



APRI

American
Prosecutors
Research Institute

*What Does it Mean
to Practice
Community
Prosecution?*

Organizational, Functional,
and Philosophical Changes

American Prosecutors Research Institute

99 Canal Center Plaza, Suite 510

Alexandria, VA 22314

www.ndaa-apri.org

Newman Flanagan

President

Debra Whitcomb

Director, Grant Programs and Development

George Ross

Director, Grants Management

This information is offered for educational purposes and is not legal advice. This document was commissioned by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, for a symposium on community prosecution, and was published under Award No 2000-PP-CX-K001 from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions expressed are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice, the National District Attorneys Association or the American Prosecutors Research Institute.

The American Prosecutors Research Institute is the nonprofit research, training and technical assistance affiliate of the National District Attorneys Association.

*What Does it Mean
to Practice
Community
Prosecution?*

Organizational, Functional,
and Philosophical Changes

February 2004

M. Elaine Nugent
Director, Office of Research and Evaluation
American Prosecutors Research Institute

TABLE OF CONTENTS

1	Introduction
3	Community Prosecution Elements
7	Traditional Prosecution Models and the Community Prosecution Model
9	The Practice of Community Prosecution
11	The Community Prosecution Continuum
15	Organizational Change
	<i>Organizational Structure</i>
	<i>Management Issues</i>
	<i>Staffing</i>
19	Functional Changes
	<i>Use of Traditional and Non-Traditional Sanctions</i>
	<i>Establishment of Prevention and Diversion Programs and Alternatives to Incarceration</i>
	<i>Partnerships with the Community, Law Enforcement, and Others</i>
	<i>The Case Processor—Community Prosecution Style</i>
	<i>The Problem-Solver</i>
	<i>Institution Builders</i>
	<i>The Strategic Investor</i>
27	Conclusion

INTRODUCTION

In the past 20 years, there have been dramatic changes in crime, public opinions of crime and the criminal justice system, and subsequently changes in how the criminal justice system operates. Operational changes in the justice system have focused on shifting from a reactive to a proactive approach. In many jurisdictions, prosecutors, like the police before them, have begun to make this shift away from the role of case processors to problem-solvers. Loosely defined, community prosecution is the new “buzz word” in prosecution. Yet for policymakers, academics, and others, community prosecution remains an amorphous concept. What are its defining characteristics, and what does it really mean to practice community prosecution?

COMMUNITY PROSECUTION ELEMENTS

Community prosecution is generally defined as a grass-roots approach to justice, involving citizens, law enforcement, and other government agencies in problem-solving efforts to address the safety concerns of the local jurisdiction (Boland, 1998). It differs from other prosecution models primarily because of the emphasis on community involvement in identifying crime and related problems, and in the formulation of solutions (Gramckow, 1997). At its core are five operational elements:

- A proactive approach to crime;
- A defined target area;
- An emphasis on problem-solving, public safety, and quality of life issues;
- Partnerships between the prosecutor, the community, law enforcement, and others to address crime and disorder; and
- Use of varied enforcement methods (APRI, 1995).

Additional elements cited as important to community prosecution by a focus group of experienced prosecutors include continuous program evaluation (APRI, 1995). Goldkamp et al. (2000) further operationalized seven dimensions of community prosecution strategies. These dimensions include the problem(s) targeted, the type of target area, the role of the community in the strategy, the type of response to community problems, organizational adaptations in the prosecutor's office, case processing adaptations, and interagency collaboration. Within each of these dimensions are arrays of elements that suggest different community prosecution foci or "types." Although these may be useful frameworks for understanding the different shapes that community prosecution may take, they fall short of answering fundamental questions about what the concept of community prosecution really means in practice.

What does this movement toward community prosecution represent? Is it a philosophical change in how justice is administered? Is it a departure from traditional prosecutorial roles and responsibilities, or is it a new strategy or specialized function within the parameters of the traditional roles? Is community prosecution implemented in the same

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

way across the country, and what are the organizational and managerial implications of its implementation?

To date, nearly half (49%) of all prosecutors' offices surveyed report that they practice community prosecution, which means, generalizing to the universe of local prosecutors, that as many as 1,372 offices may engage in some form of community prosecution (Nugent and Rainville, 2001). Certainly this is dramatic when one considers that a decade ago, the number of offices reportedly practicing something that became known as community prosecution was less than ten. Although it is clear that community prosecution has gained substantial momentum nationally, it remains virtually unexamined. Moreover, its advent raises questions about its efficacy as a crime prevention tool and its appropriateness in the overall roles and responsibilities of local prosecutors (Forst, 2000; Clear & Karp, 1998). As Jacoby (1997a) chronicled, today's modern prosecutor has evolved through several stages—from a minor figure in the early criminal justice system to one of the most powerful. As an evolutionary function, prosecution is not fixed but rather is impacted by changes in society (Jacoby, 1997a). Therefore, is community prosecution just another stage in this evolutionary process, or does it represent a change in the goals of prosecution? Some scholars argue that it is indeed a change—"a redefinition of the prosecutor's role in crime prevention, crime control, and the maintenance of public order" (see NRC, 2001 p. 37), while others see it as a natural and logical extension of the prosecutor's work (Roth and Ryan, 2000 as cited in NRC, 2001 p. 2).

