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# Pushing the Envelope —Leadership in Prosecution

Joan E. Jacoby\*

*Violence, dysfunctional families, homelessness, AIDS, crime, and drug abuse reflect problems existing in a world where no one is in charge and no single organization or institution can act alone to bring about solutions (Bryson and Crosby, 1992). To deal with these problems, a new form of leadership is needed—one that is based on influence relationships between leaders and followers created to achieve mutually agreed-upon goals. This article describes how four locally elected prosecutors adapted traditional roles of prosecution to meet the challenges presented by complex public problems. It describes the process that they followed, the changes that ensued, and their visions for the future. The elements common to this new direction in prosecution include 1) the recognition that crime prevention is a legitimate prosecutorial goal; 2) the most effective results are obtained within small, manageable geographic areas; and 3) success or change is more likely to occur through cooperative efforts or partnerships than by dictum.*

*"Leadership is not a personal or individual thing. It is a relationship, a process whereby people influence one another concerning real changes they intend for organizations or societies" (Rost, 1991:174).*

## Introduction

This article examines the local prosecutor as an innovator and leader in reforming how the criminal justice system deals with complex public problems. By integrating the efforts of law enforcement, the office of the prosecutor, and the courts with local government agencies, the schools, and the public, prosecutors have made major changes in the role and function of their offices to support the adoption of a common vision by disparate interests. Criminal justice is expanding into new areas of legitimate public interest and concern—

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\* Joan E. Jacoby is the executive director of the Jefferson Institute for Justice Studies, Washington, D.C.

violence reduction, family stability, and cultural diversity, among others. The main feature of these problems is that they reflect a world where no one is "in charge." In this world, the problems of AIDS, homelessness, declining inner cities, drug abuse and crime, and domestic violence to name a few, cannot be assigned to a single organization or institution that can act alone to achieve solutions (Bryson and Crosby, 1992).

If prosecutors are to be effective in dealing with some of our modern-day concerns, they may have to change the nature of their leadership. Traditional policies, organizations, strategies, and practices are no longer sufficient to solve our present problems, much less those projected for the future. Authoritarian, top-down leadership may have to yield to a variety of influence relationships that are created to achieve mutually agreed-upon goals or ends. Relationships will need to be built between leaders and followers who seek to achieve real, substantive changes (Rost and Smith, 1992). The dynamics of these relationships present new challenges to prosecutors and intensify the need for rethinking their role.

Three major factors influence a new direction in prosecutorial leadership. Primary is the prosecutor's recognition that crime prevention and crime avoidance are legitimate prosecutorial goals in addition to the traditional ones of law enforcement, conviction, and sanctioning. The second factor is the adoption of a strategy to affect crime within small, manageable geographic areas. The last is the recognition that success or change is more likely to occur through cooperative efforts or partnerships than by dictum. Each of these factors raises significant issues for prosecution and has implications that, in many instances, are only now being identified.

This article describes some of the dimensions of this new direction in prosecution. It examines the implications of shared power and twenty-first century leadership based on the experiences of four prosecutors who took significant steps in this direction. It examines a neighborhood district attorney program, a community-based justice strategy, and two approaches to community prosecution. The commentary is based on the Jefferson Institute's recent evaluations of the effect of community policing on the criminal justice system and the strategy employed by the Kings County (Brooklyn), New York, District Attorney for crime prevention and community prosecution. These evaluations, which were funded by the National Institute of Justice, provided an opportunity to examine new prosecutorial strategies and describe the implementation of their new policy stances.<sup>1</sup> Subsequent interviews with the prosecutors identified the reasons why they adopted their new strategies despite the risks they ran in breaking with tradition. This article does not analyze the results of their efforts; their activities are still too new to be adequately judged. Rather, it describes the process that the prosecutors followed to push the traditional envelope, the changes that ensued, and their opinions about the value and future of this new role. There is scant literature about the relationship between prosecution and crime prevention, and there are many questions that still need to be addressed. This article serves as a starting point for this discussion.

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## The Multnomah County District Attorney

*"Not all types of leadership are compatible with a democratic environment but facilitating leadership is. . . . A facilitating leader empowers people by inverting the relationship between vigorous leaders and passive, watchdog followers. The leader holds the people accountable to standards of civic engagement and mutual respect. He holds but does not exercise power. Rather, he facilitates its exercise by those to whom it rightfully belongs" (Barber, 1989:125).*

*"After you take care of business, you can do other things." Michael D. Schrunk, District Attorney, Multnomah County, Oregon.*

The Office of the Multnomah County District Attorney has jurisdiction over all felony and misdemeanor cases as well as some civil cases (e.g., asset forfeiture) and the prosecution of city ordinances. The office has a staff of 75 attorneys. In 1992 the office opened 7,672 felony cases and 8,539 misdemeanor cases.

