize their neighbors and see them as opportunities for self-advancement—and there are many like this, not only criminal offenders—will not take advantage of the chance to reinvest in community life. That is not the case for every offender, of course, so applicants for a community justice initiative will need to be screened. But the idea of offenders responding to their conviction, not by complying with a prison regime, but by working to resurrect the community their crimes harmed, is both attractive and economical.

In a forthcoming paper (Clear and Karp), one of the authors speculates on the kinds of programs a community justice correctional (CJC) organization in a mythical neighborhood, Jefferson Heights, might operate. To illustrate the above, we offer the following list.

Crimestop. Working with the local police, the CJC organization convenes meetings of local residents to discuss crime problems in their areas. They then lead a crime-prevention analysis of these problems and develop mechanisms for reducing the incidence of targeted crimes.

Victim awareness. Local residents who are victims of crime are brought together to talk about how victimization has affected their lives. The nature and extent of crime in Jefferson Heights are discussed, as well as the existing programs to reduce crime. Victim-offender mediation is offered. Methods for preventing repeat victimization are described, and individuals are assisted in taking steps to secure their environments from crime. The victim awareness sessions help the CJC organization refer victims to a range of social and counseling services the CJC organization may purchase for or assign to clients.

Too Legit to Quit (TLQ). This is a recreational club that meets 2 nights a week and on Sunday afternoons in the local school. It is open to teenage boys whose fathers are incarcerated: An adult offender under a community justice sentence attends voluntarily with one (or more) of his sons; they are teamed with another man who is a mentor for the boy whose father is in prison. (If an adult offender has more than one son in the program, the brothers are teamed together with their father and a mentor.) The TLQ team attends workshops on father-son relationships and engages in organized, supervised recreation with other teams. The structure is designed to strengthen ties between offenders and their sons and to establish supports between offenders and other neighborhood men.

Operation Night Light. Probation and parole officers and police jointly pay evening visits to the homes of high-risk offenders who are placed on curfew. The purpose of the visit is to meet with the offender and his or her parents (if the offender is a juvenile) or other family members who may be assisting in the offender's adjustment. The visits are intended to be constructive and permit time for discussion and problem solving. If criminal activity is discovered, the officers respond to it on the scene. These joint operations between police and community corrections officers are enhanced by routine sharing of information about offenders received from other officers or citizens. In this way, the conventional "firewall" that exists between these two components of the criminal justice system is removed.

Jefferson Heights Habitat for Humanity. Squads of offenders under community justice sentences rehabilitate local buildings, which are used by the homeless or are made available for small businesses at advantageous rates. Habitat workgroups employ local residents, who are paid wages at or near prevailing rates, as well as offenders, who receive the minimum wage. Private contractors for renovation must agree to employ local residents and be willing to supervise offenders as part of the crew. Offenders are required to abide by the same regulations as full-pay employees.

Seniorcare. Offenders are paired with elderly residents who are otherwise without services. Each offender pays weekly social visits to eldercare partners and keeps them company, but deeper relationships are encouraged, including having the offender accompany the senior citizen to health appointments and community social clubs. In some cases, TLQ teams also spend regular time in visits with senior citizens.

These projects are all made possible through partnerships with existing organizations and citizen volunteers. The local probation department has assigned a unit to a special team caseload involving the approximately 1,000 probationers living in Jefferson Heights. The State parole department assigns two parole officers to the area; they are housed in an office adjacent to the CJC organization. They both work in close partnership with the CJC organization regarding clients they have in common. "Partnership" is meant not only as cooperation and sharing information, but also mutual goals involving community safety and offender adjustment. The CJC organization shares the official agency goals and interests and stays aware enough of client behavior to serve as another check on client adjustment. Indications of alcohol or drug abuse are immediately reported to the appropriate justice agencies. There is continual attention to signals of new problems in an offender's circumstances, which are immediately made known to authorities. The two corrections agencies have come to rely on the expertise and sympathetic involvement of the CJC organization in their clients' lives.

State and local innovations in community corrections

Citizens as policymakers

Full community participation in the maintenance of justice at the local level implies more than engaging volunteers to work with victims and at-risk populations. What role is there for the average concerned citizen and what assurance can citizens receive that their concerns and ideas are welcome and important? There are some encouraging models that suggest vehicles for "lay" involvement.

In Oregon, State community corrections legislation called for the creation of local advisory boards that help to direct local programs. Although the community corrections advisory committees include a number of ex officio slots, the majority of the members are not criminal justice employees. This system has worked successfully for 20 years and has led to citizens playing key roles in the strategic planning process (Harkaway, 1996).

A more recent example of intensive citizen involvement comes from Vermont, where, in 1994 the State probation system established reparative probation boards composed of citizens who develop and oversee community-based sentences for low-risk offenders. Each board is asked to design appropriate sanctions, which may include victim restitution, community service, or reeducation courses. If an offender successfully fulfills these conditions, the board is authorized to terminate probation. Noncompliance by the offender can result in a return to the court system (Dooley, 1996).

Clearly, the key to the success of these or any citizen advisory strategies is the desire to involve citizens in the policymaking and service delivery systems, not as window dressing or adjuncts but as full partners, as coproducers of justice. Traditional systems have either avoided or made a sham of citizen involvement in too many cases; this has only exacerbated the community's sense of estrangement. It is only when the public agency sees itself as in service to and responsive to the community that lasting involvement will ensue.

Managing the serious offender in the community

Nothing could compromise the future of renewed community corrections more than the perception that new strategies could lead to undue leniency or heightened risk with respect to serious offenders. Recent analyses of the profiles of probationers, for example, make it obvious that, despite the growing use of incarceration, a hardcore group of felony offenders who are at high risk of reoffending remains on probation throughout the country (Petersilia, 1995).

Nothing could compromise the future of renewed community corrections more than the perception that new strategies could lead to undue leniency or heightened risk with respect to serious offenders.

High-risk offenders may well be inappropriate for many of the programs featured above. However, new tools have been developed that show early promise of redirecting offenders and are compatible with a community corrections of place. Boston's Operation Night Light has brought enhanced credibility to the supervision of violence-prone probationers by joint probation and police surveillance of the evening activities of these offenders, home visits to enforce curfews, and area inspections to observe activity that can lead to trouble. This strategy, now in its fifth year, has contributed to significant drops in youth violence in the participating areas (Corbett, Fitzgerald, and Jordan, 1996).

Coupled with Operation Night Light has been Operation Cease Fire, which targets "hot spots," neighborhoods where gun-related violence is high, for a team intervention by several components of the justice system. Offenders identified as "players" in the neighborhood are invited to a town meeting, where they are met by representatives of probation, parole, State and Federal prosecutors, police, and youth service agencies. The justice team explains to a group of perhaps 20 players its concern for the neighborhood and its intention to saturate the area

with personnel to halt the shootings. The help of the offender group is invited to quell the violence; they are told that continued violence will result in their arrest, conviction, and imprisonment.

After only 2 years, Operation Cease Fire has worked dramatically in the targeted areas. In only one instance were the youths from the neighborhood uncooperative, leading to multiple arrests. This deterrence-oriented strategy affords offenders a chance to redirect themselves or bring the full force of the law down on themselves. It draws on the concern the offenders should have for their neighborhoods as well as themselves and defines the issue squarely as one of restoring peace to the streets. It appeals to the healthy, prosocial side of these offenders with encouraging results (Kennedy, 1997).

What future for a community corrections of place?

Good ideas are not enough. For any new strategy to take hold, a variety of conditions must be favorable. There is reason to be encouraged. First, there is support for greater attention to citizens as customers, consumers, and stakeholders of the public sector. The "reinventing government" movement (Osborne and Gaebler, 1992), which has gained strength over the past few years, has led a growing number of government agencies to examine more closely the ways in which they serve the public and how they can get more citizens involved in the business of governing.

Second, a community corrections of place is a clear analog to the community policing movement, and can benefit from the lessons derived from the police experience of the past 10 to 15 years. Although community policing is not yet a mature industry, it is clearly the reigning model for the administration of contemporary law enforcement (Zhad and Thurman, 1997).

What lessons can be derived from the development and growth of community policing? We believe its admittedly short history suggests that the following are critical:

- **Theory building.** In the early days of community policing, academics and practitioners were brought together to jointly explore the assumptions underlying the model. Prominent in this effort was Harvard University's John F. Kennedy School of Government, which hosted a series of executive sessions that were key in the development of the model and the resulting prestige attached to it (Kennedy, 1997).

- **Grant support.** The Federal Government, through the U.S. Department of Justice, became actively involved in supporting community policing through grants to local law enforcement, particularly for hiring and training new recruits who would be dedicated to community policing. A landmark in this effort was the Violent Crime Control and Law Enforcement Act of 1994, which authorized money to hire, in time, 100,000 new police officers to be deployed in community policing.