The traditional goal of prosecution has generally been articulated in the form of roles and responsibilities. Most frequently cited is the prosecutor's role as representing the interest of the state in criminal matters, seeking justice, or holding offenders accountable (NRC, 2001; Anderson, 2001). Added to this is the role of the prosecutor in establishing policy that is designed to impact crime in the local jurisdiction (Misner, 1996). The most robust articulation of the prosecutorial goal is offered by Jacoby (1978) as "representing the interests of the state and the interests of the public in creating and maintaining a lawful and orderly society." Such is the view held by the National District Attorneys Association, as promulgated in their *National Prosecution Standards*:

“...the standard—indeed all of the standards—recognizes that the prosecutor has a client not shared with other members of the bar, i.e., society as a whole The prosecutor must seek justice. In doing so there is a need to balance the interests of *all* members of society, but when the balance cannot be struck in an individual case, the interest of society is *paramount* for the prosecutor.” (Standards 1.1 and 1.3, NDAA, 1991)

Furthermore, as the role of the prosecutor has evolved over time (and many of its earlier manifestations are still present today), new innovation in prosecution may represent an attempt to bring parity between prosecution services and prosecutors’ attempt to be more responsive to the local needs of the jurisdiction (Jacoby, 1997b). Community prosecution may represent such an attempt at parity, and thus may not represent a fundamental change in prosecution goals but rather a new step in the prosecutor’s evolutionary process.

TRADITIONAL PROSECUTION MODELS AND THE COMMUNITY PROSECUTION MODEL

Central to the debate on community prosecution is the question of whether and how it differs from traditional prosecution models. There are generally five models of prosecution: case processor (the jurist), sanction setter, problem-solver, institution builder, and strategic investor (Tumin, 1990). Each model is defined by different outputs, and while the prosecutor's office as an entity cannot operate under all models simultaneously, discrete units within the office may indeed practice different models,¹ which is an important consideration in understanding whether or not community prosecution differs from traditional prosecution models.

The case processing model focuses on individualized justice with the goal of disposing of a case in the most efficient and equitable manner. The sanction setter model focuses on the use of sanctions to achieve the purposes of punishment (e.g., deterrence, retribution, and rehabilitation) (NRC, 2001). The problem-solver aims to address crime at its root causes, using the full range of tools available. Institution builders seek to bolster the social institutions that have been destabilized by crime and defending neighborhood assets from crime and disorder. The strategic investor works to fill voids through added sanctioning or new uses of sanctions, or by taking on the role of a lapsed service agency.

The application of these models, even in the traditional setting, both constrains and expands the prosecutorial role. For case processors, the primary constraint lies in the fact that the caseload is not developed actively and is bound by police activity. Problem-solvers, institution builders, and strategic investors are more likely to be actively engaged in determining their caseload and creating innovations to address crime and its causes. These latter models, and strategic investors, in particular, are

¹ The discussion of the traditional models is drawn from Tumin, Z. (1990). *Summary of Proceedings: Findings and Discoveries of the Harvard University Executive Session for State and Local Prosecutors*. John F. Kennedy School of Government, Harvard University Working Paper #90-02-05, and National Research Council (NRC) (2001). *What's Changing in Prosecution? Report of a Workshop*. National Academy Press: Washington, DC.

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

more likely to expand the traditional boundaries of prosecution.

These initial models of prosecution were later reformulated by Tonry (1991). Tonry's models consist of the manager, who focuses on the traditional organizational objectives of case processing and convictions; the investigating magistrate, who uses individualized case management to ensure that justice is achieved; the crime control prosecutor, who uses the tools available to him/her for crime prevention; and finally the minister of justice, who coordinates criminal justice efforts through problem-solving and protecting social institutions.

Community prosecution combines the ideals of these models into a seemingly new approach that seeks to tailor the prosecutor's and the criminal justice system's response to crime to the local jurisdiction's needs. It is in this way that community prosecution differs from the traditional case processing model. Is community prosecution then a departure from the goal of prosecution? The answer to this question is "no," if the goals of prosecution are to seek justice, protect and maintain public order, and reduce crime (NDAA, 1991; Jacoby, 1978; Goldstock, 1992). Also, because different models can be practiced by different functional units within a single office, community prosecution may represent, at least in the short term, an added specialty within the traditional prosecutorial role much like offense-based and other specialized units. What remains unanswered at this point is whether or not community prosecution will ultimately reflect a philosophical change, and at what point community prosecution moves from being practice-based to philosophical in nature.