Michael D. Schrunk has been the district attorney of Multnomah County (Portland), Oreg., since 1981. He graduated from the University of Oregon Law School in 1967 and gained five years' experience as a deputy district attorney (DDA) before he went into private practice, specializing mostly in insurance and defense practice cases. As district attorney, he has given serious thought to prosecution and its mission. He recognizes that the traditional approach is to file cases, get convictions, impose longer sentences, and build more prisons. He also realizes that the basic nature of prosecution is reactive; but, as he says, "Trials are not the only answer, there has to be something more than slugging felonies."

The Multnomah County District Attorney's Office has had a long history of being progressive and of implementing reforms. It has experimented with a variety of programs, many of which operate as shared initiatives. Mr. Schrunk established the \$5.5 million Regional Drug Initiative (RDI) for drug education and treatment in four counties. He chaired this initiative for five years, and it is still in existence. Following the success of this program, the office looked to problem solving with the courts and defense counsel. When the court gridlocked because of the overwhelming increases in the volume of drug cases, the office and the courts implemented an Expedited Drug Case Management (EDCM) program (Jacoby et al., 1992; Jacoby, 1994). Then, they adopted the more general concept of Differentiated Case Management (DCM) (Cooper et al., 1990) and, finally, established drug courts as a track within DCM (Belenko and Dumanovsky, 1993).

As the office gained experience with new ideas and programs, Mr. Schrunk recognized that crime prevention is a legitimate prosecutorial goal. He believes that many conditions leading to neighborhood deterioration only foster crime and can be prevented. Aggressive panhandling, graffiti, litter and dirt, and drinking in public are detrimental to the health of a community. However, the enforcement and prosecution of violations of order and maintenance and quality-of-life crimes are rarely undertaken. They are usually overwhelmed by the need to prosecute felonies and misdemeanors. To Mr. Schrunk, it seemed only logical that to get ahead of the curve, others had to help. The community had to do its share too.

In 1990 the district attorney instituted what was then called the "District-based Prosecution Project" and is now referred to as the "Neighborhood DA Program." The goal of the Neighborhood DA Program is to improve the "quality of life" within a neighborhood or business district. The program accomplishes this by assigning a deputy district attorney (DDA) to a specific geographic area with the charge to identify the major public safety problems in the area; the key individuals, groups, and organizations who want to improve the area; and the existing resources that can be used to resolve problems. Once problem areas are identified, "problem-oriented" responses are developed to reduce or eliminate the problem permanently by attacking its source. This approach is an adaptation of "problem-oriented policing." Using focused law enforcement and prosecution, it has successfully reduced maintenance and order crimes such as theft, vandalism, larcenies from vehicles, aberrant public behavior, and illegal camping by transients.

The initial source of funding for the first neighborhood DA was private, coming from the Lloyd District Community, which funded the salary and operational expenses of a prosecutor. As part of a partnership agreement between the Lloyd District and the district attorney's office, Mr. Schrunk agreed, if the neighborhood DA was successful, to fund a second neighborhood DA out of his existing office resources. The use of private funds for criminal justice services was opposed by the media who portrayed the neighborhood DA as a hired gun. To District Attorney Schrunk, it was obvious that the best way to overcome this criticism was to gain community and business support through success.

The facilitative and leadership abilities of the first neighborhood DA, Wayne Pearson, were primary factors in achieving this success. Mr. Pearson mobilized the Lloyd District Community to help itself confront the major reasons for the decline of their business center. The breakthrough came when all parties in the community successfully cleaned up the "gulch." A long stretch of grass sloping downhill alongside a major highway, the gulch was home to the homeless and transients, a breeding place for litter and crime. It was not just an eyesore. Individuals coming up from the gulch wandered around the business area, scaring away customers. A hotel located directly adjacent to the gulch suffered especially. Transients would break into parked cars and rooms. They would use the pool and jacuzzi for bathing and toilets. Police attention to the gulch and its problems was minimal. Arrests were infrequent, numbering about sixty per year; annual clean-up costs typically exceeded \$40,000 without long-term resolution. The resultant deterioration was inevitable.

The neighborhood DA marshaled community support for a different type of cleanup, one that would be long-lasting, not just a one-time effort. The affected businesses and the community were organized to patrol the gulch, pick up garbage, tell transients that came back that the gulch was posted, and report those who refused to leave. Signs were posted to inform the public that camping in the gulch was illegal and that violations would be strictly enforced. The gulch was patrolled daily by designated citizens who, together with the DDA, would also replace torn-down signs. Any property found would be treated as lost property, removed, and stored at a public warehouse inconveniently located at a distance from the gulch. One year later, there was nothing to indicate that the gulch had ever been anything else but a clean stretch of parkland abutting a highway. As the neighborhood DA Wayne Pearson said, "The community is the largest resource available."