- **Dissemination through conferences and publications.** Once support for the model grew strong enough, it became compulsory at police conferences and in law enforcement publications. Fads are commonplace in all fields, including criminal justice, and the ubiquitous discussion of the model made it imperative for jurisdictions to develop their own programs.

- **Evaluation research.** Many new programs in criminal justice are wildly successful until the first wave of evaluations are in. (Intensive probation supervision and boot camps are two recent examples from community corrections.) Although it is still early in the research cycle of community policing, there is compelling evidence that its implementation successfully alters public opinion about crime and crimefighters.

Those who become convinced of the power of an orientation to place in community corrections should recognize that the development of a reinvigorated community corrections must track the same stages that were critical in the early history of community policing.

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Neighborhood Justice at the Midtown Community Court

John Feinblatt, Greg Berman, and Michele Sviridoff, Center for Court Innovation*

In recent years, a disturbing gap has opened up between the criminal justice system and the communities that experience crime and its consequences. Many citizens have come to view the criminal justice system as a collection of remote, inhospitable bureaucracies more concerned with counting cases than making sure each case counts. Across the country, new trends in the administration of justice are emerging to respond to this crisis of faith. One of the most notable is the development of community courts.

Community courts are neighborhood-based courts that use the power of the justice system to solve local problems. These courts seek to play an active role in the life of their neighborhoods, galvanizing local resources and creating new partnerships with community groups, government agencies, and social service providers.

The potential implications of this new approach are far reaching. Community courts welcome neighborhood residents into the justice process in unprecedented ways, inviting them to sit on advisory boards and participate in community impact panels that confront offenders with the consequences of their behavior. Community courts ask judges to play new roles, lessening their judicial detachment and actively engaging defendants, victims, and community members. Community courts alter the dynamics of the courtroom's adversarial process, encouraging judges, attorneys, and outside service providers to work as a team to foster common outcomes.

These are just a few of the ways that community courts represent a significant departure from business as usual. Needless to say, each of these issues bears careful scrutiny. Now, while the community court movement is still in its infancy, is a particularly important time for reflection. By mid-1999, more than a dozen community courts are expected to open across the country: in Maryland, Minnesota, Connecticut, and Colorado.

In many respects, this is a report from the trenches. It is not intended to be the final word on the subject—community courts are too new and the questions they raise are too profound for any publication to have all the answers at this stage. Our thoughts about community courts have been shaped by 4 years of experience operating a community court in New York City known as the Midtown Community Court. This paper mines our experiences in Midtown, using the court as a starting point for a broader discussion about the potential impact of neighborhood-based courts on the criminal justice system. After sketching the results of the Midtown experiment, we address some of the major questions that community courts have engendered to date. One of the most basic lessons of the Midtown experiment is that changing the way that courts operate has consequences. When courts engage in unfamiliar practices, they also raise new concerns—about due process, the adversarial system, and the independence of the judiciary.

Creating closer connections between courts and communities is a tricky business. What follows are some observations—and some questions—from one such experiment.

Origins of the Midtown Community Court

The Midtown Community Court opened in October 1993. Located on 54th Street in Manhattan, it is the first neighborhood-based court in New York City since the city's courts centralized in 1962. Before

*presenter at conference

that date, New York had a network of neighborhood courts that handled intake for the city's criminal court system, arraigning defendants and disposing of low-level cases. After 1962, arraignment duties shifted to centralized courthouses serving each of the city's five boroughs. The change was intended to increase efficiency and address problems of local corruption and mismanagement. While centralization may have achieved certain economies of scale and encouraged uniformity, it came with a price: remoteness. Courts were removed from the communities they were intended to serve.

While the centralization of courts may have achieved certain economies of scale and encouraged uniformity, it came with a price: remoteness.

As caseloads increased in the centralized courts, felony cases began to claim more and more attention. Fewer resources were devoted to quality-of-life misdemeanors like shoplifting, prostitution, and subway-fare evasion. Judges felt tremendous pressure to dispose of such cases quickly. All too often, defendants sentenced for low-level offenses received a fine that might or might not be paid or community service that might or might not be performed. More disturbingly, judges sentenced as many as one out of four defendants to the "time served" in jail while awaiting their court appearance. For these defendants, the process became the punishment.[1]

It is important not to overlook the historical context. Courts in the 1960s and 1970s labored under a different understanding of crime and social order. It has been only recently—James Q. Wilson and George Kelling wrote their landmark essay, *Broken Windows: The Police and Neighborhood Safety* in 1982—that we have begun to understand the impact of low-level crime on the social fabric of communities. According to Kelling and his supporters, low-level crime—if left unaddressed—erodes communal order, leads to disinvestment and decay, and creates an atmosphere where more serious crime can flourish.[2] With the benefit of hindsight, it now seems clear that criminal justice agencies—courts, police, prosecutors, and others—had become disconnected from the problems that communities experienced on a day-to-day basis. In many respects, *Broken Windows* put into theory what many community residents felt intuitively.

Recognizing the importance of low-level offenses, the Midtown Community Court was designed to re-create a neighborhood-based arraignment court, with a number of modern updates. The hope was that such a court could focus on those offenses that may be minor in terms of legal complexity but have a major impact on the quality of life.

The Midtown Community Court is located near Times Square on the West Side of Manhattan, an area teeming with quality-of-life crime. The court seeks to honor the idea of community by making justice restorative and accountable to neighborhood stakeholders. Offenders are sentenced to pay back the community through work projects such as caring for street trees, removing graffiti, cleaning subway stations, and sorting cans and bottles for recycling. At the same time, whenever possible, the court uses its legal leverage to link offenders to drug treatment, health care, education, job training, and other onsite social services to help them address their problems. In these ways, the Midtown Community Court seeks to stem the widespread crime and disorder that demoralize law-abiding residents.

The court building itself is an exercise in rethinking justice. The courthouse is designed to be a physical expression of the court's goals and values, communicating a fundamental respect for all who participate in the legal process, including often overlooked stakeholders like defendants, service providers, and community residents. For defendants, the courthouse has clean, well-lit holding rooms where glass panels replace iron bars—a pointed contrast to the squalid downtown holding pens. For social service providers, who are often treated as an afterthought in other court buildings, the courthouse includes a full floor of office space. An innovative computer system allows the judge, attorneys, and social service workers to keep in touch with each other and access a defendant's record at the click of a mouse. This gives counselors, educators, and social workers the tools they need to work with defendants referred by the judge

and implicitly acknowledges the importance of nonjudicial personnel to the problem-solving mission of the court. For community residents, the courthouse contains well-marked entryways, space for community meetings, and overhead computer terminals that prominently display the schedule of cases that will be heard in court that day.

Local residents and merchants sit on a community advisory board that serves as the Midtown Community Court's eyes and ears.

Law-abiding citizens play a key role at the Midtown Community Court. Local residents and merchants sit on a community advisory board that serves as the court's eyes and ears, identifying neighborhood trouble spots and proposing new community service projects. In addition, the court keeps residents informed of its work through a community newsletter and by employing an ombudsperson. These mechanisms have enabled the court to establish a dialogue with local residents and to keep abreast of neighborhood needs and problems.

Measuring successes

Judging a community court's success is complicated. Like other courts, a community court must employ traditional benchmarks, measuring the number and types of dispositions and how quickly they are reached. But community courts must also answer other questions, such as: What impact do sentences have on community conditions and defendant behavior? What effect does the court have on local residents' perceptions of justice? These and similar issues were investigated by the National Center for State Courts in a recently completed independent evaluation of the Midtown Community Court.[3]

Sentencing

One of the topics the National Center for State Courts focused on was the Midtown Community Court's ability to change the sentencing standards for low-level offenses. In particular, the court created an array of intermediate sanctions, including community restitution and social services, that lie between short-term jail sentences and no sanction at all. These sanctions are designed to fulfill the court's agenda of combining punishment and help—an agenda that grew out of a dialogue between the court's planners and the local community. During the court's planning stages, local residents and merchants made it clear that they wanted the harm caused them by misdemeanor crime to be acknowledged and restoration made. At the same time, they felt that restitution in the form of community service was not enough. Community members also encouraged the court to have an impact on the lives of offenders, offering them help that could curb their criminal behavior.

The National Center for State Courts' evaluation found that sentencing at the Midtown Community Court produced significantly more intermediate sanctions than at Manhattan's downtown court. Indeed, the Midtown Community Court more than doubled the rate of community service sentences. More important, the court reduced the percentage of convicted offenders sentenced to time served. At the downtown court, 24 percent of the cases received these sentences; at the Midtown Community Court, less than 1 percent did.