THE PRACTICE OF COMMUNITY PROSECUTION

The community prosecution elements and dimensions defined by APRI (1995) and Goldkamp et al. (2001) demonstrate similarities between offices that practice community prosecution as compared to those that do not. A recent national survey, in which prosecutors articulated what it means to practice community prosecution, shows that each of the core elements is present.² More than two-thirds conduct outreach to community groups to involve them in the criminal justice process and to identify and prioritize strategies for addressing community concerns. More than half of the offices use a variety of traditional and non-traditional enforcement methods. Almost half (42%) of prosecutors' offices regularly engage in community-based problem-solving activities; in total, 98 percent of offices that report practicing community prosecution meet at least occasionally with the community to address specific community concerns. Finally, 96 percent assign prosecutors by neighborhood or police district. Closer examination of the data, however, reveals distinct patterns in the degree to which these elements are present and significant organizational and functional differences.

²The data presented here and throughout this paper are based on analysis of a survey of a nationally representative sample of prosecutors' offices on community prosecution. The survey was conducted by the American Prosecutors Research Institute and was administered in two phases: 1) a mail survey of 308 prosecutors' offices and 2) a follow-up telephone survey of 90 prosecutors' offices. The survey response rates were 56% and 62% respectively.

THE COMMUNITY PROSECUTION CONTINUUM

Offices practicing community prosecution for an average of 6 years or longer are generally more likely to have implemented all five elements listed on page 3 as part of their community prosecution effort and to have made organizational and procedural changes. In fact, of the offices that have been practicing community prosecution for more than 6 years, an average of 4.16 elements are present. Offices that implemented community prosecution between 3 and 5 years ago have an average of 3.4 elements present, while offices that implemented community prosecution in the past 2 years have an average of 3 elements, with geographic assignment the most commonly implemented element as well as contact with police, the city attorney, and community members.

These findings suggest that there is a continuum of implementation under which different “models” of community prosecution are practiced. These models, which are discussed in detail later, closely align with the models previously articulated at the Harvard Executive Session (Tumin, 1990) and by Tonry (1991). The indication that there may be a continuum of implementation is also consistent with the research on community policing that documented it first as a program, then more broadly as a policy or strategy, and then finally as a philosophy (Eck and Rosenbaum, 1994). A similar framework for community prosecution is shown in Exhibit 1. As with community policing, there appear to be three distinct stages of community prosecution implementation.

The Program Phase (Years 0 to 2)

In its infancy (the program stage), the practice of community prosecution is generally limited to a few dedicated staff or even the chief prosecutor him/herself. There are few strategic problem-solving activities except for occasional meetings with community groups or periodic meetings with criminal justice and other government agencies. The activities that are in place do not seem to represent any strategic effort to address community problems. Often, interaction with community groups focuses on educating them about the criminal justice system and what the prosecutor can

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

Exhibit I
The Community Prosecution Continuum of Implementation

Community Prosecution Program	Prosecution Strategy	Philosophical Change in Prosecution
Initial Implementation	Intermediate Implementation	Full Implementation
<p>Program Elements <i>(Years 0-2)</i></p> <ul style="list-style-type: none"> • Specific personnel assignment • Single geographic location • Attendance at community meetings • Outreach to community • Problem identification • Traditional responses • Limited non-traditional responses • Grant funded • Community prosecution in addition to regular caseload 	<p>Strategy Elements <i>(Years 3-5)</i></p> <ul style="list-style-type: none"> • Creation of unit • Multiple locations • Written guidelines/job descriptions • Establishment of partnerships • Supplemental/matching funding secured • Involvement in non-community prosecution cases • Trained personnel • On-going dialogue with communities • Use of non-traditional responses in conjunction with traditional responses 	<p>Philosophy Elements <i>(Years 6-beyond)</i></p> <ul style="list-style-type: none"> • Office-wide utilization of community prosecution • Organizational changes • Policy/procedural changes • Incorporated into operating budget • Recruitment changes • On-going monitoring • Institutionalized relationships with citizenry • Established network of agencies for addressing problems • Community involvement in prioritization of resources & case dispositions

and cannot do. At this stage, prosecutors may also begin to develop prevention and diversion programs. Success in these early efforts appears to still be defined by the successful and efficient disposition of cases.

The Strategy Phase (Years 3 to 5)

In the strategy phase, community prosecution evolves to a more practical and systematic approach that provides line prosecutors with more authority in working with the community to identify problems, establish priorities, and develop solutions to identified problems. The solutions put in place consist of case processing and convictions as well as other strategies for solving problems (e.g., educational programs, civil abatement, and other civil remedies).

At the same time, small changes in the organizational structure and management of the office may occur. These changes may include the creation of a community prosecution unit; assignment of staff to a certain geographic location; establishment of different accountability guidelines for community prosecutors; and changes in policy regarding work hours, reporting, and location. At this stage, those assigned to community prosecution may balance their time “downtown” (at the main office and in court) and in the community.

The Philosophical Stage (Years 6 and Beyond)

Once community prosecution reaches maturity, on average about 6 years after implementation, a more pronounced philosophical change appears to occur. This final implementation stage is characterized by significant organizational, managerial, and cultural changes. Changes in written policies and procedures, recruitment and staff performance evaluations, promotional paths, and case processing are common. Priorities for the office are established “from the ground up,” i.e., with input from community members and other partners in the community prosecution effort. The focus of community prosecution tends to spread from a single target area to several areas, if not jurisdiction-wide, and more resources are brought to bear on the crime problems.