The success of the first neighborhood DA in the Lloyd District gave impetus to expanding DA resources into two residential neighborhoods and one downtown business area. A fifth neighborhood DA position is in the planning stages. As the DDAs entered their assigned areas, it became clear that prosecution services had to be tailored to the special needs of the area, and different types of partnerships had to be built. For example, the North/Northeast District of Portland is a predominately residential area with more than its share of gang activity, drugs, prostitution, and the homeless. The strong business partnership that existed in the Lloyd District was replaced by partnerships with neighborhood associations and the police. The Old Town District includes businesses, Chinatown, and some residential neighborhoods. Part of Old Town contains skid row, where many shelters, soup kitchens, and missions are located. High volumes of drug trafficking created what amounts to an "open-air" drug market with all its associated law enforcement problems. Here the partnership was with the business community and social service agencies.

Drawing upon the experiences learned from the Lloyd District and activities that showed positive results, the neighborhood DA was the catalyst in developing an agreement whereby the stakeholders in Old Town became partners in law enforcement. Each of the partners decided what they could actually do to change the situation. After three months, a community partnership agreement was developed that outlined their respective responsibilities and activities. The signing of the agreement was a media event. Its purpose was to inform the citizens about this effort and to increase the accountability of the participants. The signers of the agreement meet once a month to monitor current developments and follow up on previously committed tasks.

Private security was also included in the partnership. Private security companies had a communication network among each other but were not linked to police communications. The neighborhood DA and police now cochair a security committee that works to increase cooperation between police and private security. Committee meetings are used to identify problems, coordinate the work and share information. A fax network was established to facilitate information sharing.

The purpose of the neighborhood DAs is to mobilize the community to help prevent crime and eliminate conditions that contribute to it. However, this is easier said than done. For prosecutors, working with the community is a new activity. Few guidelines existed initially, and the neighborhood DAs admit that the task was almost overwhelming. The neighborhood DA operates alone, outside the security of the main office. He is responsible to a community that has high expectations about areas in which he often may have little or no knowledge. As they jointly tried to solve problems, the citizens quickly educated the DDA that solutions cannot be done to them and, certainly, not without them. Now, neighborhood DAs are more comfortable with their role and have better defined their mission based on their experiences. The communities also have changed. They take care of many of the small quality-of-life problems that before were passed over to the police or simply ignored.

Within the office, the differences in the activities of neighborhood DAs from traditional tasks created conflict. The other prosecutors, initially, had little understanding or appreciation of the program. They complained that the neighborhood DAs were not pulling their fair

share of the caseload. This reaction is not surprising; it may also be observed in some police departments where specialized units are designated to conduct community policing. The district attorney, acknowledging this, is presently analyzing ways to better integrate this new proactive strategy of crime prevention with traditional prosecution.

The future of the neighborhood DAs is tenuous. There is always the risk that if the caseload increases substantially or the county cuts back on prosecution funding, the neighborhood DA will have to return to the office to handle the more serious crimes. Despite this possibility and until it happens, District Attorney Schrunk is now exploring the potential of establishing community courts.

### **The Middlesex County District Attorney**

*“ . . . [T]he role of the leader is much like that of the conductor of an orchestra. The real work of the organization is done by the people in it, just as the music is produced only by the members of the orchestra. The leader, however, serves the crucial role of seeing that the right work gets done at the right time, that it flows together harmoniously, and that the overall performance has the proper pacing, coordination, and desired impact on the outside world” (Bennis and Nanus, 1985:214).*

*“It takes time to convince people that we are all in this together and to stop finger pointing.” Tom Reilly, District Attorney, Middlesex County, Massachusetts.*

Middlesex County in Massachusetts has a population of about 629,000 dispersed over fifty-four cities and towns, including Cambridge, Somerville, Malden, and Lowell. Located north and generally east of the city of Boston, the complexity of the county is reflected by its occupational diversity and its proximity to Boston.

Tom Reilly, district attorney for Middlesex County (Cambridge), has just been elected to his second four-year term. Before his election, he had been the first assistant district attorney for eight years beginning in 1983. Before that he was in private practice for eight years specializing in litigation and civil matters. When he took office in 1990, he encountered two major events that would lead him into a world of prosecution that was out of the ordinary. First, the recession had hit Massachusetts, and budget cuts forced the immediate layoff of 42 attorneys from a roster of 105. (The office in 1994 increased to 100 attorneys.) The reductions posed a serious question; i.e., what priorities should be given for using the remaining resources? Mr. Reilly chose the prosecution of young juveniles.