Many early critics predicted that a community-based court would have no effect on sentencing, that the status quo was too ingrained to allow for a shift to alternative sanctions. Other critics argued that defendants who did not like the sentences imposed at the Midtown Community Court would adjourn their cases to Manhattan's downtown court with the hope of receiving no punishment at all. In other words, they predicted that defendants would shop for the forum of their liking. This has not been the case. The National Center for State Courts' investigation found that the rate of cases disposed at arraignment at the Midtown Community Court was comparable to the rate downtown—there was no widespread forum-shopping.

Defendant behavior

The evaluation found that changes in sentencing at the Midtown Community Court had a substantial effect on defendant behavior. This was most evident among local prostitutes, who tended to receive

lengthy community service sentences at Midtown. To avoid these sentences, prostitutes began to change how they conducted business. Some altered their work hours. Some moved indoors. Others took advantage of court-based services to help them get out of the business. Over the court's first 2 years, neighborhood prostitution arrests dropped 63 percent. A similar effect occurred with illegal vending arrests, which dropped 24 percent.

Changes in sentencing at the Midtown Community Court had a substantial effect on defendant behavior. Over the court's first 2 years, neighborhood prostitution arrests dropped 63 percent.

Perceptions of justice

Before the Midtown Community Court opened, local residents expressed little confidence in the criminal justice system. Community members who participated in a series of focus groups complained that the court system did not pay enough attention to low-level crime. Their expectations of the new court were muted—they had been disappointed many times before by flashy new initiatives. Nor was the skepticism confined to residents. Court staff, including attorneys, clerks, court officers, and pretrial interviewers, were also dubious, particularly about the court's potential impact on their roles.

Over time, these initial reservations were replaced by enthusiasm. Community residents' doubts about the new court ("Will it work?") soon gave way to new questions about whether aspects of the court could be replicated in other settings. Although some early critics argued that it would be difficult for the court to engage community residents in its work, the focus group participants expressed a desire to learn more about the outcomes of cases and community service projects. Many urged the court to publicize its efforts as broadly as possible.

The attitudes of local police officers changed even more dramatically. Although upper management strongly supported the development of the Midtown Community Court, many local precinct officers were skeptical. By the end of the first year, however, local officers, impressed with the court's impact on prostitution and other low-level offenses, had become vocal supporters. Most important, officers began to see the court as a resource. Some started to use the court's social service team to head off potential problems on the street—even when no arrest had been made. For example, one officer brought a mentally retarded woman who had been robbed by con artists to the court for help. Others requested that the court's community service crews, staffed by sentenced offenders, clean up a local corner to make it less hospitable to neighborhood drug dealers.

Neighborhood quality of life

A community's perception of its own well-being is difficult to quantify. The National Center for State Courts attempted to measure the Midtown Community Court's impact on community conditions through observations of local trouble spots; interviews with offenders; analysis of arrest data; focus group research; and interviews with local police, community leaders, and residents. There were two areas in which community residents felt that the court had a particularly strong impact: graffiti and prostitution. Graffiti along the busy Ninth Avenue business corridor, once a symbol of Midtown's problems, is now virtually nonexistent. Focus group participants credited the court's community service work crews, which each year contribute more than $175,000 worth of labor to the community. A sign of the court's impact on prostitution appeared when Residents Against Street Prostitution (RASP), a neighborhood group that for many years led the fight against local prostitution, disbanded, declaring victory. The court is only one protagonist in this success story; changes in law enforcement, aggressive economic development, and public safety efforts by government and local businesses played a major part. However, local activists and merchants point to the court as being important and acknowledge that communities that work together are communities that work.

Efficiency of adjudication

The National Center for State Courts found that the Midtown Community Court operated quickly and

effectively. By keeping defendants, police officers, and paperwork in the neighborhood where the crime occurred, the court cut arrest-to-arraignment times substantially, from an average of 31 to 18 hours. By emphasizing immediacy and using technology to enforce accountability, the court improved community service compliance rates (75 percent compared with 50 percent downtown). By improving efficiency, the Midtown Community Court became one of the busiest courtrooms in the city, handling an average of 65 cases per workday, for an annual total of over 16,000.

The Midtown Community Court cut arrest-to-arraignment times substantially, from an average of 31 to 18 hours.

Changing "business as usual"

These results did not come easily. To accomplish its goals, the Midtown Community Court had to make significant changes in court operations. These changes occurred in three areas in particular: philosophy, partnerships, and personnel.

Philosophy

Community courts are problem-solving courts. This simple statement has profound implications for the way community courts behave. Above all, community courts must devote significant resources to learning about the unique problems of a neighborhood. This takes time. It also takes research and analysis—reviewing data about arrests and court filings; convening focus groups with community members, offenders, and local police; and interviewing community leaders.

Solutions to neighborhood problems need to be created with community stakeholders in mind—residents, businesses, victims, police, defendants, and community groups. This is a departure from business as usual for two reasons. First, it significantly increases the number of participants involved in the court's work. Where once those participants were confined to judges, clerks, attorneys, and court officers, a community court must open its doors to local clergy, businesspeople, tenant leaders, neighborhood activists, and others. These community members have valuable roles to play in choosing the restitution projects and social services that make sense for their neighborhood.

Crafting solutions in conjunction with community stakeholders also affects the philosophical foundations of the court. Under the traditional model, there are only two interested parties in a criminal case: the government and the accused. Building on the pioneering work of the victims movement, community courts posit that there is another party with an interest in the case, the local community. In crafting sentences, community courts acknowledge that even so-called victimless crimes inflict injury that should be repaired. Apartment buildings, blocks, and neighborhoods all suffer from chronic low-level crime. They too should be restored when a crime has been committed. By restoring the community through service projects, the Midtown Community Court gives "standing" to the community it serves.

In developing new solutions, community courts must take care to monitor their performance rigorously. Being a member of a community means being accountable to that community. The Midtown community took a bold step when it welcomed the court to the neighborhood: it agreed to accept offenders back on its streets to perform community service. Community courts cannot ask their neighbors to make this kind of commitment unless they demonstrate that offenders are subject to rigorous scrutiny.

At the Midtown Community Court, a single judge, rather than a rotating set of judges, presides over the courtroom. With the help of technology, the judge has information about the history of each case at his disposal, greatly limiting the ability of offenders to manipulate the system. Community service work projects are classified as high, medium, or low supervision, and offenders are matched to the appropriate level based on their criminal history, background, and arrest offense. Offenders with more extensive criminal histories and those considered less likely to complete their sentences are assigned to projects in the courthouse, such as building maintenance or a bulk-mailing operation. Offenders considered to be lesser risks are assigned to more visible outdoor projects such as

removing graffiti and painting fire hydrants. Compliance is tracked by computer, enabling the court to monitor offenders consistently and efficiently.

It is not enough for community courts to develop internal mechanisms for accountability. They must also provide regular feedback to their constituents about the kinds of sentences that are being handed out, how many defendants complete their sentences, and which court-based programs work and which do not. In order to respond effectively to community problems, they must evaluate their own performance and change programs and procedures to adapt to shifting realities on the ground. In sum, community courts have to be reflective courts.

Because 75 percent of defendants are unemployed, the Midtown Community Court launched Times Square Ink, a job training program.

For example, the Midtown Community Court recently expanded its menu of services to include a formal job training program for ex-offenders who successfully complete community service sentences. Although job training was not part of the court's original design, research revealed that 75 percent of the defendants who appear before the court are unemployed. In response, the court launched Times Square Ink, a job training program that prepares ex-offenders for employment by having them staff a full-service copy center.

Partnerships

Too often, courts hold themselves above the fray. Cases move from street to court to cell and back again without anyone questioning the impact on communities, victims, defendants, or the criminal justice system. A community court can change this equation by coordinating the work of police, probation officers, prosecutors, and corrections officials. Each of these groups loses heart in fighting low-level crime when they lack reliable ways to measure progress. By providing regular feedback on case outcomes and street impacts, a community court can create a greater sense of community among the diverse professionals who work in the criminal justice system. For example, by providing police with real-time information about court appearances and community service completion, the Midtown Community Court encourages law enforcement efforts, particularly the execution of low-level warrants.

Knitting together a fractured criminal justice system can have unexpected benefits. At the Midtown Community Court, the improved relationship with local police led to the creation of a joint program, Street Outreach Services (SOS), which brings together caseworkers from the court with community police officers to perform street outreach. The SOS teams scour the streets of Midtown, reaching out to the homeless, prostitutes, substance abusers, and others who have fallen between the cracks of traditional law enforcement and social service networks. The goal is to enroll these people in social services before they get in trouble with the law.

