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**Community Prosecution:  
Community Role and Programmatic Content**

*A Report on Community Justice Initiatives*

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**Community Prosecution:  
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## **Community Prosecution: Community Role and Programmatic Content**

### **I. Introduction**

#### **The Community in Community Prosecution**

Community-focused prosecution strategies have become widespread in the United States, particularly over the last ten to fifteen years. Whether preceding or following community policing historically,<sup>1</sup> community prosecution programs are often linked with and complement community policing and other community justice efforts, such as community courts. We have described community prosecution as “a major milestone in changing the ‘culture’ and role of the prosecutor through the development of partnerships and collaborative, problem-solving approaches with the community aimed at improving the quality of life and safety of citizens in neighborhoods” (Goldkamp et al., 2001:ix). However, community prosecution has been explained in a number of different ways:

- as an “organizational response to the grassroots public safety demands of neighborhoods, as expressed in highly concrete terms by the people who live in them” (Boland 1996:35);
- as a “long-term, proactive partnership among the prosecutor’s office, law enforcement, the community, and public and private organizations, whereby the authority of the prosecutor’s office is used to solve problems, improve public safety, and enhance the quality of life in the community” (American Prosecutors Research Institute, n.d.:3);
- as “[a partnership] . . . asking how the justice system can help support community efforts rather than dictating solutions to neighborhood crime and quality of life problems” (*DenverDA.org*, 2001);
- as a “grassroots approach” that uses traditional and nontraditional prosecutorial initiatives (Weinstein, 1998:19); and
- as an initiative in which crime prevention is added to the prosecutor’s mission (Heymann & Petrie, 2000:37).

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<sup>1</sup> In our first report, we identified State Attorney Bernard Carey’s Cook County community-oriented prosecution program of the mid-1970s as the earliest prototype of the strategy (Goldkamp, Irons-Guynn, & Weiland, 2001). The expansion of such initiatives in the 1990s was spearheaded by the Neighborhood DA program instituted by Multnomah County District Attorney Michael Schruck in Portland, Oregon, in 1991.

In our previous report, *Community Prosecution Strategies: Measuring Impact* (Goldkamp et al., 2001), we discussed features of this emerging prosecutorial innovation and identified seven unifying underlying dimensions from descriptions of 36 of the first community prosecution sites. On a general level, the common ingredients shared by these programs included: 1) a specific target problem motivating the community prosecution approach; 2) a geographic area target selected for the initiative; 3) a different and central role of the community in the prosecutorial initiative; 4) certain programmatic substance making up the content of what community prosecution “does;” 5) ways in which the prosecutor’s organization itself has been reshaped to promote community prosecution; 6) ways in which case processing (prosecution of cases) has been adapted to promote the aims of community prosecution; and 7) collaborations and partnerships between agencies of government and civic organizations. Although there appears to be no definitive community prosecution “model,” all community prosecution programs we examined could be understood using this analytic framework.

Within criminal justice, the meaning and uses of the term “community” has a long and varied history in the United States over the last century.<sup>2</sup> In the first part of this report we examine the implicit role of the community in community prosecution strategies in two ways: a) how prosecutors have defined their target community geographically within their jurisdictions; and b) the nature of the interaction or relationship with community members (representatives of a targeted area) prosecutors have established. In short, we are deducing *what* the “community” in community prosecution means in an operational sense from *where* prosecutors have established community prosecution initiatives and *how* prosecutors have been working with community members on crime problems. Although all community prosecution programs share the basic

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<sup>2</sup> See Goldkamp et al., (2001: 4-6).

premises that each prosecutor has selected a geographic target area within the “community” in which to operate and has engaged the community in a working relationship of some sort, how this has been accomplished in community prosecution sites has varied considerably across the United States.

### **The Substance of Community Strategies: What Community Prosecution “Does”**

In the last part of this report, we extend discussion of community prosecution beyond the selection of target communities and the nature of the working relationship between the prosecutor and the community, however defined, to the substance or content of the community prosecution initiatives. Thus, this report also examines *what* community prosecution delivers in the context of the areas targeted and the nature of the working relationships with the community established by prosecutors.

The following discussions of the role of the community and the substance of community prosecution strategies are based on telephone or in-person interviews (and supporting documentation, if available) with representatives of community prosecution initiatives in 36 sites, conducted through February 2002. Sites were identified and contacted using a list developed by the Crime and Justice Research Institute (CJRI) in Philadelphia, Pennsylvania from a variety of sources, including the Bureau of Justice Assistance (BJA) of the Office of Justice Programs, U.S. Department of Justice, operational community prosecution programs, and “community prosecution” keyword searches on the Internet. The resulting list of 36 sites included programs that began operation between 1985 and 2000. These sites, which therefore include some well established as well as some very new community prosecution programs, were the focus of an earlier CJRI report, *Community Prosecution Strategies: Measuring Impact* (Goldkamp et al., 2001), now being published by the Office of Justice Programs.



## II. Community as Target Area

Prosecutors differ widely in how they have conceived of “the community” operationally in implementing their community prosecution strategies. For some prosecutors the community is made up of active or interested groups, such as residents who meet to discuss specific crime problems or business owners who are affected by levels of crime that discourage people from spending time in a downtown business district. For others the relevant “community” can refer to users of a service, such as riders of a public transit system, or even to a specific, targeted criminal population, such as juveniles or prostitutes.

In many sites, target communities are defined using a mix of attributes. An additional layer of complexity is introduced in jurisdictions that have delineated multiple target communities using different criteria. Jurisdictions with multiple community prosecution sites may target business districts, residential neighborhoods, or even a major transportation hub. Multnomah County (Portland), Oregon, has targeted all of these. In addition to working with several business and residential neighborhoods, community prosecutors have formed a collaborative partnership with Tri-Met, the local public transportation system. In this instance, a target community has been defined in a multifaceted way as a combination of the Tri-Met organization itself, Tri-Met employees (e.g., train operators, supervisors, and bus drivers), persons who live around Tri-Met stations, commuters who use Tri-Met, and citizens who have businesses near Tri-Met property. Also, because Tri-Met spans several counties, the Tri-Met “community” is not necessarily restricted to Multnomah County residents.<sup>3</sup>

As diverse as target communities are in community prosecution sites, they share the fact that they have been defined in spatial terms or by some geographic referent, whether in terms of

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<sup>3</sup> This raises issues about cross-designating attorneys. See Arriola (2001) for discussion.

a residential neighborhood, business/commercial district, police precinct, zip code, census zone, or public transit routes.

### **Selecting Target Communities: Principal Criteria**

In the sites examined thus far, the original impetus for a community prosecution initiative has come from both the prosecutor and the community itself. Although requests from the community for development of community prosecution have been rare, they have played an important part in the brief history of the movement, in part because of the pivotal role of the community-instigated community prosecution effort in Multnomah County, where business owners requested special assistance from the district attorney in addressing crime problems adverse to the success of a new shopping district. In Honolulu, the Chinatown business association approached the district attorney for assistance in dealing with drug crimes. In the great majority of sites, however, the prosecutor, often in collaboration with other justice agencies and government partners, has made the decision to undertake a community prosecution initiative and has taken the responsibility for determining the area to be targeted.<sup>4</sup>

The criteria for deciding upon the location to be targeted by community prosecution may be identified by the prosecutor alone or in collaboration with other agencies in a planned process. Officials in community prosecution sites have suggested that a number of factors—including crime levels and type, community infrastructure, existing collaborations, and community initiatives dealing with crime problems—may play a primary role in selecting target locations. Other considerations, such as concerns for efficient use of resources, community willingness to

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<sup>4</sup> It has not been unusual for other community areas to nominate themselves once the initial community prosecution site began operation. In this way, in such locations as Portland and Denver, additional targeted areas were added to an emerging citywide approach.

be involved, and/or self-nomination by citizen groups, appear to have played a secondary role in the final decision to target a certain community for the community prosecution initiative.