The second event occurred in Lowell, a blue-collar working town with a population of about 103,000 and the second largest Cambodian population in the United States. Almost overnight, this old textile manufacturing city became a city of violence. Gangs appeared, drive-by shootings increased, home invasions were common, and finally, a 15-year-old boy was shot to death as he walked home from school. Fear overwhelmed the community and rendered it powerless. The impact on the public schools was devastating as parents took their children out of the schools. Mr. Reilly realized that if the schools fail, then the city will also.

The schools in Middlesex County traditionally are receptive to change. As first assistant district attorney, Mr. Reilly had responsibility for Project Alliance, a consortium of forty-six school districts in Middlesex County operating in partnership with the district attorney's office. Project Alliance was created by the former district attorney, Scott Harshbarger, and several school superintendents to improve coordination between law enforcement and the schools against alcohol and drugs. It helped them develop strategies to address problems relating to drug and alcohol abuse and was subsequently expanded to include training and education about cultural diversity, violence prevention, hate crimes, conflict resolution, and child abuse. Approximately twelve training conferences are presented each year by professionals and experts covering a variety of topics that are of substantial concern to youth. The partnerships established through Project Alliance became the foundation for the development of the Middlesex Community-based Justice Program.

The Community-based Justice (CBJ) Program operates on the premise that institutions traditionally expected by society to control anti-social behavior by young people can no longer do the job alone. The goals of the program are 1) to remove the disruptive, violent youths from settings that place others at risk, to hold them accountable for their actions, to design appropriate preventive responses to their criminal activities, and failing this, to seek incarceration; and 2) to stabilize the school or peer environment that had been disrupted by violence through education, recreation, and other preventive services.

The Middlesex County Community-based Justice Program has four basic tenets, each a departure from business as usual in the criminal justice system.

1. The criminal justice system can address the problem of youth violence only if certain cases are treated as *priority prosecutions* and singled out for special attention so that they are not lost in the crush of overwhelming numbers.
2. All the social institutions with information about young people headed for trouble must share information so that the criminal justice system can treat as priority prosecutions cases involving those individuals most likely to pose a threat to the community.
3. The criminal justice system must focus on the offender, not simply the specific offense, and impose individualized sanctions designed to deter that offender from further anti-social conduct.
4. The criminal justice system must impose increasingly serious sanctions on a young offender who continues to commit offenses (Reilly, 1994).

Community-based Justice task forces, which operate in cities and towns, constitute the core of the program. They are composed of local school officials, police, and municipal officials; county prosecutors and court personnel; state probation officers; corrections officials; social service professionals; and juvenile and youth care workers. In some cases, community representatives participate. The CBJ task force meets once a week throughout the year. The weekly meetings are closed because specific youths whose behavior pose a threat to schools, neighborhoods, and communities are discussed. The prime working tool for the CBJ committee is the priority prosecution list. Young offenders earn a place on the list by their own violent conduct—carrying weapons, fighting, threatening victims, intimidating witnesses, or committing racially motivated assaults.

The members of the task force share information about a particular youth and work to reach a consensus about what should be done to address that young person's anti-social behavior. The decisions made and the actions promised are recorded so that the youth cannot slip through the cracks. These actions range from reaching out to those at risk and offering them alternatives to crime and violence by tapping into existing community resources, to seeking a court sentence that the task force members believe will deter future anti-social behavior. For those youth who do not respond to sanctions or court-ordered conditions and commit another crime, the district attorney gives them special attention by designating them as priority prosecution cases. They are assigned to special prosecutors who have all the relevant information about the offender, not just the specific case. This knowledge ensures that the judge, at the time of sentencing, knows full well who the individual is and why the community task force has identified him as a threat to the community.

The Middlesex CBJ Program has been in operation three years. It started in Lowell and a year later expanded, by request, to Somerville, Malden, and Cambridge. It became operational in early 1994 in Everett, Woburn, Marlboro, and Framingham. In 1994 the Massachusetts state legislature appropriated funds for three to four additional Massachusetts district attorneys to develop and implement similar approaches.

The major strength of the CBJ Program is found in the shared knowledge of the committee members about youth who are in trouble or at risk. As a result, these youth no longer slip unrecognized through the cracks in the school, social service agencies, or the juvenile justice system until it is too late. Another benefit is the education of the CBJ task force members about the roles and responsibilities of the other agencies on the task force. Working together gives them an understanding of the policies, constraints, and limitations under which the various agencies and courts operate; and a respect for the boundaries of each agency's authority. As a result, the transfer of responsibility and accountability from one member to another is made without conscious effort. Each player in the complex game of creating community stability knows the rules and, even more important, how far they may push their own envelope to achieve a common good.