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

Traditional case processing remains critical to the organization but is more connected to and informed by the interrelated community problems. Charging decisions include the impact of the crime or the defendant on the community as well as the traditional factors (i.e., weight of the evidence, etc.).

The combined changes in the organization and staffing, along with a commitment to significant community involvement in the justice system, would seem to be the critical “break point” at which community prosecution becomes a philosophy as opposed to a practice-based strategy. The enhanced role of the community in the prosecution function (both in terms of problem-solving and administration of justice) is what distinguishes the community prosecution office from traditional case processing or sanction setting offices.

While there is preliminary evidence to suggest that offices will move toward a philosophical change, even the most advanced offices in this area have yet to fully adopt a philosophical change throughout the entire office. Empirical evidence to test this hypothesis is limited at the present time—only case studies and one national survey dataset exist. Additional work is on-going to further assess the degree to which community prosecution has been implemented, the specific composition of the implementation stages, and factors that influence implementation.³

³ This research consists of a census of state and local prosecutors that was conducted by the American Prosecutors Research Institute under a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Publication of the results is expected in 2004.

ORGANIZATIONAL CHANGE

Organizational change encompasses many different facets of community prosecution. The incorporation of crime prevention and reduction into the prosecutor's mission requires a rethinking of the organizational structure of the office, management issues, and staffing.

Organizational Structure

Based on preliminary conceptualizations of community prosecution implementation (Gramckow, 1997) and case study work undertaken by Boland (1998; 2001) and Coles and Kelling (1998; 2000), there appear to be three distinct organizational compositions for community prosecution: 1) individual-based; 2) unit-based; and 3) decentralized.

The traditional organizational structure of a prosecutor's office includes the chief prosecutor who oversees the work of the line prosecutors. In larger jurisdictions, there may also be an executive staff consisting of a first assistant to the chief prosecutor and division heads who are responsible for overseeing the day-to-day management of the office. Under community prosecution, particularly in small and medium-sized jurisdictions, this traditional organizational structure still holds and the chief prosecutor is generally more involved in community prosecution than assistant prosecutors (Rainville and Nugent, 2002). However, the data show that among offices in jurisdictions of less than 150,000 population, all attorneys in the office engage in some aspects of community prosecution. The primary factors influencing this structure under community prosecution are resources (i.e., too few staff to develop different organizational structures), smaller caseloads, and less fully-developed community prosecution models.

The unit-based structure is also common in prosecutors' offices whether they practice community prosecution or not. In this structure, community prosecution is implemented as a special unit in the office much like other units that target specific crimes or specific offender groups such as domestic violence or gangs. The community prosecution unit consists of

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

two or more attorneys, often assigned to specific target areas, who, in conjunction with the head of the community prosecution unit, establish priorities for the unit with community input. The community prosecution unit supervisor reports to the first assistant or the chief prosecutor, as in traditional structures, and may be included as part of the executive staff. More than 85 percent of medium-sized and large offices report using this type of structure for community prosecution.

The decentralized model shifts the organizational structure from “top-down” to “bottom-up.” Decentralized organizations can be viewed as being “flat,” that is, individual attorneys or units establish priorities and carry out their management responsibilities with minimal structure. Generally observed in offices that have practiced community prosecution for more than 6 years, this is the least common organizational structure. In fact, only 15 percent of the largest and most experienced offices (11% of offices overall) report involving the entire staff in community prosecution in a decentralized manner.

The unit-based structure is by far the most common organizational structure in community prosecution jurisdictions. This may be an indication that community prosecution is not viewed as being much different than other innovations in prosecution that target specific types of crimes or specific offender groups. It may also be a function of the strategy implementation stage, the point at which most offices are currently with regard to the implementation of community prosecution. The handful of offices that have practiced community prosecution for more than 6 years appear to be moving toward a more decentralized structure, as the survey data indicate that another 8 percent of offices (in addition to the 11% that already involve all attorneys in community prosecution) have increased the number of staff assigned to community prosecution to nearly all staff in the office.

Management Issues

Related to organizational structure is office management. The type of structure implemented as part of community prosecution poses several management challenges for the prosecutor. In a decentralized office, staff

is given discretionary authority to problem-solve. To ensure the integrity of the office and the profession, prosecutors assign more experienced attorneys to supervise the neighborhood offices. However, there should be guidance in place across all neighborhood offices to ensure that prosecution services are uniform and consistent (Gramckow, 1997).

There are also challenges under the unit-based organizational structure. Creation of new units has the potential to fragment an office, particularly if the new unit is viewed as substandard or less desirable than more traditional offense-based or offender-based units. Avoiding this problem requires the commitment of the policymakers in the office (APRI, 1995) and critical management decisions regarding staffing of the unit.