Thus, prosecutors may select a particular target community because of its crime problems or criminal populations known to reside there (e.g., gangs or drug dealing areas), because of its infrastructure (offering resources to support such an initiative), because of the prosecutor's relationship with police in a particular area, or because an area has an ongoing crime-reduction strategy that can serve as a foundation for further initiatives. (See Figure 1.) Other concerns may cause a prosecutor to select one area over another when other factors appear equal. For example, one target community might lend itself to more efficient use of prosecutorial (and related) resources or show greater community organization and willingness to participate actively in a community prosecution effort. Or, one possible target community might be distinguished because, other factors being equal, community members themselves have requested establishment of such a program.

Although consideration of these types of criteria in selecting a target area for community prosecution may seem straightforward or self-evident, in practice the selection process may involve a series of information gathering tasks and consensus building decisions that can become quite complex. For example, when prosecutors decide on general prospective target areas, they may also make decisions about the specific dimensions of the area to be selected. A number of considerations may influence the adoption of geographic boundaries to a target area. Such boundaries may be determined by the convergence of major thoroughfares, traditional neighborhoods (where there is clear agreement on boundaries), political districts (wards or city council districts), police precincts, or prosecutors may define the target area by well-known physical landmarks.

Philadelphia's community prosecution approach incorporates the entire city/county and assigns community prosecutors by policing areas (detective divisions and policing districts) and by workload, with one prosecutor responsible for one or more districts. The advantages of defining the target area this way are that the whole city is included (no neighborhood is excluded), the prosecution areas coincide with policing areas, and the overall geographic organization allows for differential deployment of resources according to special crime or neighborhood needs. Boundaries of targeted areas have been defined in other ways: In Pima County (Tucson), Arizona, the original community prosecution initiative focused on three contiguous neighborhoods sharing the same zip code. In Howard County, Maryland, State's Attorney Marna McLendon targeted the planned community of Columbia, with its well-defined villages serving as convenient geographic units.

**Figure 1 Factors Influencing Selection of Target Communities by Prosecutors**

	<b>Crime as a Criterion</b>	<b>Existing Community Resources</b>	<b>Policing Administrative Boundaries</b>	<b>Building on Community Crime Initiatives</b>	<b>Resource Implications</b>	<b>Community Willingness</b>	<b>Self-Nomination</b>
<b>Prosecutor's Role</b>	Look at crime statistics, identify crimes of concern, criminal populations, or at-risk populations.	Identify and reach out to community associations, sometimes requires working with community to build infrastructure.	Superpose sites on police precincts/districts (usually to emphasize collaboration with police).	Identify communities where there are ongoing crime or community initiatives that community prosecution can supplement.	Look at communities where resources are most efficiently allocated for program focus.	Assess community willingness to participate in initiative.	Facilitate community self-identification.
<b>Community's Role</b>	Varies. Some communities are recipients of services, others help to identify crimes of concern.	Varies. Some communities have very active associations, others have very weak associations. Also varies due to community willingness to participate in effort.	Passive.	Varies, depending on the initiative. Some communities are actively engaged in local initiatives, others are recipients of the initiative, but not active participants.	Passive.	Community willingness to work with prosecutors or to contribute resources.	Takes responsibility for approaching prosecutor and requesting assistance.
<b>Methods of Selection of Target Area</b>	Crime statistics, arrest data, crime mapping, calls-for-service, Part I crimes, quality-of-life crimes, general knowledge.	Neighborhood associations, civic groups, non-governmental organizations, faith-based organizations, schools, business associations, chamber of commerce, mayors' office, city council, county council.	Emphasis on collaboration with police, police willingness to provide office space in police substations, attach to community policing efforts.	Weed & Seed, Community Development Block Grants, Neighborhood Watch, Hot Spots initiatives.	Feeder schools, crime displacement.	Availability of resources such as office space, clerical help. May use surveys to identify communities.	Community, business, or business association agrees to provide resources (e.g., fund prosecutor, provide office space and clerical help).

## Drawing Boundaries

Designation of a target area may also be constrained by jurisdictional boundaries. For example, some prosecutors have jurisdiction over areas with more than one police force operating. Not surprisingly, an area that may suggest itself as a “natural” target because of crime, or physical or other attributes, may overlap more than one police department or cross into another prosecutorial jurisdiction. Selecting communities that cross these types of boundaries raises practical and logistical issues, including the working relationship between the prosecutor’s office and the affected police departments, and the working relationship between neighboring prosecutors’ offices (Arriola, 2001).

For example, the Burbank/San Jose area in Santa Clara County, California has a unique problem—it consists of neighborhoods that are part of the city of San Jose and neighborhoods that are in pockets of unincorporated land, mostly made up of former farmland, whose residents did not want to be subsumed by the city. While the city is governed by city ordinances (including zoning regulations), and is policed by an efficient police force, the unincorporated areas are not. To this day, residents of these areas resist incorporation, not wishing to be under the jurisdiction of the city government or of the San Jose police. In attempting to deal with community crime problems that extend into (or emanate from) unincorporated areas, prosecutors face the dilemma that the unincorporated areas are patrolled by a local sheriff’s office with too few resources to respond to all the problems facing the affected communities, including gangs, drug dealing, and prostitution.

Some prosecutors’ offices have overcome these difficulties by requiring community prosecutors to develop working relationships with the various police departments in advance of settling on a final target area. Others have hired cross-designated attorneys to be shared by

contiguous jurisdictions. In Los Angeles County, the target area, consisting of the Sheriff's Century area, is located outside the City of Los Angeles where the Los Angeles Police Department and city attorney do not have jurisdiction. To facilitate the implementation of a community prosecution initiative, a city attorney was cross-designated as a county attorney so that she would have jurisdiction in both places. In a similar situation, community prosecutors in Multnomah County assigned to work on the Tri-Met crime problems were cross-designated by the adjacent counties served by the same transportation system.

### **Crime as a Criterion**

Prosecutors have often considered location-specific criminal activity as a criterion in selecting a target area. How crime information is gathered and analyzed for these purposes has varied across jurisdictions. Prosecutors have examined crime statistics, arrest data, or crime mapping, or have relied on their own knowledge of communities within the jurisdiction. Depending on the jurisdiction, crime data have been gathered by prosecutors themselves, police, or sheriffs. In a few instances, local academics have been called upon to assist in crime analysis. In Santa Clara County, California, for example, prosecutors worked with police, probation, and the County Board of Supervisors to identify areas with the highest crime rates in preparation for implementing community prosecution. In Nassau County (Mineola), New York, prosecutors worked with a local researcher.