Overcoming the resistance of many institutional forces was the crucial first step to success. Within the office, the older, more experienced felony trial prosecutors did not see the need to change traditional roles and responsibilities. However, the younger prosecutors became the most enthusiastic proponents of this approach. District court and juvenile court prosecutors, who are traditionally overlooked in an office hierarchy and often frustrated, gained recognition and sense of purpose. The success and enthusiasm of these prosecutors even laid a foundation for changing hiring practices in the office. Mr. Reilly recognizes that a community-based justice approach needs a different type of prosecutor—one who can think about problems and how to resolve them. It needs energetic prosecutors who are willing to get involved in the community and the schools, willing to go to meetings at night, and, at the same time, able to produce in court. These attorneys need about three to five years of experience so they know how the system works and how to make it work. Mr. Reilly's employment criteria include an attorney's appreciation of the power of prevention, and his or her ability to work with other groups. Currently, he has a core of about twelve attorneys trained as facilitators and leaders.

The police department was initially skeptical even though the natural relationship between the police and the prosecutor tends to foster cooperation and coordination. Mr. Reilly found his first advocates in school liaison officers, detectives, and patrol. Their successes helped gain the department's total support. Initially, the courts were also difficult to educate. However, when it became clear that the district attorney's office was giving priority to those cases that constituted a legitimate threat to the community, and that the community knew about the cases, the courts realized that this was a serious and continuing program. When the community realized that the district attorney meant business, by actually convicting and incarcerating the violent troublemakers, they became more receptive to his other prevention and education activities.

The success of this approach stems from the fact that leadership and authority are dispersed among many. The Middlesex Community-based Justice Program has created an entirely different environment to deal with problems confronting individuals and the community. It demonstrates that the traditional forms of agency independence and the problems of fragmentation and duplication can be brought under control by this new type of collaboration and leadership of the district attorney.

### **The Montgomery County State's Attorney**

*"Even though many institutions exist in the community and they cannot retreat from social problems, they also cannot, and must not, act beyond their narrow competence and in defiance of their own specific function. . . . An institution's first responsibility is to discharge its own specific function" (Drucker, 1989:91).*

*"The prosecutor has the ability to connect policy with research and the local government." Andrew L. Sonner, State's Attorney, Montgomery County, Maryland.*

Montgomery County is an affluent county that borders Washington, D.C., and Virginia. Its population of 757,000 ranks it fourth in size among Maryland jurisdictions. Over the past three decades, it has changed from a white-collar, professional bedroom community for Washington, D.C., to a multicultural county that grapples with a variety of urban and social problems concentrated mostly in scattered, distinct pockets. The majority of the population is white; 12 percent is African-American, 8 percent Asian, and 7 percent Hispanic.

Andrew L. Sonner has been state's attorney for Montgomery County for twenty-four years. After graduation from the American University Law School, he had a single goal—to become the elected state's attorney. He served as a deputy state's attorney from 1964 to 1971 before he reached his goal. He has often been called one of the most powerful elected officials in the county, and he has not shirked from exercising this power, most often through quiet, behind-the-scenes negotiation. He is a proponent of community policing and was the major force in bringing it into the county.

Initially, even with the state's attorney's support, the largest law enforcement agency, the Montgomery County Police Department, was not particularly interested in adopting community policing and undertook only superficial planning and community relations

activities. Mr. Sonner recognized if community policing was to be a reality, it would have to result from an impetus outside the police department. He convinced the county executive that community-oriented policing would counteract the drug epidemic. At that time, not only was the jail overcrowded, but the courts were so clogged that frequently sentences to "time served" exceeded the maximum sentences that typically could be imposed. In 1991 a new police chief, Clarence Edwards, was appointed with a mandate from County Executive Neil Potter to make community policing a reality in Montgomery County.

At first the assistant state's attorneys (ASAs) also resisted involvement in community-policing activities. They wanted to try cases. In 1990, at the office's annual staff retreat exploring the theme "What can we do to do a better job?," they offered a solution that would support community policing, give them more independence as prosecutors, expand their career ladders, and move the office into community prosecution. They recommended that the office be divided into five teams, each headed by a team captain. Team captains would be responsible for "running their own show."

Community-based prosecution began in January 1991 when the office was reorganized. The ASAs were divided into five teams, each assigned to one of the five police department districts. The narcotics and major offenders units were dissolved, and the senior attorneys directing them were assigned to one of the teams. In addition to the five prosecution teams, a sixth unit was created to review felony cases and make charging decisions. The organizational objectives were to have a dedicated team of prosecutors familiar with the problems in the various communities to which they were assigned, and were able to establish better communication with the district police officials, from commander to the patrol officer on the beat, and the community.