Staffing

Staffing issues for prosecutors rank among their highest concerns (Nugent and McEwen, 1988). Low salaries relative to the private sector make recruiting and retention difficult. Add to this the differing types of staff skills that are desirable for community prosecution, and the pool of potential candidates may shrink even further. Lawyers, as a result of their training in an adversarial legal system, are not trained to be “community-oriented,” and yet, community prosecution offices seek to recruit attorneys with this very characteristic. Community prosecution also requires good communication and problem-solving skills. This said, there is also a need for balance between these skills and good trial skills.

As a result, “mature” community prosecution jurisdictions have implemented recruitment standards that focus on a candidate’s commitment to and experience in problem-solving and working in community-oriented initiatives (Coles and Kelling, 1998). Some prosecutors’ offices have initiated in-house training on community prosecution skills as part of their new lawyer orientation programs (e.g., Middlesex County, MA), while others assign senior attorneys to community prosecution. Still others recruit from outside the legal profession to staff their community prosecution initiatives (Coles and Kelling, 1998).

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

Service providers, public relations specialists, counselors, and community organizers also have been recruited to play a primary role in community prosecution. In fact, 81 percent of prosecutors' offices report using non-attorney staff for community prosecution activities. Among the non-traditional prosecution staff most frequently cited by survey respondents were crime prevention specialists, community outreach coordinators, and social workers. Victim/witness coordinators, although commonly part of the prosecution staff, were also cited frequently.

In an effort to retain staff and to emphasize the importance of community prosecution as part of the prosecutorial function, some prosecutors provide rewards to attorneys assigned to community prosecution (such as laptop computers and cell phones). Others have integrated community prosecution into the promotional path. In Multnomah County, Oregon, the District Attorney allows neighborhood DAs to choose their next assignment when they rotate out of the community. This demonstrates to other staff in the office the high value placed on experience as a neighborhood DA.

In addition to recruiting and retaining staff, community prosecution presents another challenge—how should the performance of staff be assessed? Traditional performance evaluations focus on case processing, dispositions, and convictions. With case processing as a secondary concern in community prosecution, prosecutors and managers must rethink what constitutes solid job performance. Some prosecutors focus on the number of problems identified and solved, as in Middlesex County and Multnomah County; others consider the number of convictions of repeat offenders who are of concern in the neighborhood, as in Cuyahoga County; still others focus on changes in the crime rate (Washington, DC).

FUNCTIONAL CHANGES

Perhaps the most documented feature of community prosecution is the change in the prosecution function from that of the traditional case processor to some combination of the problem-solver, institution builder, and strategic investor. It has been argued that community prosecution represents a paradigm shift (Coles and Kelling, 1998), and this may still be the case. However, based on the data available, it appears that more research is needed before this determination can be made. In fact, the data from the national survey indicate that community prosecution and some of its functional elements are still practiced within the context of the traditional prosecution model of case processing. Although the majority of offices have moved farther away from this model toward problem-solving, institution building, and strategic investor, the minority that have adapted the case processing model to their community prosecution initiatives must also be considered. Although arguably the minority in their chosen implementation strategy, does it make them any less community prosecution oriented? While no definitive answer can be given at this time, this question is addressed later in this paper.

For offices that have moved away from the case processing model, Coles and Kelling (1998) cite the following functional changes as a result of community prosecution implementation:

- A refinement of core capabilities to enhance the prosecution of violent and repeat offenders;
- Establishment of standards for using neighborhood priorities to select cases for prosecution;
- The use of varied enforcement methods including civil law, civil initiatives, and criminal law and sanctions;
- Implementation of diversion programs and alternatives to prosecution, sentencing, and incarceration;
- Establishment of accountability at the neighborhood level; and
- Development of direct links to the community.

These functional changes have been noted in those jurisdictions that have reached the final stage of implementation. However, as noted

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

above, community prosecution varies from jurisdiction to jurisdiction, and while the key elements remain the same (e.g., targeted area, partnerships, problem-solving, etc.), the actual functioning of community prosecutors varies, particularly in terms of the implementation stage.

Use of Traditional and Non-Traditional Sanctions

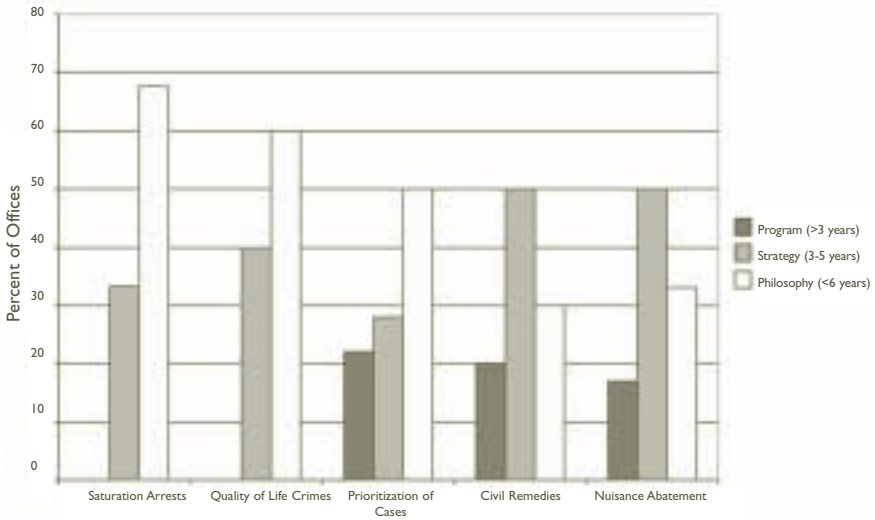
As noted by Kelling and Coles (1998) and documented by Boland (2001) and Goldkamp et al. (2001), prosecutors engaged in community prosecution develop enhanced capabilities for responding to violent crime and repeat offenders as a result of their coordination with the community. This is particularly true in jurisdictions that have practiced community prosecution for more than 3 years.