Among the sites interviewed, the crime criteria used for selecting target communities ranged from general categories of crime (e.g., Part I offenses or firearms violations) to quality of life concerns (e.g., nuisance or abandoned properties, street trash, and inadequate lighting), from rates of serious (e.g., violent) crimes to littering and public urination. In Suffolk County (Boston), Massachusetts, prosecutors targeted four areas, identified initially because of their

crime problems. In Hennepin County (Minneapolis), Minnesota, prosecutors selected the area of the city with the highest number of crimes that can range from misdemeanor to felony (e.g. graffiti vandalism is charged according to the dollar value of property damage). Because Hennepin County prosecutors have felony jurisdiction only, they coordinated with city attorney's office to handle those often less serious forms of crime that have a day-to-day impact on the community and have subsequently linked community prosecutors with each of five police precincts.

When choosing among several high-crime neighborhoods or commercial districts, prosecutors have assessed the availability of potential community assets, infrastructure, community groups, or other resources that could assist in the effort. Target areas have also in some instances been selected because of pre-existing crime prevention or related community initiatives in specific areas that could provide a foundation for the effort, or because community organizations have requested intervention and assistance to deal with crime. In Plymouth County (Brockton), Massachusetts, prosecutors conducted an analysis of local crime, looking at calls for service, levels of crime, and arrest statistics by police reporting area. They focused on communities with active crime watches, business support, and/or church support. In Jackson County (Kansas City), Missouri, prosecutors chose eight target residential communities based on drug and drug-related crime rates and level of community organization. Such community assets can improve the chances that the community prosecution initiative will be supported by the community and, ultimately, succeed.

Prosecutors have also considered concentrations of criminal populations (e.g., gangs, juvenile offenders)<sup>5</sup> in selecting target areas. In Los Angeles County, the Community Law Enforcement and Recovery (CLEAR) program considered areas with high concentrations of violent drug gangs in selecting areas for community prosecution efforts. When they expanded the program, CLEAR prosecutors continued to focus on elimination of violent gang activity as their primary goal. As progress in suppressing gang activity was made in one area, prosecutors focused next on adjacent communities to which gang activity might have been displaced.

In focusing the Cook County (Chicago) community prosecution effort, State Attorney Neera Walsh sought not only to respond to particular crime problems (that suggested certain target areas) but also to address the factors generating the criminal activity. This meant that crimes with contextual explanations that could be addressed by community prosecution efforts were given priority. For example, the State Attorney believed that homicides with no known motivation, although certainly serious, could probably not be addressed through community prosecution interventions, whereas homicides related to domestic violence or drug sales might be.

In some jurisdictions, prosecutors have selected a target area because of a high-profile crime that focused public attention on the problems of that area. In Mercer County (Trenton), New Jersey, the community prosecution initiative began as a result of a community meeting between prosecutors and residents in response to a series of arsons. In Westchester County (Yonkers), New York, community prosecution was part of a strategy to deal with community disaffection in the aftermath of a riot following the high-profile death of a young boy. In Denver

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<sup>5</sup> In this example, a target criminal population is selected before the target neighborhood is defined. Note that this is different from selecting a neighborhood and then targeting a criminal population, perhaps based on what residents identify as a problem for that neighborhood.

County, the 1993 "Summer of Violence"<sup>6</sup> contributed to the implementation of community-based reform.

Specific examples of the targeting of areas for community prosecution include the following:

#### Los Angeles County, California (CLEAR)

The CLEAR program in Los Angeles targets gang crime using an operations team comprised of prosecutors, police (Los Angeles Police Department), sheriffs, the city attorney, probation and parole officers, and residents and stakeholders from affected neighborhoods. To select target neighborhoods, prosecutors reviewed police department crime statistics to identify neighborhoods with a serious gang problem. They also looked for neighborhoods with some community infrastructure, and neighborhoods that were geographically well-defined. To assist in identifying potential target neighborhoods, they consulted with representatives from the city council and senior lead officers<sup>7</sup> from the Los Angeles Police Department.

The first area chosen was the Northeast neighborhood of Los Angeles, also known as the police department's Northeast division. Since then, the program has expanded to six sites. These sites are primarily in the City of Los Angeles, with one site outside the city. Each area is known for its gang violence, and thus each requires a separate operations team. Peter Shutan, CLEAR Program Director, notes that in each site, they identify primary and secondary target areas because they are very aware of and concerned about displacement. The primary areas are those most heavily controlled by gang members. The secondary areas are those where the gang is most likely to go to if displaced. Initially, the CLEAR Impact Team's goal for the secondary

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<sup>6</sup> According to various newspapers articles, including Edsall (1994), Seipel and Robinson (1994), Lopez (1994a; 1994b), Ensslin (1994), Green (1994), Booth (1994).

<sup>7</sup> Los Angeles Police Department senior lead officers are sworn police officers, located in each police precinct, who are dedicated problem solvers and coordinators who think "outside the box."

areas was tracking of gang movement, not enforcement, but they are increasingly concerned with gangs moving their territories.

#### Santa Clara County, California

Santa Clara County is comprised of 13 cities and numerous unincorporated areas. In 1996, the County District Attorney's Office received funds that were earmarked for the prevention of juvenile crime and the diversion of juvenile offenders. To target the highest at-risk population of juveniles, prosecutors met with the probation department, police department, and Board of Supervisors. They reviewed crime rates for juveniles, and ranked the areas according to the seriousness of the problem.

They then selected two neighborhoods that had serious juvenile crime problems. The first was Burbank, an unincorporated area. The second was Alum Rock, a neighborhood that includes both incorporated and unincorporated areas. According to Christopher Arriola, Assistant District Attorney, both Burbank and Alum Rock were appealing not only because of their juvenile crime rates, but because prosecutors could apply community prosecution strategies to the neighborhoods' extant quality of life problems. There were also unique law enforcement jurisdictional problems associated with the "county pockets" (unincorporated land within the city) that could be resolved using community prosecution strategies.

The program has quickly expanded from two, to four, to six, to eight sites. The expansion is not contiguous; rather, sites are being added according to the seriousness of their juvenile crime problem.

### Nassau County (Mineola), New York

In Nassau County (Mineola), New York, prosecutors used crime statistics to identify their target communities. They partnered with a professor at a local university to gather and analyze crime statistics for the entire county. During the analysis, the researcher discovered that while crime was generally decreasing in the county, a few neighborhoods were experiencing a lag in the decrease in crime. These neighborhoods were eventually selected as targets for community prosecution.

### Hennepin County (Minneapolis), Minnesota

In Hennepin County (Minneapolis), Minnesota, prosecutors selected the third police precinct for community prosecution because it was the area of the city with the highest number of felony-misdemeanor range crimes. It was also an area with a viable community infrastructure, strong networks among community groups, and community interest in solving problems. Prior to the implementation of community prosecution, prosecutors had worked with residents on earlier public nuisance laws to rid the community of prostitution and drug houses, so the prosecutor's office had some experience in the community. Andrew LeFevour, Assistant Senior County Attorney, notes that the prosecutor's office had already "established a presence in the community and there were good anecdotal experiences."<sup>8</sup>

Once prosecutors had decided on the jurisdiction, they gave careful thought to the kinds of crimes they wanted to address. Because their jurisdiction is limited to felony cases, they coordinated with the city attorney's office to identify those crimes that had day-to-day impact on the community, but were also of overlapping felony and misdemeanor jurisdiction (e.g., auto theft, graffiti, theft, burglary, arson, and criminal damage to property are offenses that may range

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<sup>8</sup> Andrew LeFevour (telephone interview, March 1, 2002)

from misdemeanor to felony, depending upon the dollar amount of property loss or damage involved). LeFevour notes that drug cases were omitted from consideration because Minneapolis had a drug court that predated community prosecution.