Each team has five to seven prosecutors, with varying levels of experience, one of whom acts as a designated drug prosecutor. By assigning staff to geographical areas instead of types of crime, ASAs prosecute a greater variety of cases representing the crimes in their districts. Mr. Sonner designated the public information officer to monitor and coordinate the teams, although the team captains have primary prosecution responsibility. The captains are the contact between the police and the community. They advise Mr. Sonner and the screening unit about individual cases or groups of cases that require special handling.

Decentralization is not simple to implement. Even though the workload is decentralized, ASAs are still physically located in the main office. It was hoped that team members would prosecute all cases occurring in their districts but, because of the small legal staff (thirty-nine attorneys) and different levels of experience and ability, it has proven difficult to balance the workload, which varies among police districts. Those cases requiring more attention, such as child sex offenses, arson cases, and white-collar crime investigations, and the juvenile unit are assigned to the team with the lowest volume of crime. The most difficult or important cases are still most often assigned to prosecutors according to ability instead of geography. Less experienced members of each team are assigned to the lower district courts. ASAs are usually unable to prosecute misdemeanors originating in their own district because the district courts use master calendar assignment procedures that cannot

ensure that cases originating in one district will be heard in that district. As a result, most misdemeanors and no more than 50 percent of felonies are prosecuted by the teams assigned to the district in which the crime occurred.

Decentralization affects the state's attorney's charging policy. Countywide prosecution policies may no longer be viable if the prosecutor is to respond to the special needs of smaller neighborhoods. For example, the state's attorney's policy not to prosecute solicitation cases was modified in one Hispanic neighborhood where the existence of informal "cantinas" attracted prostitutes. Working with the police and the courts, cases originating from this neighborhood were prosecuted to the fullest extent of the law, and the problem was resolved. Similarly, the state's attorney's policy not to prosecute cases involving open, gay sex was changed when complaints about this activity in a county park became intolerable. Together, the police district commander and the team captain proposed a new strategy, which relied on a significant, visible uniformed police presence to prevent the acts from occurring, clearing the park of underbrush, increasing the number of uniformed police patrols, and warning the homosexuals frequenting the area. Those who were confronted repeatedly were arrested and prosecuted.

The office of the prosecutor brings credibility to the justice system, which enhances the ASAs' ability to provide leadership and offer alternatives to traditional law enforcement responses. One example is their ability to diffuse situations and avoid future criminal justice system attention. This was dramatically illustrated when a potentially explosive situation involving Hispanic day laborers was resolved outside the criminal justice system. In this case, a bowling alley parking lot was a daily pick-up site for Hispanic day laborers. Over time, their increasing numbers, drinking in public, and littering caused a loss of business for the owner. His efforts to remove them met resistance from the Hispanics, who charged him and the police with racism. The situation escalated to a near riot with the police, at one point, geared up to make arrests supported by riot teams. The crisis was diffused by the ASA team captain, who, with the credibility of the office of the prosecutor, brought all parties together to discuss the problem. Ultimately, a new site was found.

Community prosecution adds problem-solving techniques to prosecution. Team members are expected to work with police managers, line officers, and community organizations in their districts to solve crime-related problems. In this role, ASAs are viewed as part of a broader partnership established with the police and the community to support the larger purposes of law enforcement that include both controlling crime and doing justice, particularly social justice. The state's attorney envisions a new level of support from the county government to provide coordinated services. The result would be a new form of policing, an expanded role for prosecution, and the establishment of "community government." Mr. Sonner recognizes that working with other agencies is an essential part of the new pluralism in today's society. However, he cautions that the political integrity of establishing new and better coordinated services needs to be protected. If the public is suspicious of the motives of elected officials and views change as part of their political agenda, then their effectiveness may be limited.

## The Kings County District Attorney

*"If we are to have innovators and leaders who will bring about major changes in this pluralistic society, then we also need an empowered citizenry and participatory institutions" (Barber, 1989:130).*

*"People must understand that there is more than just a law enforcement solution to public safety." Charles J. Hynes, District Attorney, Kings County, New York.*

Charles J. Hynes has been the Kings County (Brooklyn) district attorney since 1990. Representing a borough with a population of about 2.3 million, and directing an office with 610 assistant district attorneys (ADAs), he has impressive professional credentials. A graduate of St. John's University Law School in 1961, his career has spanned a progression from an assistant district attorney in the Brooklyn office, culminated by his appointment as first assistant, to the director of the State Medicaid Fraud Control Unit, to fire commissioner for New York City, to New York City corruption special prosecutor. With these credentials, it would appear unlikely that this district attorney, grounded in the realities of traditional prosecution, would push the leadership envelope; but he did.