To explore this further, national survey data were analyzed to determine if the implementation stage was related to the use of traditional and non-traditional sanctions. As respondents to the survey were asked to describe their initiatives in narrative form, the data are somewhat limited; however, the following key sanctions were cited: saturation arrests, prioritization of cases based on community input, civil remedies (e.g., drug dealer eviction programs), and nuisance abatement strategies.

The analysis shows that none of the jurisdictions that fall into the program stage of implementation (less than 3 years old) reported using saturation arrests or criminal sanctions to deal with quality of life crimes, compared to offices in the strategy stage (3 to 5 years) or the philosophy stage (6 years or longer). (See Exhibit 2.) A similar pattern exists in the prioritization of cases based on community input, with more “mature” offices likely to engage in this practice.

The findings on the use of civil remedies and nuisance abatement at first seem to contradict the notion that the longer an office has practiced community prosecution, the more likely it is to have institutionalized the use of non-traditional methods and sanctions. The data also suggest that offices with 3 to 5 years of community prosecution experience are more likely to be using these methods more widely, as opposed to the institutional application that occurs after 5 years of community prosecution.

Exhibit 2

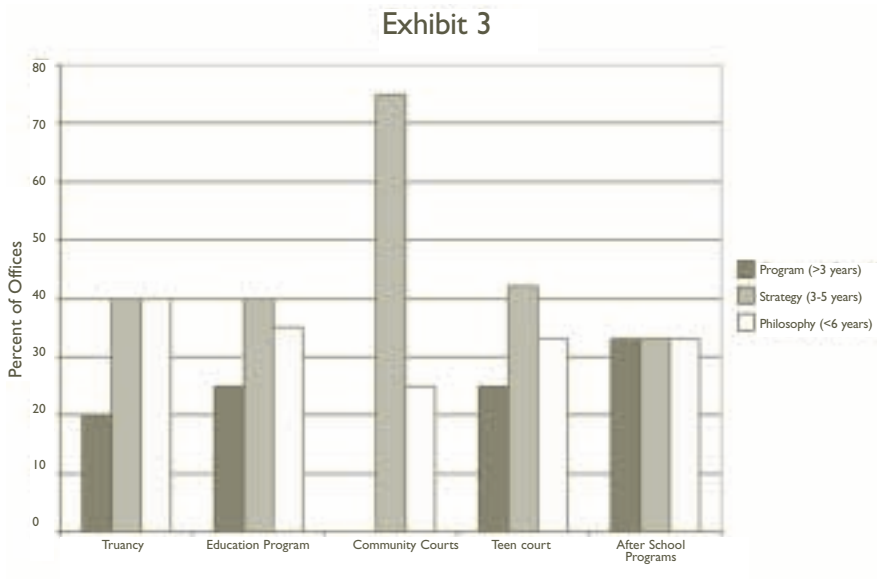


Establishment of Prevention and Diversion Programs and Alternatives to Incarceration

There are elements of the community prosecution effort that correspond to the prosecution models of institution-builder and strategic investor. This is particularly evident in the community prosecutor’s involvement in and initiation of prevention and diversion programs as well as the development of alternatives to incarceration. These initiatives are most commonly adopted at the strategy stage of implementation, as shown in Exhibit 3.

The five most frequently cited initiatives were truancy programs, educational programs in schools, after-school programs, community courts, and teen courts. This finding again seems to suggest that between years 3 and 5 of community prosecution, prosecutors begin implementing a wider array of activities designed to address community problems, to bolster social institutions’ efficacy in maintaining order and public safety, and to fill gaps in service and available sanctions, particularly for minor offenses.

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?



Partnerships with the Community, Law Enforcement, and Others

One of the critical elements of community prosecution is the establishment of partnerships with the community, law enforcement, other criminal justice agencies, and other government agencies. There are two aspects of partnerships that characterize community prosecution. First is the development of strong law enforcement partnerships, which can be demonstrated by the increased frequency of coordination and collaboration between prosecutors, police, and other criminal justice agencies. Second is the establishment of direct links between the prosecutor's office and the community. Coles and Kelling (1998) suggest that direct links evolve over time, that prosecutors first work with police to make connections to the community, and that as community prosecution becomes more institutionalized, prosecutors make direct linkages to the community.