#### Erie County (Buffalo), New York

Erie County's community prosecution program started in 1996, when the District Attorney asked Michael Drmacich to meet with the community, identify their concerns, and then address their problems using traditional and non-traditional strategies. Drmacich was given little additional guidance on starting Erie County's community prosecution program other than that he was to 'do' community prosecution in the City of Buffalo, and to concentrate on any quality of life issues that arose.

At the time, the community prosecution movement was just beginning, so there were very few jurisdictions to emulate. Drmacich almost immediately discovered that the community was irate about prostitution in residential neighborhoods and, as a result, decided to target neighborhoods with large numbers of prostitutes. Drmacich reported that his targeting is influenced by the views of community members and has been shaped by their concerns. As a result of discussions with residents, he has added car break-in incidents, particularly in the downtown commercial district, as one of his selection criteria.

#### Mercer County (Trenton), New Jersey

In Mercer County (Trenton), New Jersey, selection of a target area for the community prosecution program was made in response to a specific series of opportunistic arsons in Trenton. Four or five houses had been "torched," but no arrests had been made. The prosecutors, working in conjunction with detectives, went out into the community to look for witnesses, ask questions, and talk to neighborhood residents. Once prosecutors were out in the

community, however, the residents started asking questions about arson, which resulted in further discussions and meetings with residents concerning arson. This interaction, according to Angelo Onofri, Administrative Assistant Prosecutor, expanded into further meetings with area residents and the creation of a quality of life task force to target specific crimes and the neighborhoods most seriously affected by them.

#### Westchester County (Yonkers), New York

The community prosecution initiative in Westchester County (Yonkers), New York, in operation since 2000, originally had rather ambitious goals: prosecutors wanted to start their program targeting the entire county. Fortunately, according to Robert Macarone, Assistant District Attorney, prosecutors attended a Bureau of Justice Assistance conference before implementing their countywide program and reassessed their plans, deciding instead to focus first on the Elliott Avenue neighborhood in Yonkers.

The process of narrower selection moved the target area from Yonkers overall—the fourth largest city in the state and an area of major narcotics and violent crime—to the 3<sup>rd</sup> police precinct, the most active in these types of crime, accounting for about one-third of all violent crime in the city. Within the 3<sup>rd</sup> precinct, the Elliott Avenue neighborhood is considered the most unsafe. This neighborhood, a rectangular, four-block area in the southwest quadrant of the precinct, is home to large African-American and Hispanic populations, and includes many non-English speaking immigrants who are reluctant to report crimes to police. The area is also known for its high unemployment and poverty.

For Westchester County prosecutors, the Elliot Avenue neighborhood was the most logical, albeit challenging, choice for an initial target area. It is a neighborhood plagued by crime (e.g., drug crimes, prostitution, gangs) and quality-of-life problems (e.g., litter, graffiti,

garbage). The area also generates a large number of calls for service. Moreover, there had recently been a riot in the area, during which residents confronted police over a traffic stop. Shortly thereafter, a young boy fell to his death while playing on rooftops, jumping from building to building. Although there were other areas in Yonkers that also needed community prosecution, the Elliott Avenue neighborhood was placed at the top of the list by prosecutors.

#### Placer County (Auburn), California

Placer County, California, was selected because of its vulnerable elderly population. The population of senior citizens in Placer County has increased substantially over the past few years, due to the construction of two major affluent retirement communities (Sun Cities). The seniors who live in these retirement communities are frequently the targets of elder crime. Prosecutors recognized the need for a coordinated approach in working to prevent offenders from preying on the elderly.

#### Existing Community Resources

Prosecutors in some jurisdictions have selected target areas that, in addition to having specific crime problems, had pre-existing active community, civic, faith-based, and other non-governmental organizations that would serve as foundations on which to build the community prosecution effort. Certainly, areas with concerned residents who have taken steps to address problems affecting their communities show more promise of success and greater prospects of developing an effective working relationship with prosecutors than those with serious crime problems but few active organizations or neighborhood groups. In their consideration of prospective sites, Plymouth County (Brockton), Massachusetts, prosecutors looked at areas with active neighborhood associations, neighborhood crime watch, and the support of business and faith organizations. Prosecutors were seeking some assurance that the community had the

potential to maintain strategies established through community prosecution. Jackson County (Kansas City), Missouri, prosecutors conducted a resource analysis of neighborhood associations and organizations to determine possible sites for community prosecution.

Community “infrastructure” was viewed as a resource likely to increase the chances of success for community prosecution interventions, while at the same time, prosecutors have taken into consideration the knowledge that, often, communities most besieged by crime and in greatest need of assistance are also often the least likely to support active community organizations and relevant resources. These areas are more likely to be characterized by transient populations, high unemployment, and few single-family homes. Rather than excluding such communities, prosecutors have adjusted community prosecution strategies to take into consideration the need to help build supporting partnerships and community resources. Such considerations have played a role in the development of community prosecution under District Attorney William Ritter in Denver, for example, where the goals of the strategy include the establishment of long-term relationships and partnerships where few had existed previously.

Prosecutors have used a variety of techniques to identify potentially helpful community organizations. In Pima County (Tucson), Arizona, prosecutors met with the Division of Citizen-Neighborhood Services to obtain lists of neighborhood associations to assist in their selection of a target area for community prosecution. In Erie County (Buffalo), New York, Michael Drmacich, Assistant District Attorney, was asked to go into the community, find out what was bothering people, and address their concerns using traditional and nontraditional means. Before Drmacich could even identify a specific community, he met with members of the city council and police department to let them know he was available. The city council and police

department in turn provided a rapid succession of word-of-mouth referrals. Drmacich was soon inundated with invitations to meetings with community organizations and requests for service.

Although identification of possible community organizations to facilitate the development of community prosecution initiatives has been considered key, prosecutors have discovered that their existence and, in fact, the establishment of a community prosecution initiative itself does not necessarily mean that groups, organizations, or the community necessarily welcome the intervention, at least not at first. Not all community organizations have turned out to be interested in collaboration, nor have all prospective partner organizations agreed to devote time and resources to the community prosecution initiatives. There may even be community resistance. In Multnomah County (Portland), community prosecution sites overlap some of the “drug free zones,” a tool created by community prosecutors to deal with the city’s drug problems. (Offenders arrested for drug offenses are not permitted to return to zones in the city marked as drug free zones.) In some neighborhoods, these clear demarcations of a targeted community have been welcomed as a sign of long awaited and public intervention to restore neighborhoods and business districts. However, residents of some contiguous neighborhoods—particularly areas undergoing gentrification—have objected to finding themselves on the border of a “drug free zone,” fearing that the implicit label of high-crime area would serve as a deterrent to development and lower property values.