It is not enough, however, for community courts to work in conjunction with criminal justice agencies. They must reach beyond the walls of the justice system to involve new partners. Locating a court in a neighborhood gives the community a sense of a stake in that court that would never exist with an impersonal, centralized facility. Residents and merchants who feel a connection to the court can make valuable contributions to the court's efforts. Local organizations can donate community service supervision, social service staff time, and supplies like paint and plants. When they see demonstrable community justice at work, local businesses and foundations may be willing to provide financial support for social services and other programs originating in the courthouse.

Personnel

Community courts require larger, more diverse staffs than traditional courts. In addition to clerks and security officers, community courts may need social workers, mediators, victim advocates, job developers, managers for community service work projects, and additional research and public information staff. At the Midtown Community Court, managing the court's ongoing relationships with local merchants, community groups, and elected officials requires a community ombudsperson.

The Midtown Community Court asked the city's pretrial agency to expand its assessment interviews with each defendant before he or she sees the judge, a significant shift in the pretrial routine. In contrast to traditional interviews that focus only on information pertinent to bail decisions, these expanded assessments explore such issues as substance abuse, homelessness, and mental health. This information is crucial to devising individualized sanctions. The results are conveyed electronically to the court, where they are reviewed by a new participant in the courtroom: a resource coordinator. The resource coordinator functions as a link between the court, attorneys, and social service providers, keeping track of sentencing options and making sentencing recommendations to the judge based on assessment results.

Creating assessment interviews and hiring a resource coordinator seem like simple steps, but implementation was difficult. Adding new information and new voices to the mix altered traditional courtroom dynamics of the judge-attorney relationship. The response was predictable. Defense attorneys did not like the idea of the resource coordinator having a direct line to the judge. Prosecutors worried that the resource coordinator would make recommendations inconsistent with their office's sentencing guidelines. The assessment team's prearraignment interview, meanwhile, raised questions on both sides of the courtroom about confidentiality. How would a defendant's admission of drug use—which is, afterall, a criminal act—be used in the courtroom? Who would have access to this information and for what purpose?

By developing protocols about the handling of information gathered from prearraignment interviews and used at trial or subsequent hearings, the Midtown Community Court gradually relieved defense and prosecution concerns. Over time, the resource coordinator established relationships with the attorneys in the courtroom, and many have come to see the coordinator as a valuable asset. Indeed, defense attorneys frequently ask the coordinator to find help for their clients. The assessment interview and the work of the resource coordinator are critical to promoting the court's problem-solving mission.

Challenges and concerns

The Midtown Community Court experiment has demonstrated that by playing a variety of unconventional roles, a neighborhood court can have a visible impact on a community. With new roles, however, come new questions. Community justice is not without its critics. Some are insiders with deep attachment to (and professional investment in) the traditional criminal justice system. Others are residents concerned about their safety and the potential impact of any new initiative on their neighborhood.

Over the course of its planning and operation, the Midtown Community Court has had to confront a number of issues about neighborhood-based justice. Some are misconceptions that can easily be allayed. Others are questions that are too fresh and too profound to be fully answered yet. At this point, there are no definitive answers to these questions. The observations in this paper are based on a single case study; other community court experiments may yield different solutions—and raise new questions.

Nevertheless, we are convinced that if community courts hope to be more that just a series of provocative but isolated demonstration projects and if their true goal is broad-ranging institutional change, they must address the following questions:

1. Do community courts "widen the net" of governmental control?

Concerns about net-widening are not unique to community courts. Indeed, drug courts face them frequently. Before the Midtown Community Court opened, the local defense bar was concerned that the court's emphasis on paying back the community would lead to punishment for offenders who otherwise might have been released with no sanction.

Do community courts widen the net of social control? Yes. The more provocative question is: Should they? That so many low-level offenders walk away from criminal courts without any meaningful response is a fundamental problem. With their overwhelming caseloads, these courts find it difficult to hand out sentences that demonstrate that all crime has consequences. When these courts allow offenders to walk, letting the process become the punishment, they send the wrong message to offenders,

victims, police, and community residents. The message is that nobody cares, that the justice system is little more than a revolving door.

It is precisely this perception that the Midtown Community Court was created to address. At Midtown, many defendants who might have escaped sanctions in a traditional court find themselves ordered to paint over graffiti or participate in drug treatment. Clearly there were holes in the net; the Midtown Community Court simply sought to mend them. The Midtown Community Court approached this issue with great care, choosing to target a specific set of crimes that were going largely unpunished. The court's approach emphasized proportionality—making the punishment fit the crime. This meant creating short-term sentences for low-level offenders—1 or 2 days of community service. It also meant that the court did not attempt to send drug addicts with no prior record to 18 months of inpatient drug treatment.

2. Do community courts lead to vigilante justice?

Many fear that community courts will unleash an insatiable community hunger for harsher, more punitive responses to low-level crime. In fact, the Midtown Community Court experiment has shown that, when given options, community residents will generally support constructive sanctions like community restitution and social services.[4] For example, residents were among the first to suggest that Midtown provide health services to prostitutes. This suggestion did not necessarily grow out of altruism—residents were justifiably concerned about public health implications. But it does show that community residents have more on their minds than just "throwing the book" at low-level offenders.

This is true even in neighborhoods plagued by drugs and guns. Our experience planning a second community court in the Red Hook section of Brooklyn confirmed this impression. Despite Red Hook's reputation for drugs and armed violence, focus-group research and door-to-door community surveys revealed that local residents want the community court to provide low-level offenders with education, counseling, and help in reintegrating into the community.

3. Do community courts expose judges to undue influence?

There is an important distinction to be made between judicial independence and judicial isolation. While community courts encourage judges to become more sensitive to community needs and concerns, they must take pains not to compromise the independence of the judiciary. This can be a delicate balancing act.

At the Midtown Community Court, it is clear that the judge's job is not to manage community relations; instead the court has a community ombudsperson and an administrative staff charged with this responsibility. Nonetheless, the court's decision to create a community advisory board—and have the sitting judge attend its meetings—made some local judges uneasy. Would the advisory board seek to second-guess judicial decisions? This has not been the case. The members of the advisory board, while actively engaged in thinking about the court's programs and community service projects, have never tried to lobby the judge about individual cases. Rather, they have been a valuable resource for the judge, helping to expand the array of community service options and create postdisposition opportunities such as job training.

At some point, however, being responsive to a community could militate against important concepts of judicial independence. Freedom from popular influence is a basic element of judicial independence. Judges in community courts must therefore struggle to identify which forms of interaction with community residents and leaders are acceptable and which are not. They must also think hard about what types of information about community problems or concerns should be taken into consideration in deciding individual cases.

4. Are community courts soft on crime?

It is difficult to characterize community courts as either "soft" or "tough" on crime. The intermediate sanctions offered by the Midtown Community Court are alternatives to the polar ends of the sentencing spectrum: no sanctions and jail. The court thus sends a double message: All offenders must be

held accountable for their crime, no matter how small; and a court can also use its coercive power to move offenders toward rehabilitation. In short, the Midtown Community Court argues that punishment and help can be combined.

Given the previous discussion about widening the net, it will come as no surprise that, in the main, the Midtown Community Court is tougher on crime than Manhattan's downtown court. According to the National Center for State Courts' evaluation, "walks"—sentences that are attached to no penalty whatsoever—are more than twice as common at the downtown court as they are at the Midtown Community Court, where offenders by and large receive community service and social service sentences. Jail sentences are another side of the story. Interestingly, the National Center for State Courts found that although the Midtown Community Court issued fewer jail sentences in the aggregate, offenders received longer jail sentences than those imposed downtown. Midtown increased the percentage of misdemeanor jail sentences of more than 30 days by 57 percent.

None of this has been lost on defendants. Interviews revealed that defendants who have appeared before both courts believe that Midtown is "tougher" than the downtown court. When asked which court they preferred, however, defendants chose Midtown. Why? Because Midtown's staff treat them with a measure of dignity and at Midtown they can get help with their problems. This response is one clear sign that Midtown's double message of punishment and help is working.

5. Do community courts stigmatize offenders?

Offenders at the Midtown Community Court receive a great deal of attention. The court's computer system records the results of each defendant's assessment interview as well as their compliance with community service. For some, the court's collection of this information evoked images of an impersonal "big brother" amassing data and increasing the court's remoteness. Would this information be used to brand people as offenders for life?

Ironically, the Midtown Community Court has instead used modern technology to recreate the familiarity of a small town. Judges need to understand who is standing in front of them. Without information, courts can feel like assembly lines. With information, the process becomes more personal. Both punishment and help can be tailored to fit the individual needs of each defendant.