Sparking his change was his recognition that public safety was deteriorating in spite of increasing resources and enhancements. Drug-related crimes were threatening to overwhelm the justice system. To counteract these effects, he and his staff devised a three-pronged attack that mixed punishment with treatment and prevention. It included 1) an absolute no plea-bargaining policy for defendants charged with violent crimes, drug sales (if they were not addicts), and career criminals; 2) a drug treatment alternative to prison program (DTAP); and 3) a massive educational investment called Project Legal Lives.

DTAP has been operational for four years. It represents a long-term investment in the addicted offender who does not have a record of violence. Residential treatment is provided for six to twenty-four months. As the residents approach the end of their stay, a business advisory council helps them find a job and become a viable part of the community. It has a success rate of 60 to 70 percent. Today, more than 100 participants in this program are employed and paying taxes.

The establishment of DTAP is within the discretionary authority of the prosecutor. The third prong, Project Legal Lives, is not. This project was District Attorney Hynes's first step outside traditional prosecution activities. Project Legal Lives is an education and prevention program that sends detectives and ADAs into elementary schools with a professionally developed curriculum taught ten hours every month. Its purpose is to educate fifth graders about the evils of drug use, the need for cultural sensitivity, and the workings of the criminal justice system. The curriculum includes dialogue sessions, fact patterns, moot courts, and site visits to the courts, corrections, and cultural attractions, such as Ellis Island and the Museum of Art. Over a four-year period, it has been presented in 300 classrooms in 288 schools touching more than 10,000 children.

Mr. Hynes believes that it is better to reach the kids early on than wait for them in the courtroom: "Once a youth commits a crime, it is too late." He believes that the prosecutor has an obligation to get involved with the educational community, to "get in touch with

kids." By stepping into this community, he believes that prosecutors can provide youth with career choices related to law enforcement and public safety and, at the same time, demonstrate that persons working in law enforcement and the courts are decent people who care about them.

Community prosecution began in September 1991 when the office reorganized and decentralized its felony prosecution to complement and enhance the effectiveness of the new community-policing philosophy adopted by the New York City Police Department (NYPD). Five geographical zones were created, each representing the population and crime mix in Kings County. Five felony prosecution teams consisting of about thirty ADAs each were created. Each team was given responsibility for prosecuting felonies occurring in its zone. Instead of trying to understand the crime problems of a population of more than 2.3 million, living in an area over 70 square miles, felony prosecutors now have responsibility for approximately 400,000 to 500,000 people in an area of ten to fifteen square miles.

The interaction of the zone prosecutors with precinct captains, community leaders, and residents at regularly scheduled meetings permits the office to prioritize cases and respond to neighborhood crime problems by increasing the detention rate for violent and repeat offenders. In March 1993, community prosecution strategies were expanded in two communities (Sunset Park and Windsor Terrace) to include the prosecution of all cases (violations, misdemeanors, and felonies) and to work with the community to develop programs and plans. In these communities, which are part of the seventy-second precinct, members of the community prosecution team meet regularly with community patrol officers and supervisors, civic and school associations, local merchants, other government organizations, and clergy. Together they identify the problems affecting the communities and develop action plans that use the coordinated efforts of law enforcement, prosecution, prevention, treatment, and educational resources.

It was a logical progression to move beyond community prosecution and adopt the concept of community justice when the courts initiated a significant reform by establishing the Midtown Manhattan Community Court. The community court deals with the problems affecting the Times Square area—solicitation, petty theft, graffiti, loitering, etc. Under the leadership of Robert Keating, administrative judge of the Criminal Court for the City of New York (and a former first assistant in the Kings County District Attorney's Office), the court operates diversion programs, conducts educational programs, and provides counseling services in addition to its basic judicial functions of pretrial release investigations, bond setting, and arraignments. The project is directed by John Feinblatt, director of the Fund for the City of New York.

The success of the community court in Manhattan led to a series of discussions about the feasibility of applying the same concept to a residential area rather than a transient, heavily commercial area. The result was a collaborative effort between the Kings County District Attorney's Office, the New York State Unified Court System, the City of New York through the Mayor's Office of Criminal Justice, and the Fund for the City of New York to develop a Community Court and Justice Center in the Red Hook section of Brooklyn, home to nearly 8,000 low-income or public-housing residents.

The Red Hook Community Court and Justice Center will expand the services provided by the Midtown Manhattan Community Court and tailor them to a residential population.

It will adjudicate criminal cases occurring within the community, hear small claims and landlord and tenant matters, and provide needed services to both victims of family violence and troubled youth who are traditionally served by the city's family courts. The broad jurisdiction of the court over criminal, civil, and family disputes will address neighborhood and family problems at the local level. The Red Hook Justice Center represents a new approach to public safety. It will test the extent to which a court can serve as a catalyst for constructive change within a community hard hit by crime and poverty.