Examples of target selection based on appraisal of existing community resources include the following:

Denver County (Denver), Colorado

During the early 1990’s, Denver experienced a serious wave of gang violence, culminating in what was referred to as the “Summer of Violence.” In grappling with the

problem, District Attorney William Ritter decided to add a then still-emerging community prosecution philosophy to his crime reduction and prevention efforts. Ritter was extremely concerned about the violence and the eroding quality of life in particular areas and wanted to respond in a proactive way to neighborhood concerns. After reviewing the 72 Denver neighborhoods, he reduced his candidate areas to Capital Hill, Park Hill, Globeville, and Southwest Denver. Both Capital Hill and Park Hill were areas of the city that, although continually challenged by the violence, had a community infrastructure that was being sustained by the local community organization and citizens' action committees. These groups were active and strong, and represented a wide range of residents. In Capital Hill, neighbors were working to establish a community court. The neighborhood of Globeville, bordering Denver, was a smaller community facing high unemployment and quality of life challenges. At the same time, according to Susan Motika, Director of the Community Justice Unit, District Attorney Ritter sought to avoid duplicating services or unnecessarily overlapping with other initiatives, especially in those neighborhoods with large federal and state grants (e.g., Weed & Seed).

#### Plymouth County (Brockton), Massachusetts

Prosecutor's staff in Plymouth County (Brockton), Massachusetts, looked at relative crime rates in considering target areas for community prosecution; however, they also looked for communities with strong existing resources, such as crime watches, business support, and/or active faith-based organizations. The prosecutor wanted to be sure that the community had the infrastructure to maintain the area after the initiative was implemented. Brockton, the neighborhood finally selected, was appealing because, although it has the highest concentration of crime in the city, it is also a neighborhood with an active crime watch and is home to the state's crime watch leader. The District Attorney, State Attorney General, staff prosecutors,

crime watch leader, and various community groups spent considerable time choosing between Brockton and another community with high crime rates. The other candidate site was ultimately rejected because it had little infrastructure with which to sustain the prosecution efforts.<sup>9</sup> The original target area has been expanded three times to incorporate adjacent blocks since its initial selection to respond to displacement of crime from the target area in Brockton.

#### Jackson County (Kansas City), Missouri

In 1994, in response to drug crime, the Jackson County District Attorney selected eight neighborhoods for a planned community prosecution effort on the basis of relative crime rates, and an assessment of community resources (including existing neighborhood associations and organizations) and needs, conducted in conjunction with the police Drug Abatement Response Team. Neighborhoods with both serious drug crime problems and strong neighborhood associations were given priority as community prosecution sites.

#### St. Joseph's County (South Bend), Missouri

In St. Joseph's County, Missouri, prosecutors knew they were facing neighborhoods with a history of antagonism toward the criminal justice system. In deciding on the target areas, they employed four factors: First, the prosecutors reviewed crime statistics in the different neighborhoods. Second, they investigated development issues and opportunities, preferring to target areas of the city in which economic development was ongoing or being planned. Third, they looked at neighborhoods where government resources were being allocated. Fourth, they considered neighborhoods with likely community support and collaboration.

The prospects for willing community participation were considered particularly important, given the difficult history between the prosecutor's office, police department, and

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<sup>9</sup> The second community is now a Weed & Seed site.

community. According to Khadijah Muhammad, Director of Strategic Prosecutions, there was “buy-in” from a few community representatives, but also some initial hostility. To overcome the hostility, Muhammad spent six to seven months developing contacts in the community, gaining community trust, attending meetings, and listening to community concerns. She avoided announcing the program as a great boon to the community. Instead she concentrated on developing community resources and building strong relationships with individual community stakeholders.

### Pima County (Tucson), Arizona

In Pima County (Tucson), Arizona, the target areas chosen for community prosecution are five contiguous neighborhoods in South Tucson sharing the same zip code. South Tucson is a densely populated, separately incorporated area within Tucson, with mainly Hispanic residents. In arriving at these target areas, the prosecutor relied on three criteria: 1) high crime rates, especially of street-level drug crime; 2) a sense of community, as evidenced by an active and viable community group or neighborhood association; and 3) willingness to participate on the part of the community. To determine which neighborhoods might benefit the most from a community prosecution initiative, County Attorney Barbara LaWall asked the Division of Citizen-Neighborhood Services for a list of neighborhood associations. She then attended neighborhood meetings, described community prosecution to the attendees, and tried to identify those communities that would be enthusiastic about participating.

### Policing Administrative Boundaries

Many community prosecution initiatives have selected target areas to coincide with the administrative precincts or districts employed by police departments. The reasons for this are obvious: community prosecution requires close collaboration with police departments and, in

some cases, prosecution initiatives need to complement existing community policing programs. Although targeted neighborhoods or business districts may not overlap perfectly with police precincts or may fall within several police precincts, the need for close police-prosecutor collaboration makes the geographic boundaries adopted by police departments attractive from a practical point of view.

The use of policing areas in the development of community prosecution initiatives can also be explained by the fact that police departments have requested that prosecutors become involved in certain target areas. For example, a community prosecution initiative was started in Honolulu after police officers assigned to the target area approached prosecutors and asked for their involvement. The officers were aware of program successes in other areas and wished to import the approach into the high crime neighborhood to which they were assigned. Another way in which the prosecutor may adopt police geographic boundaries in developing the community prosecution approach is when police calls-for-service have been employed as one of the measures of crime problems in particular areas.

The police role or relationship may be an important consideration for prosecutors in deciding upon a target area for community prosecution. Police-prosecutor relationships are generally positive. In many instances, in fact, community prosecution has followed on the heels of community policing approaches. Many police departments have enthusiastically offered police resources to assist the prosecutor in establishing a community program; it has not been uncommon for police departments to set aside office space and make other accommodations in substations to facilitate the prosecutor's program.

Some police departments or relevant subunits have not been immediately supportive of the development of a community prosecution approach and have offered resistance to the

initiative. Just as lack of receptivity by the police may be a factor in target site selection, the sensitive nature of police-community relations—or a recent history of difficulties—can also affect the prosecutor’s targeting decision. Among our interviewees, at least one prosecutor elected not to house community prosecutors in the police substation because prosecutors believed the connection with the police would be a disadvantage in developing community trust.

The rare exceptions aside, Marion County (Indianapolis) Prosecutor Scott Newman, for one, suggests that aligning community prosecution with police precincts is one of the most effective methods for working with communities. Prosecutor Newman placed his community prosecutors in local police stations specifically because he wanted to encourage a closer collaboration with the police in working with the community. He initially met great resistance from police who were mistrustful of his motives, but his tenacity was rewarded over the long run. Eventually, the police became more open to the idea and even offered him office space in each district headquarters. Prosecutor Newman believes that the resulting prosecutor-police collaboration is one of the strengths of his community prosecution program.

Examples of target selection based on police administrative boundaries include the following:

Cuyahoga County (Cleveland), Ohio

Target sites in Cuyahoga County are identified by police district because the prosecutor wanted to emphasize crime reduction. The first district selected, East Cleveland, has its own police department, is bordered on three sides by the City of Cleveland, and like many urban centers, is characterized by poverty and high rates of unemployment, infant mortality, and single-parent households. According to Thelma Shepherd, Director for the East Cleveland Neighborhood Center, recent census data indicate that the median age in East Cleveland is 32,

and that in the past 20 years, this community of 3.7 square miles has lost 10,000 residents. Along with the residents went businesses and tax revenues. The area was selected because of its challenges and because the East Cleveland mayor had a strong desire to collaborate with prosecutors. East Cleveland was also favored because it has its own police department, but borders on the Cleveland Police Department's 6<sup>th</sup> district. As a result, once community prosecutors demonstrated successes in East Cleveland, the program could naturally spread into the 6<sup>th</sup> police district. Later, prosecutors expanded the program further, into Cleveland's 1<sup>st</sup> police district.