Ironically, the Midtown Community Court has used modern technology to re-create the familiarity of a small town.

Another element of the Midtown Community Court that raised similar concerns was the visibility of the court's punishments. Offenders sentenced to perform community service outdoors must wear vests that announce they are from the Midtown Community Court. The court also has experimented with victim-offender reconciliation panels that bring offenders face-to-face with those they have harmed. Are these just exercises in public shaming? Is the net effect to widen the gulf between offenders and law-abiding citizens? For Midtown, the answer has been "no." Instead, these initiatives, like the court's use of technology, have helped put a human face on crime. No longer can residents, merchants, and court personnel deal in abstractions or talk about offenders as a separate class of people. This is important groundwork for the court's problem-solving mission.

Still, the potential for abuse exists. What happens when a community court becomes the domain of a judge with highly idiosyncratic views? How and to whom should community courts be held accountable for their treatment of defendants? These are issues that will become more important as community courts continue to multiply.

6. Are community courts cost prohibitive?

Decentralization costs money. Initially, it is less expensive to run one large courthouse with dozens of courtrooms than it is to run dozens of separate small courthouses, each with its own staff and physical plant to maintain. If that's all that community courts are—boutique versions of the status

quo—they would not be worth creating. But they are much more than that. By placing a variety of social services under one roof and providing community restitution, community courts add a significant amount of value to the court system. The questions are: How much? Is it enough to offset the expense?

Community courts must analyze the costs and the benefits of their work. Among the benefits that community courts must be prepared to articulate are drops in crime rates, reductions in arrest-to-arraignment processing times, improved community service compliance rates, and community service labor contributed to the community. More difficult to measure are a community court's effects on a neighborhood. For example, by addressing neighborhood blight, improving public safety, and providing social services, a community court can help spur neighborhood economic development. After all, meaningful and lasting economic development rarely takes place in areas where residents, merchants, and employees fear for their safety. All of these arguments can be used to explain why a community court is worth an initial outlay of funding and how, over time, it might pay for itself. These arguments are particularly crucial in the current political climate of government cutbacks and public cynicism concerning government reform efforts.

What will the community courts of tomorrow look like? How can we ensure that they are cost-effective? Perhaps video technology could be used to link litigants in communities with judges located in centralized facilities. Perhaps selected housing cases could be filed, and even resolved, via computers located in public housing developments and with tenant advocacy groups. The Midtown Community Court model is just that—one model among many possibilities.

7. Do community courts erode the adversarial nature of the legal system?

In developing community courts, concerns about diminishing the adversarial process go with the territory. A similar criticism has been leveled at drug courts, which are often called "nonadversarial" because they focus on supporting and sustaining defendants in treatment and recovery rather than on determining criminal responsibility. Likewise, it can be argued that procedural protections and advocacy often take a back seat to other objectives of community courts. It is worth considering what types of protections need to be built into community courts to guard against the possibility of arbitrary decisionmaking.

There is no denying that the Midtown Community Court's focus on problem solving led to some important structural changes in the courtroom. The assessment interview and the resource coordinator provide an unprecedented level of information directly to the judge that is not filtered by attorneys. With more information and a broader array of sentencing options at hand, the judge has taken greater control of decisionmaking. For some, this has created the perception that the balance of power in the courtroom has shifted too far in the direction of the judge, that the court is more concerned with outcomes than with process.

The differences between a problem-solving model and a more conventional adversarial system may not be as stark as some seem to think. The Midtown Community Court has maintained the core components of the traditional courtroom model. Visitors to the court are sometimes surprised that the district attorney's office prosecutes each case and that each defendant is represented by a defense attorney.

The Midtown Community Court is the home of several unconventional programs, such as community mediation, job training, and homeless outreach, that bear little relation to the day-to-day work of arraigning misdemeanor cases.

In fact, most of the problem-solving tools—drug treatment, health care, education, and others—located onsite at the Midtown Community Court come into play only after a case has been decided. They are housed under the same roof as the courtroom to improve the chances that defendants will use them and to enhance the court's ability to monitor performance.

In addition, the Midtown Community Court is the home of several unconventional programs, such as community mediation, job training, and homeless outreach, that bear little relation to the day-to-day work of arraigning misdemeanor cases. These programs do not involve the judge directly and do not emanate from the courtroom, but they do represent the court's commitment to improving the quality of life in the community. These programs take advantage of the court's presence, using its institutional authority to lend them credibility. The Midtown Community Court has thus demonstrated that the courtroom does not have to be the only entry point into a courthouse—a court can serve as an institutional base for a variety of programs that seek to tackle persistent neighborhood problems.

8. Do community courts create inequity?

Community courts raise concerns about equity. Some observers question whether paying attention to community concerns means that justice will vary from neighborhood to neighborhood. They ask whether the location of an arrest should have any impact on sentence outcomes.

This is a challenging issue, but it is not necessarily new. Consistency has always posed a challenge for court administrators: sentences vary dramatically from city to city, courtroom to courtroom, and judge to judge. Community courts further complicate the mix, but the challenge they pose is not unheard-of. Other observers have argued that neighborhoods should benefit equally from the resources of the court system. Court administrators are understandably sensitive about resource allocation. The appearance that one neighborhood is receiving more than its fair share of resources is a major issue for community court planners to confront.

But it is also clear that some neighborhoods are disproportionately burdened by specific problems that require unique solutions. In midtown Manhattan, quality-of-life crime was the problem to be addressed. This may not be what fuels community courts in other settings. In other neighborhoods, the primary problem may be juvenile delinquency or domestic violence or housing issues. In still other neighborhoods, the most pressing problem to be addressed may be the gap between the community and the criminal justice system itself. Each of these problems calls for different resources and a unique set of partners.

Community courts will always be intrinsically different from each other because each must focus on the problems of a specific community. The relevant question then is: Does this conflict with the notion of fair, equal, and evenhanded justice?

Conclusion: The future of community courts

We know from the Midtown Community Court and other recent experiments that courts can wear many hats: justice dispenser, peacemaker, service provider, and, most important of all, problem solver. In playing these roles, the new courts have challenged traditional notions about the nature of the criminal justice system and tested the extent to which courts can serve as catalysts for change in neighborhoods.

Some questions remain: Where does all this lead? Will the new wave in court reform result in systemic change or will it always be ancillary to traditional case processing? What is the purpose of the community court movement? Is it to create a mosaic of unique courtrooms narrowly targeted to handle specific groups of cases? Or is it to bring a new problem-solving focus to the work of courts in general?

The short answer is that it is still too soon to tell. Community courts are still in their infancy. For the moment, two competing images of justice operate side by side: one actively engaged with the noisy and messy problems of neighborhoods and individuals; the other shielded from the din, protective of its detachment.

We envision the community courts or, perhaps, "community justice centers" of tomorrow as multiservice facilities, offering help to offenders, victims, and community residents alike. The new justice centers would house the kinds of treatment and prevention programs typically found in one-stop social service centers. They would mediate neighborhood disputes and enlist residents in defining appropriate responses to crime and delinquency. They would use community restitution to eliminate signs of neighborhood disorder. They would cross

jurisdictional boundaries, hearing civil court and family court matters in addition to criminal cases in order to address in a coordinated fashion the multiple problems that confront so many individuals and families.

Everyone who enters the justice center of the future as a litigant would be entitled to legal representation, but not everyone would reach the courtroom. Several different tracks would be available: a mediation track, a social service track, a courtroom track, and others. Where a matter ended up would depend upon the case and the person. The interesting questions would be: Who decides? Would litigants be allowed to opt for whatever track they chose? Would counsel for each litigant determine which track was appropriate in a traditional adversarial fashion? Or would court personnel serve as gatekeepers, assessing each case and mandating tracks accordingly? Would community members or victims have a say? What would become of the judge? Perhaps the judge would function like an air-traffic controller, presiding over the whole enterprise, making sure that the justice center stayed on course.

Although the future of community justice remains unclear, experiments like the Midtown Community Court already have made several valuable contributions to the national conversation about courts, communities, and criminal justice.

Community courts posit that some fundamental changes must be made in the way that courts conduct their business. As a first step, courts must acknowledge the damage that crime has done to both individuals and communities. This will not be easy. To do this, courts must look beyond the narrow issues presented in any given case to address the underlying problems of individuals and communities. They also must recognize that solving problems like community disorder, drug addiction, domestic violence, and criminal recidivism requires new partnerships with social service providers, victim organizations, businesses, schools, and block associations. Finally, to perform all of this new work, courts must create new structures, experiment with new technology, and hire new personnel. In performing this work, community courts demonstrate that our system of justice can help repair injured neighborhoods and that our courts warrant public confidence and respect.