The Red Hook project is in its planning and development stage. A needs assessment survey is being conducted. Focus groups have been held with the Red Hook citizenry to obtain more detailed direction about the services that they believe would fit within a community court and justice center. It is anticipated that a comprehensive set of services will be housed in the multidoor court and be available to all residents, both law-abiding and non-law-abiding. Those services include job training, legal education programs, substance abuse services, and family violence counseling. Other services under consideration will be referral services to drug treatment programs that will work with the court; community service; victim services, including outreach and counseling services for victims of family violence; and health care services that may involve locating health care workers at the court facility. In an effort to solve problems before they erupt into violence, mediation will also be a central component at the Red Hook Justice Center. This will include individual mediation, to resolve interpersonal disputes; community mediation, to help address emerging conflicts between local organizations; and peer-based mediation, to train school-aged youth to help resolve peer conflicts before they escalate into violence.

The community justice strategy in Brooklyn is not just a compendium of prosecutorial strategies directed at crime. It is a mixture of prosecution with prevention, treatment, and education programs designed to relate directly to the cares and concerns of the people. The new directions taken by Kings County district attorney Charles Hynes and his office give credence to the recognition that a single agency cannot address the complex problems of modern society. Each of those affected, whether citizens or public or private agencies, have a shared responsibility to help in the solution; and each must do so by using the fullest extent of their authority and influence.

## Conclusion

*"Community responsibility works under stringent conditions. It must fit the institution's competence. It must fit its value system. It must be an extension of what it is doing rather than a diversion" (Drucker, 1989:92).*

Scholars and practitioners, government, private industry, and citizens recognize that complex problems can be solved best within an environment of shared power. Translating this knowledge into policy and operations may take a variety of forms, as illustrated in the previous brief descriptions. Yet underlying the variations are a common set of assumptions: 1) no one single agency or institution can solve the complex problems facing our society

today, especially those directed at preventing crime; 2) complex public safety problems are more effectively addressed within small geographic areas; 3) the district attorney, as a locally elected official, is uniquely situated to spark initiatives, establish relationships, cement partnerships, and work as a member of the coalition for the common good; and 4) the goal of crime prevention can be incorporated into traditional operations without violating the prosecutor's traditional goals and activities.

Despite differences in background and experience, the prosecutors described here have much in common. All came to the same conclusion at about the same time—that the next logical step for prosecution is to address crime prevention. Although the strategies that each employs to achieve crime prevention goals differ, they all recognize that the solution to a community's problem is a shared venture in taking action and assuming accountability. None question the decision to operate within a crime prevention environment despite its complexity and the demands it places on the office for more resources and a different type of attorney. Prosecutor's offices accommodate many attorney skills—trial, appellate, and civil. The new attorney becomes another skill, with a different set of qualifications, capable of solving problems and working on complex, multiagency issues. All are emphatic that the basic, mandated responsibilities for prosecuting crimes take priority above all else.

Does this change in prosecution have theoretical or conceptual merit? To shed light on the implications of these reforms, we can refer to the works of Leslie Wilkins. Wilkins is probably one of the most influential theorists in modern criminology. He introduced the concept of thinking about criminal justice (including prosecution) as decision-making processes (Wilkins, 1975), and thereby revolutionized how we evaluate performance and service. In his latest book, *Consumerist Criminology*, he calls for a consumer-based theory of crime where the consumer (the public) provides inventories of "harms, grievances, crimes and ought-to-be crimes" (Wilkins, 1984:172). He argues that the voice of the people is the supreme law (*vox populi supreme lex*) and that the government agencies and machinery established to process crime should reexamine its input (what it calls crime) and periodically realign it with the public's perceptions and priorities. Interestingly, the difference between Wilkins's goals and those of the prosecution leaders is that of approach. Wilkins calls for the use of scientifically designed surveys to collect the information for reexamining public priorities. The prosecutors have established forums wherein the public talks directly to the government and its agents.

If community-based justice programs become viable and are accepted as effective strategies for solving problems in the twenty-first century, they will have to resolve the issue of how to align law enforcement, prosecution, and court priorities and resources, which almost exclusively focus on serious crimes, with the priorities of the communities, which focus on respect for the law, maintenance of order, and elimination of "quality-of-life crimes." Prosecutors may be able to transcend these apparent contradictions by continuing to provide the leadership needed to strike a balance between the two sets of priorities. There is an old African proverb that says, "It takes a village to raise a child." In the twenty-first century, our problem may be identifying how the criminal justice system can be used to maintain the viability of the village so that the child can be raised. jsj

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