#### Marion County (Indianapolis), Indiana

In Marion County (Indianapolis), Indiana, community prosecution started with one prosecutor in the police department's north sector in 1993, where Indianapolis police had already implemented community policing and were organizing the community, attending community meetings, and beginning to strategize with residents. As a result, the community was increasingly engaged with the police. County Prosecutor Scott Newman observed the process unfolding and wanted his prosecutors to be participating in the endeavor. He placed a prosecutor in the police department (after overcoming some initial resistance by police) and then quickly expanded the program so that each police sector had an assigned community prosecutor located in the police department. The only police sector that was not assigned a community prosecutor was the downtown district, because it does not generate the same kinds of cases as the other sectors and because adequate staffing and office space are issues. In this fashion, the community prosecution districts were designed to coincide with the five sectors of the City of Indianapolis Police Department. Currently four of the five police sectors are assigned one attorney and one paralegal (also known as a Street Level Advocate). There is also one attorney and one paralegal

located in the South District community court that opened last year. A community court is located on the boundary between two police sectors, covering several beats in the South District and several beats in the East District.

Sacramento County (Sacramento), California

In Sacramento County, California, community prosecution neighborhoods are superposed on sheriff's districts. The prosecutor's office divided the county into seven districts that coincide with the sheriff's seven districts, and then placed a community prosecutor in six of the seven sheriff's substations and service centers.<sup>10</sup> This enables the prosecutor's office to cover the entire county, with the exception of one section that is farmland. More importantly, this deployment of staff ensures that the community prosecutors work in, and get closer to, the community. It also enables the prosecutor to collaborate with sheriff deputies on problem-solving. The alternative of having the prosecutors working from the downtown main office was considered unacceptable, according to Karen Maxwell, Chief of the Community Prosecution Unit, because it would have detracted from their goals for community prosecution. Moreover, the distances involved would mean prosecutors would spend most of their time traveling to and from the main office.

Placing the prosecutors in the sheriff's office means prosecutors have continuous access to a team of criminal justice organizations. The prosecutors work with problem-oriented policing (POP) officers, code enforcement agencies, parole officers (in some offices), and a criminal service specialist. The criminal service specialist is an employee of the sheriff's office who is responsible for coordinating neighborhood watches and community meetings on behalf of

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<sup>10</sup> The service centers are small offices, usually housing POP officers, code enforcement personnel, and the prosecutor. Substations are much larger, and have detectives and other officers, in addition to the POP and code enforcement officers.

the sheriff. According to Maxwell, the community service specialist and the community prosecutor are "joined at the hip." Wherever the community service specialist goes, the community prosecutor goes too.

### **Building on Community Crime Prevention Initiatives**

Many prospective community prosecution sites have been the focus of earlier or ongoing community-based crime reduction initiatives. Thus, either through previous involvement in these projects or because the foundations for improvements have already been set in place, such ongoing efforts have figured prominently in the selection of target communities by prosecutors. Among several community prosecution sites contacted, the existence of Weed & Seed projects played a significant role in the designation of target areas. Some prosecutors have merged community prosecution with Weed & Seed efforts or have chosen to supplement Weed & Seed with community prosecution. In some instances, a Weed & Seed initiative is already in the neighborhood when a community prosecution component is added. Other jurisdictions plan their initiatives so that Weed & Seed and community prosecution enter the neighborhood at the same time. Other examples of community-oriented justice or crime-reduction initiatives, such as Hot Spots programs, community courts, neighborhood watches, and community development block grants, have also played a role in site selection for community prosecution efforts.

By selecting a target area in which community-oriented projects are already underway, the prosecutor may more efficiently focus limited resources on service, collaboration, crime prevention, and problem-solving rather than starting at the very beginning to identify and develop community relationships. In addition, developing community prosecution strategies as complements to ongoing crime-reduction initiatives helps avoid duplication of efforts and conserves resources.

Examples of building on or coordinating with other community initiatives include the following:

Travis County (Austin), Texas

Travis County (Austin), Texas, currently operates two community prosecution sites. The first site, a neighborhood in Northeast Austin, was chosen because it is a designated Weed & Seed site and it has a viable community infrastructure. Because it is located in a known high crime area, District Attorney Ronnie Earle was interested in supplementing Weed & Seed efforts with community prosecution. As a result, Weed & Seed and community prosecution entered the targeted community at roughly the same time.

Nassau County (Mineola), New York

Community prosecution in Nassau County expanded into additional neighborhoods (New Cassel, Roosevelt, and Freeport) when prosecutors selected communities with existing Weed & Seed initiatives. Believing that the Weed & Seed initiatives were engaged in complementary efforts, prosecutors sought to avoid duplication and to enhance the overall impact to the community. The original Weed & Seed advisory groups eventually evolved into a prosecutor's advisory group that helps guide community prosecution efforts.

City and County of Honolulu, Hawaii

After experiencing successes in both Chinatown and Waikiki, prosecutors in Honolulu, Hawaii, began looking for additional expansion sites for community prosecution. One high-crime neighborhood in Waipahu, in the southern part of the city, where community policing was making some inroads was being considered as a possible location for Weed & Seed. Community police officers in Waipahu had asked the prosecutor's office for help. On the basis of anecdotal information—later supplemented by local crime statistics—police and prosecutors decided to

combine their efforts to supplement Weed & Seed. The evident needs of the community, as well as its status as a Weed & Seed site, made the location an attractive site for community prosecution. Prosecutors wanted the community to have the capability to “seed” after the crime was “weeded.” They also wanted an area with private and non-profit organizations willing to help in their efforts, in which agencies had a track record of working together; and preferably with pre-existing neighborhood boards and watches.

### **Resource Implications**

Different choices of target communities for community prosecution initiatives may present different resource implications. Thus, other factors being equal, the prosecutor has to decide how to support the planned program and this may involve considering the most efficient uses of staff and linking with ongoing efforts to minimize the need for additional resources. In a time of fiscal austerity, selection of the target area may be determined in part by the prosecutor’s assessment of where the maximum impact can be achieved for a minimum of new resources.

#### **Howard County (Columbia), Maryland**

In Howard County, Maryland, State Attorney Marna McLendon began her efforts to engage the community in 1995 by convening a steering committee comprising representatives from the prosecutor’s office, Citizen Services, the Howard County Police Department, and the Department of Juvenile Justice. One of the first tasks for the committee was to select a suitable target area. Although McClendon wanted to implement the program countywide, a member of the committee (a police lieutenant with extensive community policing experience) suggested that they start small; in fact, he kept encouraging the committee to consider smaller and smaller neighborhoods.

Following the lieutenant's suggestion, the committee decided to start in Columbia, Maryland, as a pilot site. Columbia was considered ideal because it is a planned community with strong infrastructure and networks, which is known for its tradition of local governance through village boards. Columbia residents also appeared interested in participating in the pilot effort. The Howard County Police Department concurred in the selection of the Columbia site because of the large number of calls-for-service generated by the community.