Notes

1. As noted by Malcolm Feeley in his landmark study of a court of limited jurisdiction, urban courts typically impose few sanctions in response to high-volume, low-level crime. See Feeley, M. 1979. *The Process Is the Punishment*. New York, New York: Russell Sage Foundation.

2. Wilson, J.Q., and Kelling, G.L. 1982. “Broken Windows: The Police and Neighborhood Safety,” *Atlantic Monthly*, March, pp. 29–38. See also Kelling, G.L., and Coles, C.M. 1996. *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities*, New York, New York: Free Press.

3. Sviridoff, M., Rottman, D., Ostrom, B., and Curtis, R. 1997. *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court*. Alexandria, Virginia: State Justice Institute.

4. See Edna McConnell Clark Foundation. 1992. *Americans Behind Bars*. New York, New York: Edna McConnell Clark Foundation.

The Lessons of Neighborhood-Focused Public Defense

Christopher Stone, Vera Institute of Justice

On May 30, 1996, an extraordinary event in the short history of community justice occurred in New York City. A large crowd of residents from Harlem—men, women, and children—appeared at City Hall to demonstrate their support for a local service that was threatened with elimination by the mayor's proposed budget. At stake was not a library, a child care facility, a health clinic, or a senior citizens' center. The city council was holding hearings that day on the city's budget for indigent defense, and the service that these citizens wanted to preserve was the Neighborhood Defender Service of Harlem (N.D.S.)—their local public defender. The effect on the city council members was electrifying; no one had ever seen ordinary citizens turn out in such numbers for budget hearings on this subject before. Within a few weeks, the city council and the mayor had agreed to restore funding to N.D.S.

Six years earlier, a small group at the Vera Institute of Justice was laying the groundwork to begin this experiment in neighborhood-based defense. Veteran defenders said it would never work. The head of the Legal Aid Society's Criminal Defense Division, for example, noted that Legal Aid had tried to operate a neighborhood office in the Bedford-Stuyvesant section of Brooklyn in the 1970s. "People didn't come in," he explained to a local newspaper. "It didn't work because the client population did not walk into that office seeking representation."[1]

In the 6 years between those warnings and the city council hearings, we learned a lot about the strengths and weaknesses of neighborhood defense and about its implications for the criminal justice system as a whole. The skeptics were proved correct about some things; for instance, the office did not have the dramatic impact on bail decisions or disposition speed that had been sought. But by virtually every other measure, the experiment worked—the investigations have been more thorough, the representation more comprehensive, the sentences more humane and less costly, and the satisfaction among clients and their families far greater. Within a few months of opening the doors, the waiting room at N.D.S. was almost always full. People did walk into that office.

What we learned in those years holds at least five important lessons for public defenders, other criminal justice practitioners, and all those interested in justice in America. After a brief description of what happened in Harlem, this paper discusses those lessons.

The Neighborhood Defender Service is based not at the courthouse but on 125th Street in Harlem, in the heart of the community it serves.

What happened in Harlem

In 1990, the Vera Institute of Justice, with funding from the city and State of New York, developed the Neighborhood Defender Service to provide high-quality, cost-effective legal defense services to defendants who live in Harlem and cannot afford to hire private counsel. N.D.S. works alongside New York City's institutional defender, the Legal Aid Society. But unlike Legal Aid and other traditional defense agencies, N.D.S. is based not at the courthouse but in a suite of offices on 125th Street in Harlem, in the heart of the community it serves. The Manhattan courthouses are 7 miles away. From the change of location flow a variety of other reforms aimed at improving the quality of defense and addressing issues that lead to crime and injustice.

Many veteran defenders did not understand how a public defender could be based so far from the courthouse. "If a person is arrested and brought downtown," asked a 15-year veteran attorney when the office opened, "is his lawyer going to come downtown for the arraignment and then go back uptown? I don't understand the advantage."[2]

Indeed, for lawyers accustomed to spending all their time in court the location is less convenient, but it has proved to be an advantage at every stage of proceedings. N.D.S. attorneys can quickly search crime scenes and interview witnesses, even before defendants are booked. Clients, relatives, and witnesses come by the office frequently as lawyers prepare cases, facilitating the investigation. During court proceedings, attorneys question witnesses and argue the facts with a thorough knowledge of the neighborhood. After the case, clients and their families continue to visit the office, allowing N.D.S. to help with problems before they lead to further trouble with the law.

Instead of waiting for the court to appoint clients, N.D.S. encourages Harlem residents to call the office anytime, in the same way more affluent people call their attorneys. This relatively minor change in intake procedures gives N.D.S. lawyers, on call 24 hours a day, a few more hours to gather information. Moving up the point of contact between citizens and criminal justice services is crucial. Just as police officers have exchanged 911 for neighborhood beats to increase their accessibility, N.D.S. attorneys are immediately available to clients.

Perhaps most important, the location and accessibility of the lawyers have helped N.D.S. win the trust of residents, many of whom previously saw defense attorneys as just another part of an unfair system. As one lawyer put it, "When I first meet my clients I give them my card. They don't know me from Adam, but when they see the Harlem address, the whole relationship changes." N.D.S. has hired a number of people who grew up in Harlem, further strengthening its connection to the community. Clients and their families have come to view N.D.S. as a neighborhood law office and its attorneys as their own. N.D.S. attorney David Feige tells the story of Kaleh, a young client whom he tried to help find a job and a home. Unfortunately, despite those efforts, Kaleh was rearrested. The first thing he said to the Legal Aid attorney the court provided was "David Feige is my attorney," and then he gave her Feige's home phone and pager numbers. Another client, asked if he would want N.D.S. to represent him again, said, "I'm adjusted to the team now because I know how they respond to you, and I don't know how someone else would respond. So I'd rather get representation from them right here than anybody else. I like their respect."

Each client of the Neighborhood Defender Service is represented not by a single lawyer but by a team, which includes attorneys, community workers, an administrative assistant, and an intern.

Each N.D.S. client is represented not by a single lawyer but by a team, which includes attorneys, community workers, an administrative assistant, and an intern. Each of the three teams is headed by a senior attorney and carries a caseload of 180 to 200 cases. One attorney has principal responsibility for each case, but every staff member on the team is familiar with all of the team's cases. Specialized computer software enables team members to quickly access or add information about cases or clients. The team-based structure ensures continuity of representation; even if the lead attorney leaves, the team can continue. When lawyers in traditional defender offices go to trial, their other cases are placed on hold. At N.D.S., teams continue to work on a case even when its lead attorney is tied up in court. The system also heightens accountability by making attorneys answerable to other team members and creates an egalitarian atmosphere by making substantive use of nonlawyers. Finally, the team-based approach allows attorneys to co-counsel major cases that go to trial.

Court-based defenders give highest priority to cases about to go to trial and lowest to those just opened. By contrast, N.D.S. focuses on advocacy for clients at the beginning of their cases. Teams are held accountable for work they accomplish in the first 4 weeks. Although N.D.S. attorneys take pride in

their trial preparation and courtroom performance, they focus on preventing cases from going to trial, relying on information gleaned from early investigation.

Lesson one: Early investigation matters

In terms of process, the capacity to acquire timely, accurate, and complete information most distinguishes N.D.S. from traditional defenders. Usually, public defenders do not receive a case until their client's first appearance in court; they receive most of their information from prosecutors during discovery and from the police, who may not be forthcoming. By contrast, in about half its cases, N.D.S. begins the investigation process before clients are arraigned.

The vast majority of calls to N.D.S. are from people seeking lawyers for relatives who have been arrested or who are sought by the police and want to surrender. They usually call out of concern for their relatives' safety as they enter the criminal justice system. Some understand the value of an attorney in protecting constitutional rights during the early stages of a case, and others hope that N.D.S. can secure an early release from jail. Whatever their reason for calling N.D.S., family members often become important contacts who help obtain information, locate witnesses, and ensure that clients appear in court.

Too often, minor disputes end up in criminal courts because the parties know of no other way to resolve them, such as the frightened boy who wants the teenagers down the block to stop harassing him, the elderly woman who is threatened by the kids loitering on the stoop, or the teenager who is punched by a friend. These wrongs are real and often traumatic, but the victims may exaggerate them to obtain help from the criminal justice system. This type of case usually ends in a plea bargain to a crime that even the complainant knows did not occur, but that neither the prosecutor nor the defense attorney has time or resources to investigate. Unable to ignore this reality, N.D.S. staff relies on early investigation and knowledge of the community to mediate many disputes before they become fictitious stories in court.