With regard to law enforcement and criminal justice partnerships, the data show that contact with law enforcement agencies and other criminal

justice agencies increases marginally over time. Contact with city attorneys, however, increases substantially over time. As for the development of contacts with the community, the data indicate that the frequency of contacts with business associations, faith-based groups, housing agencies, schools, planning and zoning, code enforcement, and neighborhood/resident/tenant associations increases at almost twice the rate of contact with law enforcement. This finding lends support to the notion that prosecutors work with police to gain entry to the community but then eventually forge their own relationships with key players in the community.

What these findings show overall is that community prosecution may take the form of case processor, problem-solver, institution-builder, and strategic investor. In assessing the strategies employed under the rubric of community prosecution, one finds that this framework for categorizing the various prosecutorial roles still holds.

The Case Processor—Community Prosecution Style

Among those offices that report practicing community prosecution, 50 percent focus specifically on case processing. As noted above, this is not case processing as a pure jurist or a sanction setter in the traditional sense, as described by Tumin (1990). Case processors under community prosecution work with the community to identify the primary felony crimes and repeat offenders to prioritize their response. In fact, 89 percent of these offices report that they reach out to the community on a regular basis to engage them in prioritizing cases. Only 38 percent of these “case processors” report handling crimes other than felonies (e.g., quality of life crimes). These offices also tend to have assigned attorneys to handle crimes in specific geographic areas, as reported by half of those who focus specifically on case processing.

It can be argued that this model is not community prosecution, but rather some hybrid model. Offices that fall into this category are characterized by two of the five core community prosecution elements (i.e., community outreach to prioritize cases and handling quality of life crimes), but is this sufficient to constitute community prosecution? Perhaps not, but when the implementation stage is considered, the data

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

show that more than 80 percent of “case processors” also tend to fall into the programmatic stage or the early strategy stage. It is possible that as prosecutors move farther along the implementation continuum, they will shift their focus from predominantly case processing to other strategies.

The Problem-Solver

The problem-solver model is commonly thought to be synonymous with community prosecution. It is no surprise, then, to find that 42 percent of prosecutors who engage in community prosecution use problem-solving strategies as their primary tactic. In addition, 28 percent of the offices use problem-solving strategies specifically to address quality of life crimes. Problem-solvers tend to be further along the implementation continuum—30–45 percent of them have been engaged in community prosecution for 3 to 5 years, and more than half have been practicing it for more than 6 years.

Community prosecutors, as problem-solvers, are also more likely to use a variety of enforcement methods to address problems, including drafting new legislation, saturation arrests, civil remedies, and other nuisance abatement activities. They also have firmly established partnerships in place with other critical agencies, including city attorneys, police, health and human services, social services, housing agencies, parks and recreation, code enforcement/planning and zoning, businesses, and faith-based organizations. The frequency of contact with the agencies among problem-solving community prosecutors is daily (as reported by 33 to 80 percent of respondents, depending on the type of agency), with the remainder reporting weekly or monthly contact.

Institution Builders

Community prosecutors, in their effort to address the root causes of crime and disorder, are often confronted with social institutions that have failed or have “broken down.” Their tactics seek to remedy this problem by empowering families, community groups, schools, the faith community, and others to take an active role in public safety and order. Much of their work may focus on working with these groups to strengthen the commu-

nity's infrastructure. While the survey data indicate that prosecutors are working closely with many of these institutions, they are insufficient for documenting the specific strategies used to bolster these institutions. This is an area for further assessment.

The Strategic Investor

Tumin (1990) notes that the strategic investor is the most likely of all the models to initiate innovation in prosecution. The very characteristics that define the strategic investor and the tactics he or she uses to fill gaps in service or replace "bankrupt" agencies can also be found in community prosecution. This is particularly true in jurisdictions that appear to practice "community justice" as evidenced by police and other agencies' involvement in community-based initiatives. The most apparent form of the strategic investor in community prosecution comes in those jurisdictions that have implemented community courts, teen courts, and other programs to fill perceived gaps in service in the jurisdiction. Although this model appears to represent a small percentage of community prosecution offices (ranging from 3 to 17%), it nevertheless merits more examination.

CONCLUSION

What is clear from these findings is that we have only begun to scratch the surface of community prosecution. Importantly, the findings suggest that there appear to be some universal definitions of community prosecution and how it adds to the traditional goals of prosecution. Available data also provide some evidence that community prosecution is implemented along a continuum, and that an office's position along this continuum may impact the organizational strategies and functional applications of community prosecution. These latter findings, however, are less clear and merit further examination.

Earlier analysis of the national survey data showed significant regional variation in the strategies employed and refuted the notion that community prosecution is simply a large jurisdiction phenomenon (Nugent and Rainville, 2001). These findings too must be examined more explicitly with respect to the continuum of implementation and the different "models" of community prosecution (e.g., as case processors, problem-solvers, institution builders, and strategic investors).