Within the pilot site, however, the steering committee further focused on two contiguous villages sharing one central high school. According to State Attorney McClendon, there was an economy in their decision, with the hope that the positive impact of the community prosecution initiative would "spill over" into the next community. From the very beginning, the prosecutor's vision was to implement community prosecution countywide. She felt that Howard County was small enough that every community could have a relationship with the prosecutor's office. During its second year, the community prosecution program received a boost when the State of Maryland implemented its Hot Spots initiative. The state was, in essence, directing the criminal justice system to work with the community in non-traditional ways. Howard County's participation in the Hot Spots initiative enabled them to fund a dedicated prosecutor. One of the Hot Spots turned out to be one of the first pilot villages.

#### Kalamazoo County (Kalamazoo), Michigan

Kalamazoo County, Michigan, assigns community prosecutors in a way that ensures that all neighborhoods have some form of community prosecution coverage, while efficiently allocating scarce resources. The county has three prosecutors who are dedicated to three neighborhoods, and a fourth prosecutor who is responsible for the rest of the county, attending neighborhood meetings on a rotating basis. She works with the community to select the one,

most critical problem of immediate concern, and then works to solve that problem. Using this approach, she can cover the entire county. According to David DeBack, Assistant Prosecuting Attorney in Kalamazoo County, it is “an efficient solution to needing more prosecutors. It is the only way to go, if an office does not have the resources.”

### **Community Willingness**

Perhaps to state the obvious, it is more difficult (and less inviting to prosecutors) to establish a community prosecution initiative in an area where the community is simply not interested, not capable, or not willing to support the effort. This feature of a prospective target area is commonly mentioned as a factor in target site selection by the prosecutors contacted and often is linked with consideration of community resources described above. In Pima County, Arizona, after compiling a comprehensive list of neighborhood associations, the district attorney attended every neighborhood meeting. She described community prosecution to the attendees, and identified the communities that were willing to participate in the program. Final selection of sites was influenced both by consideration of the seriousness of crime problems and by the willingness of community organizations to join the initiative.

Occasionally, communities have not only signaled their willingness to partner but have volunteered to contribute resources to the effort, such as office space, clerical help, volunteer labor, and other helpful resources. In Los Angeles County, several local municipalities agreed to pay for the services of a county prosecutor who, by focusing on crimes in these communities, would in effect become their community prosecutor. Prosecutors have pointed out that, as desirable as this may be, there are some sensitive ethical issues involved in accepting resources from supportive communities. When Multnomah County prosecutor Michael Schrunk agreed to establish the first Neighborhood DA in response to a request by business owners wishing to

eliminate crime problems from a new shopping district, he was faced with criticisms about the appearance that business leaders had “purchased” the services of their “own” prosecutor. This led to the question of whether communities without their own sources of private funding would not receive services from the prosecutor (a public official) if they did not also pay for them. Clearly, when considering various crime-affected areas, community prosecutors are likely to encounter many neighborhoods in need of community prosecution services that may have no such resources to offer. It would be inappropriate, prosecutors have stressed, to rely too much on the contribution of community resources in determining whether a particular area should be selected to be a community prosecution site.

#### Los Angeles County, California, Community Prosecution Unit

Site identification for the Los Angeles County community prosecution unit varied considerably from CLEAR. As described by Michael Yglecias, Head Deputy of the Community Prosecution Division, in 1993-94 the Los Angeles County District Attorney’s Office began using civil injunctions to target gang crimes. Several of the municipalities within the county saw what was happening and liked the strategy, so they asked the District Attorney for assistance in using similar strategies. The District Attorney agreed, and assigned a dedicated prosecutor to the municipality. The prosecutor was funded by the municipality, and his/her role was to be responsive to the needs of the municipality.

As a result, prosecutors are assigned by municipality, and the sites are identified using a resource-driven model. Municipalities have the services of a dedicated community prosecutor. For those municipalities and unincorporated areas without the resources to hire a dedicated prosecutor, the County Board of Supervisors pays for prosecutors who cover broader areas.

This resulted in two categories of community prosecutor: those who are assigned to a single municipality; and those whose jurisdiction covers several municipalities and unincorporated areas. According to Yglecias, there are benefits to both models. Prosecutors in the former category can focus their attention on multiple problems that require long-term solutions. Prosecutors in the latter category find they have greater flexibility. They can target crimes that affect entire regions because they are not committed to one court or one municipality. They can be selective and take cases that cross the boundaries of municipalities and unincorporated areas.

Brevard/Seminole County, 18<sup>th</sup> Judicial District, Florida

Norman Wolfinger, District Attorney, and Phil Archer, Community Prosecutor in Titusville report that the selection of Titusville for community prosecution was based on several criteria. First, the community is small and geographically well-defined—with only one police department.<sup>11</sup> Second, it is the only city in the jurisdiction that has its own court, (staffed by two judges who handle all misdemeanors and felonies).<sup>12</sup> Third, the area has a high crime rate. Fourth, the community had ongoing partnerships. Fifth, city leaders were receptive to community prosecution. Sixth, the community had a community center with space it freely offered to the community prosecutor. The community center is home to a variety of social services agencies and is a well-known, all-inclusive resource center for the community.

Wolfinger notes that Titusville was not the first place considered and it did not have the highest crime rate in the district. However, it was an attractive choice because of the

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<sup>11</sup> Having only one police department was considered important because in implementing community prosecution, the prosecutor's office wanted to avoid overlapping police jurisdictions. The prosecutors knew that overlapping jurisdictions could create additional, unnecessary obstacles.

<sup>12</sup> In contrast, the southern portion of the district has a courthouse with several presiding judges, so it is much more difficult to coordinate community prosecution programs.

accessibility and vitality of the community center. The community center was home to numerous agencies and services, and there were groups already meeting in the building on a regular basis. In short, the prosecutor was able to join existing partnerships. One such civic group, Achieving City Excellence, was a partnership of community groups, the police department, and other city agencies that met twice monthly to talk about community issues, usually involving code violations and related problems. Another existing partnership that made Titusville attractive as a prospective community prosecution site was the North Brevard Coalition of Human Services, a volunteer organization of representatives from human service organizations such as mental health, social services, and food banks.

#### Kalamazoo County, Michigan

Community prosecutors in Kalamazoo County started their site identification process by sending a letter to all the neighborhood organizations in the county that had received government block grant funds (e.g., Community Development Block Grant) to support neighborhood associations. The letter asked two general questions. First, it asked how a community prosecutor could benefit the neighborhood; and second, it asked how the community would assist prosecutors in community prosecution (e.g., provide office space, clerical support).

According to David DeBack, Assistant Prosecuting Attorney, four or five neighborhood associations responded to the letters. The associations expressed various levels of interest and organization, but the community that provided the most detailed response, and the most specific plan, was the one that prosecutors selected. Coincidentally (not intentionally), this was also the community with the highest number of Part I crimes. It was a community challenged by criminal activity, yet it had a sophisticated neighborhood association, and a demonstrated ability to address its concerns.

Once the community was identified, prosecutors conducted a survey of residents in the neighborhood. The 25-question survey asked about criminal justice services, services the community needed, and ongoing problems of concern to residents. Based on the survey, prosecutors were able to prioritize resident's concerns, and to begin implementing programs that would address those concerns. Since the initial program implementation, community prosecution in Kalamazoo County has expanded, each time using the same model.