Even if offenses are not exaggerated, they need not always end up in court. An N.D.S. attorney handled a case of a merchant who told the defense investigator that the only reason he had called the police about a neighborhood youth who stole from him was because he could not find the boy's parents. It can be risky to make a deal that calls for sacrificing the client's constitutional right to silence, especially without the involvement of a prosecutor, and the ideal system of community justice—in which police, prosecutors, and defenders work together to solve problems—is far from a reality. Nevertheless, the N.D.S. attorney decided to arrange a meeting between the family and the merchant, after which the merchant persuaded the prosecutor to drop the charges. In this and other cases, the defense attorney, as the only person in the criminal justice system permitted to talk to the defendant, was uniquely positioned to find a resolution.

Of course, N.D.S.'s system of early entry does not only benefit clients accused of minor crimes. Consider the case of Reuben, who called N.D.S. as soon as he learned police were looking for him. A few days before, he had gotten into a brawl with a neighbor, who lost consciousness during the fight and died a few days later. After a witness claimed Reuben had hit the man with a pipe, prosecutors charged him with murder. An N.D.S. attorney negotiated his surrender and, with investigators, tracked down other witnesses, who said that Reuben had not used a pipe. The N.D.S. team also had a physician review hospital records, attend the autopsy, and determine how the man, in poor health, could have died of natural causes. The investigation helped the N.D.S. attorney secure Reuben's release from jail while prosecutors reconsidered charges.

In routine drug cases as well, early investigation can make all the difference. For a young man arrested with a large sum of money in his pockets on a street known for drug deals, early investigation proved crucial. With arrests so frequent on this block, witnesses were able to remember this particular one only because the investigator arrived quickly. The combination of the client's credible explanation and the witnesses' ability to dispute the rote account of the arrest provided by the police months later allowed N.D.S. to mount a successful defense. In the hands of many traditional offices,

this case and others like it would end in plea bargains or convictions at trial.

The first lesson of neighborhood-based defense is that it provides access to crucial information as a matter of routine.

Traditional defenders cannot imagine how one can afford to investigate every case, but investigating at the start of the case is far more efficient than investigating on the eve of trial. The witness who is hard to find at trial may be located in minutes early in the case. The most powerful instrument available to defense attorneys is information. The first lesson of neighborhood-based defense is that it provides access to crucial information as a matter of routine.

Lesson two: The criminal case is not always the highest priority

Unlike traditional public defender offices, which only work on criminal cases, N.D.S. defends clients in all legal matters arising from criminal accusations. In drug eviction cases, for example, an indigent defendant has no right to free counsel and, without a lawyer, often fails to file proper papers or presents a weak case in court. In child abuse cases, the court appoints the parent a private lawyer at public expense, even though a public defender is representing the same person for the same incident across the street in criminal court. N.D.S.'s broadened focus therefore makes sense for three reasons: First, N.D.S. can better protect the rights and interests of clients if it represents them in every case in which the criminal charge will be at issue. Second, it is more efficient economically and practically to have one office represent clients when the facts of a single case are litigated in more than one court. Third, many civil cases are functional equivalents of criminal ones in which the defendant, faced by police and prosecutors, needs a defense lawyer.

Through this practice, N.D.S. attorneys came to understand that criminal concerns are often no more important to clients than civil ones, a realization that changed the way N.D.S. approached some cases. An arrested parent may risk losing custody of children. An immigrant may risk deportation for committing a crime. A person may be maliciously beaten by police during an arrest. In all these circumstances, the civil case may be more important to the client than the criminal case. Traditional defenders often do not see this or they do not have the tools to pursue strategies that advance the client's real interests. Working at the neighborhood level, lawyers become more sensitive to these concerns.

For example, shortly after its inception N.D.S. represented a woman accused of abusing an infant foster child. Although medical evidence eventually exonerated her, for more than a year she faced attempted murder charges in criminal court and termination of her parental rights in family court. N.D.S. represented her in both courts—itself a novelty. But the most important novelty was the lawyers' acceptance of her view that the family court case was more important than the criminal one. This led the attorneys to reveal information to the family court that might otherwise have been reserved for the criminal defense.

In 1991, N.D.S. formed a civil team of two attorneys and an administrative assistant. The team took on a variety of housing, forfeiture, immigration, and employment cases simultaneously with the criminal litigation. It also filed police misconduct cases for clients who had been unable to retain private attorneys. In one case, a boy who had filed suit for false arrest won a meeting with the arresting police officer. Once again, this might not seem the most desirable outcome from an attorney's perspective but, more importantly, it was exactly what the client wanted.

Lesson three: Communities want good lawyers

Perhaps the most frequent warning that veteran attorneys gave us when we planned this neighborhood-based defender service was that we would not be welcomed in the community. Crime was high in New York City in 1990, and it was particularly high in the poorest communities. "The people in Harlem will want your clients locked up," we were told

repeatedly. "They won't want you defending the robbers and drug dealers."

To challenge this prediction, N.D.S. organized a community network shortly after opening and invited members of the network to annual receptions in its offices. The network included staff members of local social service organizations that often helped the same people N.D.S. served. But we also invited a group of merchants who, considering their role in the community, were precisely the type of people courthouse attorneys predicted would be hostile to the idea of providing better representation to criminal defendants. Dozens of storeowners attended and enthusiastically pledged their support. Somewhat surprised, we asked them why they came. They said that at some point in their lives, they had been arrested or stopped by the police, in one case on the way to open the store. Though the merchants had been victimized by some people who would likely be clients of N.D.S., they could nonetheless identify with other N.D.S. clients and could see the value to the community of improved legal defense.

Early in the life of N.D.S., a woman who was head of her public housing tenant patrol became very involved in the community network. She spent a great deal of time and energy trying to make her building safe by having lawbreakers arrested, but also worked to improve legal support for her neighbors when they were arrested. When I asked her about the apparent inconsistency, she replied, "You represent my son." As virtually anyone would, she wanted to live in an environment free of crime and drugs, but she also wanted to secure high-quality legal representation for her son and neighbors. What she and others taught us is that people legitimately want both safety and justice in their community.

N.D.S. also extended itself as a service to the entire community. The staff has distributed thousands of leaflets about N.D.S. and cards imprinted with the agency's address and phone number, as well as a "Notice to Police Officers and Prosecutors" that formalizes the bearer's request to speak with an attorney and refusal to waive any constitutional rights. Eddie Ellis, who heads the outreach effort, leads a series of well-attended workshops entitled "Know Your Rights." N.D.S. developed a 10-session program to train high school students in how to keep conflicts with police officers from escalating into arrests and violence. The program's discussion and role-playing exercises are drawn from cases involving teenagers N.D.S. has defended. The agency organized a community conference on school safety, which brought together residents, teachers, police officers, and city officials. N.D.S. also runs mentoring and job training programs, for which many Harlem residents—clergy members, business leaders, activists, retirees—volunteer.

N.D.S. is part of an increasingly strong network of community-based public services. Because its system of continuous representation fosters lasting relationships with clients, N.D.S. provides a base of referrals and information to addiction treatment centers, homeless shelters, hospitals, alternative sentencing programs, employment training organizations, schools, and houses of worship. N.D.S. employs a director of social work, who assesses clients' physical and psychological needs and provides treatment or makes referrals accordingly.

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N.D.S. has also developed a relatively strong relationship with the police, largely because of its practice of helping arrange voluntary surrenders, often for people accused of violent crimes. (Police regard for the agency is such that on one occasion, an officer charged with committing a crime when he was off-duty sought to retain N.D.S.) In a typical week, N.D.S. helps two or three people turn themselves in. Some are afraid that they might be injured during a conventional arrest; others simply want to cooperate. Either way, a surrender is good for the client, the police, and the community. It spares the client and the police a potentially bloody confronta-

tion, serves the client's legal interests, and peaceably brings into custody a person who might otherwise be violent. Of course, there are inherent limitations on how closely criminal defense agencies can work with the police; given their competing interests, no system of community justice would eliminate contention. Nonetheless, a solid working relationship is both possible and essential.

Lesson four: Good defense work is cost-effective

N.D.S. representation costs more than that of traditional public defenders. For example, in 1995 N.D.S. handled about 2,500 cases on a $3.8 million budget, for an average of approximately $1,520 per case. It costs the New York Legal Aid Society an average of $1,339 for a felony case. To justify this extra cost, neighborhood defenders need to produce more value for their clients and for the criminal justice system. Perhaps the most important lesson learned through N.D.S. is that this is possible.

The hypothesis with which we began the N.D.S. experiment was that neighborhood-based representation and the early investigation it permits would allow defense attorneys to make stronger factual arguments sooner after arrest, decreasing pretrial detention, jail, and prison time. By working on cases earlier and knowing clients and the community better, community defenders would bring more information into the process earlier, leading judges and prosecutors to end cases more quickly with less severe sentences.