Finally, it remains unclear what shape community prosecution will take, once a philosophical shift occurs. The substantive participation of the community in the adjudication and problem-solving process is a critical component, as well as the decentralization of decision making in prosecutors' offices. These elements must be institutionalized and sustained in full community prosecution. It is also possible that a philosophical shift to community prosecution will make prosecutors more visibly accountable to the public and create more access for the community to the criminal justice system. There is documentation that suggests the most "mature" prosecutors' offices in this area are moving toward philosophical change, although there are still no offices that have been documented as having reached this stage.

An alternative hypothesis is that community prosecution represents a functional change with the incorporation of community prosecution as a specialized function within a prosecutor's office. Like offense-based and

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

other specialized units created by prosecutors' offices in response to changes in crime rates and public perceptions of crime, community prosecution may ultimately become a normal part of everyday case processing, in which the case may be a traditional legal matter or a problem-solving matter.

It is clear that significant strides have been made in documenting the amorphous concept that has become known as community prosecution. It is also clear that the adoption of community prosecution is evolutionary, and the shape it will take upon full implementation remains to be defined.

REFERENCES

American Prosecutors Research Institute (1995). *Community Prosecution Implementation Manual*. American Prosecutors Research Institute: Alexandria, VA.

Anderson, S. (2001). "The Role of the Prosecutor." In *The Prosecutor's Deskbook*. American Prosecutors Research Institute: Alexandria, VA.

Boland, B. (2001). *Community Prosecution in Washington, DC: The U.S. Attorney's Fifth District Pilot Project*. National Institute of Justice Research Report. National Institute of Justice, Office of Justice Programs, U.S. Department of Justice: Washington, DC.

Boland, B. (1998). "Community Prosecution: Portland's Experience." In *Community Justice: An Emerging Field*. Ed. David R. Karp. Rowman & Littlefield Publishers, Inc.: Lanham, MD.

Clear, T. and Karp, D. (1998). "The Community Justice Movement." In *Community Justice: An Emerging Field*. Ed. David R. Karp. Rowman & Littlefield Publishers, Inc.: Lanham, MD.

Coles, C. (2000). *Community Prosecution, Problem Solving, and Public Accountability: The Evolving Strategy of the American Prosecutor*. John F. Kennedy School of Government, Harvard University Working Paper #00-02-04.

Coles, C. and Kelling, G. (1998). *Prosecution in the Community: A Study of Emergent Strategies*. John F. Kennedy School of Government, Harvard University: Cambridge, MA.

Eck, J. and Rosenbaum, D. (1994). "The New Police Order: Effectiveness, Equity, and Efficiency in Community Policing." In *The Challenge of Community Policing: Testing the Promise*. Ed. Dennis Rosenbaum. Sage Publications: Thousand Oaks, CA.

WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?

- Goldkamp, J., Irons-Guynn, C., and Weiland, D. (2001). *Community Prosecution Strategies: Measuring Impact*. Crime and Justice Research Institute: Philadelphia, PA.
- Goldstock, R. (1992). "The Prosecutor as Problem-Solver." *Criminal Justice* 7(3): 3.
- Gramckow, H. (1997). "Community Prosecution in the United States." *European Journal on Criminal Policy and Research* 5(4): 9.
- Jacoby, J. (1997a). "The American Prosecutor in Historical Context." *The Prosecutor* (May/June). National District Attorneys Association: Alexandria, VA.
- Jacoby, J. (1997b). "The Emergence of Local Prosecutors." *The Prosecutor* (July/August). National District Attorneys Association: Alexandria, VA.
- Jacoby, J. (1978). "The Charging Policies of Prosecutors" in *The Prosecutor*. Ed. William F. McDonald. Sage Publications: Beverly Hills, CA.
- Misner, R. (1996). "Recasting Prosecutorial Discretion." *Journal of Criminal Law and Criminology* Spring: 771.
- National District Attorneys Association (1991). *National Prosecution Standards*. National District Attorneys Association: Alexandria, VA.
- National Research Council (NRC) (2001). *What's Changing in Prosecution? Report of a Workshop*. National Academy Press: Washington, DC.
- Nugent, H. and McEwen, J.T. (1988). *Prosecutors' National Assessment of Needs*. National Institute of Justice, Office of Justice Programs, U.S. Department of Justice: Washington, DC.
- Nugent, M.E. and Rainville, G. (2001). "The State of Community Prosecution: Results of a National Survey" *The Prosecutor* (March/April).

REFERENCES

National District Attorneys Association: Alexandria, VA.

Rainville, G. and Nugent, M.E. (2002). "Community Prosecution Tenets and Practices: The Relative Mix of 'Community' and 'Prosecution'." *American Journal of Criminal Justice* 26 (2): 149-164.

Tonry, M. (1991). "Public Prosecution and Hydro Engineering." *Minnesota Law Review* 75: 971.

Tumin, Z. (1990). *Summary of Proceedings: Findings and Discoveries of the Harvard University Executive Session for State and Local Prosecutors*. John F. Kennedy School of Government, Harvard University Working Paper #90-02-05.



American Prosecutors Research Institute
99 Canal Center Plaza, Suite 510
Alexandria, Virginia 22314
Phone: (703) 549-4253
Fax: (703) 836-3195
<http://www.ndaa-apri.org>



APRI