To test this hypothesis, researchers compared the outcomes of N.D.S. cases with those handled by the traditional system during a 2-year period. The cases were matched according to the number and severity of the charges, as well as by the race, age, gender, and criminal record of the defendants. The study found that N.D.S. clients received considerably shorter sentences. But N.D.S. clients were not released at the first court appearance in significantly greater numbers, nor were their cases concluded significantly faster.

The failure of N.D.S. to significantly increase the percentage of people released at initial bail hearings surprised and frustrated the staff. Good investigation early in the case often led the lawyers to make arguments at bail hearings that persuaded judges to release defendants. The lawyers knew this was happening, so why was it not making a difference in the research? Part of the answer lies in the fact that most defendants are released at arraignment in New York City, regardless of how they are represented. To make a statistically significant difference, a neighborhood-based defender in New York would have to win the release of a very large proportion of clients. Another part of the explanation lies in the limitations on the data available for research. Data were not available about releases at later stages when bail was reduced or eventually proved affordable.

The staff at N.D.S. were not surprised by their inability to substantially speed up cases. Defenders, neighborhood-based or traditional, have less influence on pretrial delay than the Vera planners initially believed.

The savings from shorter sentences was considerable: 150,000 bed-days or about $10 million, more than twice the budget of the Neighborhood Defender Service.

However, the savings from shorter sentences was considerable: 150,000 bed-days or about $10 million, more than twice the N.D.S. budget. Whether the decreased sentences were the result of plea negotiations or sentencing advocacy after trial, they are testament to the efficacy of N.D.S.'s services: Early investigation and continuity of representation lead to a deeper understanding of clients, and connection to the community allows better presentation of sentencing options and greater ability and authority to articulate residents' support for a less severe sentence. Unfortunately, the savings realized in upstate prisons do not affect the city budget, which provides the bulk of N.D.S.'s funding. But that is a problem of politics, not design. N.D.S. has shown that a community defender, although slightly more expensive than courthouse advocates, can save taxpayers a substantial amount of money.

Lesson five: Community justice should include neighborhood defenders

The criminal justice system is beginning to evolve from an offender-processing machine into a collection of community justice services. The machine, still largely intact, was designed to respond to 911 calls, make arrests, produce convictions, and punish offenders. Public defenders generally regard themselves as outsiders to this reactive and punitive system. However, forced to dispose of cases quickly and with little or no investigation, they too often serve as cogs in the machine.

Community justice services aim at identifying and solving problems that foster crime and injustice. Police departments, where the change is most highly developed, have implemented an array of programs aimed at preventing crime. Prosecutors, court administrators, and corrections officials have similarly begun to de-emphasize convictions and punishment in favor of prevention.

With their obvious interest in solving problems that lead to crime and in preventing incidents from becoming criminal justice concerns, why then is it difficult for public defenders working in traditional agencies to do much more than dispose of cases as the court assigns them? First, most public defenders are based at courthouses, far from the communities whose residents they represent, from the crime scenes around which cases revolve, and from the witnesses who often determine the strength of the defense. Typically, public defenders meet clients only a few minutes before their first court appearance. Overburdened and underfunded, they usually cannot perform sufficient investigation, so they get too little information, and they get it too late, making it impossible to place their cases in proper context. These factors have turned public defense into little more than a stopgap in which lawyers, unable to fully examine the causes or ramifications of their cases, are forced to plea bargain. A change of location alone can make an enormous difference in the quality of service a public defender provides.

Second, some public defenders are reluctant to engage in problem solving, for fear of altering the traditional lawyer-client relationship and compromising their legal strategy. Ideally, community-based defenders, imbued with a deep knowledge of clients and cases, will have options foreign to court-based defenders. The experiences of N.D.S. show that a public defender service can broaden its focus in ways that help clients, the community, the criminal justice system, and even the lawyers themselves. Not only can a public defender agency solve problems that produce and result from crime—in some cases it is the only part of the criminal justice system that can.

Questions for the future

The transformation of much of the criminal justice system into community-based services should inspire defense attorneys to dramatically rethink their jobs and mission. But will it do so? Fundamental change is difficult for all practitioners, even for public defenders, who are among the most vocal critics of how criminal justice is currently administered. Whether many public defenders even want to become community justice providers is still very much in doubt. Do they want to move from their (partially) convenient courthouse location? Do they want to face difficult ethical dilemmas created by new relationships to clients and the community? Do they want to see themselves not as lonely champions of liberty isolated from the majority, but as service providers connected to their community? Do they fear that the development of community-based defenders will cause the system of criminal defense—already politically vulnerable and beleaguered by funding cuts—to fragment further?

These final questions about the eagerness of professionals to adopt a neighborhood focus cut across the various branches of the criminal justice system. For all the promotion of community justice, we know very little about what the majority of judges, prosecutors, and defenders think about it in terms of their own careers.

The N.D.S. experiment has shown that a community-based defense organization benefits not only clients, the community, and the criminal justice system, but also lawyers, for whom working to solve problems is its own reward. N.D.S. attorneys are thrilled to have opportunities to help clients in ways beyond working out plea bargains. They know it is appropriate for a defense agency to represent the

community of Harlem, because people living there overwhelmingly believe that defendants, even those ultimately found guilty, deserve good representation. They are glad to provide legal support to Harlem residents, who—like many people living in highly policed communities—look at the criminal justice system with suspicion, if not fear.

Community justice services are probably not ideal for all criminal defense lawyers, some of whom might, for example, want to focus solely on trial work. A system of community-based defense services must complement, not replace, the court-based system. Some communities do not experience the numbers of arrests that would make an office viable, and some defendants live outside the jurisdiction where the offense took place. Some sort of court-based system is needed to represent the many defendants who inevitably fall through the cracks of any community-based system. One possible approach is a mixed system, with some public defenders located in the community and others based at the courthouse.

Even if many public defenders decide to relocate to neighborhood offices, it is unclear whether people working in other parts of the criminal justice system will embrace them. If some criminal defenders view themselves as outsiders to the system, then many police, prosecutors, judges, and corrections officials surely will as well. This is problematic because community-based defenders, or for that matter any community justice service, will not be effective if they must work in isolation. As practitioners in other parts of the criminal justice system implement community-based programs, it is critical that they seek opportunities to work with public defenders, who share their interest in eliminating problems that produce crime.

Notes

1. Pinsely, Elliot. 1990. "New City Program Challenges Legal Aid" *Manhattan Lawyer* (June): 1.

2. Ibid.

About the National Institute of Justice

The National Institute of Justice (NIJ), a component of the Office of Justice Programs, is the research agency of the U.S. Department of Justice. Created by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, NIJ is authorized to support research, evaluation, and demonstration programs, development of technology, and both national and international information dissemination. Specific mandates of the Act direct NIJ to:

- Sponsor special projects and research and development programs that will improve and strengthen the criminal justice system and reduce or prevent crime.
- Conduct national demonstration projects that employ innovative or promising approaches for improving criminal justice.
- Develop new technologies to fight crime and improve criminal justice.
- Evaluate the effectiveness of criminal justice programs and identify programs that promise to be successful if continued or repeated.
- Recommend actions that can be taken by Federal, State, and local governments as well as by private organizations to improve criminal justice.
- Carry out research on criminal behavior.
- Develop new methods of crime prevention and reduction of crime and delinquency.

In recent years, NIJ has greatly expanded its initiatives, the result of the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act), partnerships with other Federal agencies and private foundations, advances in technology, and a new international focus. Some examples of these new initiatives:

- Exploring key issues in community policing, violence against women, violence within the family, sentencing reforms, and specialized courts such as drug courts.
- Developing dual-use technologies to support national defense and local law enforcement needs.
- Establishing four regional National Law Enforcement and Corrections Technology Centers and a Border Research and Technology Center.
- Strengthening NIJ's links with the international community through participation in the United Nations network of criminological institutes, the U.N. Criminal Justice Information Network,UNOJUST (United Nations Online Justice Clearinghouse), and the NIJ International Center.
- Improving the online capability of NIJ's criminal justice information clearinghouse.
- Establishing the ADAM (Arrestee Drug Abuse Monitoring) program—formerly the Drug Use Forecasting (DUF) program—to increase the number of drug-testing sites and study drug-related crime.

The Institute Director establishes the Institute's objectives, guided by the priorities of the Office of Justice Programs, the Department of Justice, and the needs of the criminal justice field. The Institute actively solicits the views of criminal justice professionals and researchers in the continuing search for answers that inform public policymaking in crime and justice.

To find out more information about the National Institute of Justice,
please contact:

National Criminal Justice Reference Service,
Box 6000
Rockville, MD 20849–6000
800–851–3420
e-mail: askncjrs@ncjrs.org

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