### Cook County (Chicago), Illinois

In Cook County (Chicago), Illinois, community prosecution started with two veteran county prosecutors who invested a great deal of time researching various districts in the city. The prosecutors knew that their resources were limited, so they wanted to be very judicious in their selection. They eventually decided to select communities that met three criteria. First, the community had to have an existing community organization that was interested in resolving "concrete"<sup>13</sup> problems. Second, the community had to have a good (although not necessarily an ideal) relationship with the police. Third, the communities had to be "manageable" (e.g., in terms of size and types of crimes). Neera Walsh and her colleagues used their prior experience with, and knowledge of, the community to identify likely neighborhoods. They looked closely at each community group to ensure that the group was representative, diverse, and could interact productively with prosecutors, the police, and government agencies. Prosecutors eventually selected the Northside of Chicago. It was in the Northside neighborhoods, where the Chicago Alternative Policing Strategy (CAPS) had successfully created networks between themselves and residents, and community organizations were already functional, that the prosecutors felt they could be most effective.

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<sup>13</sup> N. Walsh (telephone interview, February 11, 2002)

## Self-Nomination

In the short history of community prosecution in the United States so far, the self-nomination of neighborhoods or commercial districts by residents or business owners has been a compelling factor in the selection of target areas. Self-nomination, in a sense, answers important questions about whether the prosecutor would find strong community partners in a particular area. In Honolulu, for example, Chinatown merchants asked prosecutors for assistance in dealing with the ever growing problem of drug crimes in their community.

Self-nomination of communities to serve as community prosecution sites can raise some sensitive issues for prosecutors, however, such as perceptions of favoritism. Residents of other deserving and needy communities that did not request intervention may feel that they have been unfairly excluded or that other locations have received disproportionate attention (and crime reduction resources). In Portland, District Attorney Schrunk disarmed this “hired gun” issue<sup>14</sup> by expanding the initial Neighborhood DA Unit to cover traditionally underserved communities and then taking the program county-wide.

### Multnomah County (Portland), Oregon

Community prosecution in Multnomah County (Portland), Oregon, officially started in November 1990 when business leaders in the Lloyd/Holliday District asked District Attorney Mike Schrunk to permanently assign Senior Deputy District Attorney Wayne Pearson to their district. At the time, the Lloyd District was undergoing commercial revitalization. A large shopping center was being renovated, a new conference center was being built, and Paul Allen, owner of the Trailblazers, was planning to build a new sports arena. Pearson had been the prosecutor’s representative to the Lloyd District association.

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<sup>14</sup> Also a problem in Los Angeles.

Schrunk agreed to work with the residents of the Lloyd District to develop a new means of addressing the community crime concerns. At meetings of civic associations (e.g., the Lions and Kiwanis clubs), for instance, where he was prepared to report on his successes with serious crime cases, he learned that although the community expected him to take care of the serious cases, they appeared more interested in action on lesser crimes that affected their daily lives more immediately, such as shoplifting, vagrancy, abandoned cars, and prostitution. In partnering with the Lloyd business leaders, District Attorney Schrunk sought to respond better to community crime concerns.

The Lloyd District's business community had initially asked Schrunk for an agency representative. They were interested in having a prosecutor attend their meetings because they recognized that low-level quality of life crimes gave the impression that the district was dangerous and were detrimental to its revitalization. Eventually the group asked that Pearson be assigned full-time, and the community would pay for his services. Their proposal was to pay the salary of an assistant district attorney who would then be dedicated to addressing the crime problems of the area. A prosecutor was considered a critical component of the overall clean-up effort because the local business leaders recognized and were frustrated by the fact that sentences often resulted in "revolving door" justice (Boland, 1998a).<sup>15</sup> Added to their frustration was the belief that while police activity could be increased, the police did not have the legal expertise to know whether planned interventions were legal. The business leaders' tactic, therefore, sought not only to increase arrests, but also to increase effectiveness of prosecution of cases involving the kinds of offenses that affected them most.

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<sup>15</sup> This is consistent with Coles, Kelling, & Moore (1998) and Coles, Carney, & Johnson (2000), who argue that the ineffectiveness of the criminal justice system contributed to the interest in community prosecution.

In April 1991, when this initial collaboration proved very successful, Schrunk assigned another prosecutor to residential neighborhoods in the North and Northeast, where crack cocaine was generating a variety of kinds of crime. Schrunk placed Mike Kuykendal, an experienced deputy from the felony trial division in the new neighborhood assignment. Although the crime problems that compelled the prosecutor to select the Northeast area were different from those convincing him to work with Lloyd District business leaders, the goals of the expanded Neighborhood DA Unit were the same: to identify and reduce the crimes that were adversely affecting the community. However, the expanded community prosecutor role was supported by county funds.

As the Lloyd District business community touted their success with community prosecution, other business communities began expressing interest. In January 1993, the business community in the central downtown business district funded Lori Abraham, Multnomah County's third community prosecutor. Knowing that the program could be successful, Schrunk decided to cover the entire county. With the cooperation of the Gresham City Council, the Multnomah Board of County Commissioners, and the police department, another prosecutor was assigned to Gresham, the fourth largest city in the eastern part of the county. With the cooperation of the County Commissioners, Schrunk assigned a prosecutor to Portland's Southeast district, where homelessness and quality of life crimes were problems.

In another innovative extension of the strategy, the District Attorney extended the Neighborhood DA Unit to Tri-Met, the Portland area public transportation system, a highly unusual target "area." At the time, there was a series of highly publicized transportation-related crimes (including homicides) on train platforms and buses. Gang members were said to be riding the buses with guns, and teenagers were loitering on the train platforms. Furthermore, Tri-

Met was being expanded to surrounding counties and needed to address crime problems and perceptions of safety. The expansion to Tri-Met and its regional geography posed jurisdictional problems for the community prosecution approach. In an attempt to resolve these issues, Tri-Met funded a deputy district attorney who was cross-designated by Multnomah and Washington Counties to deal with a variety of transportation related crimes.

Multnomah County's seventh and eighth community prosecutors were added between November 1996 and September 2000. They cover the outer southeast neighborhood and the Westside Community Court, respectively.<sup>16</sup> A ninth community prosecutor was added in January 2002 to focus on the legal issues and challenges around the Drug Free Zone and Prostitution Free Zone ordinances. As of February 2002, nine deputy district attorneys were assigned to the Neighborhood DA Unit as part of the District Attorney's community prosecution strategy for Multnomah County. A sign of the successful institutionalization of the approach is that the city's plan to renovate space for the Portland Police Bureau includes office space for community prosecutors.

#### City and County of Honolulu, Hawaii

Community prosecution in the City and County of Honolulu started when the local Chinatown business association approached prosecutors to ask for assistance in dealing with pervasive drug crimes. Prosecutors and police already knew there was a drug problem in Chinatown, based on crime statistics, but they wanted to be sure that the neighborhood would be supportive. When the Chinatown merchants approached the prosecutor's office and agreed to do whatever was necessary to curb the problem, community prosecutors began working with the merchants. The community prosecutors established surveillance teams; taught merchants how to

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<sup>16</sup> There was a tenth community prosecutor in North Portland; however, they were unable to renew the position due to budget cuts.

take notes, make observations, and contact police; implemented a series of arrest sweeps; and began fast-tracking cases to remove the drug dealers from the streets.

As the successes in Chinatown became apparent, other commercial districts in Honolulu began expressing interest in similar initiatives. In Waikiki, a commercial tourist area, the Business Improvement Association (largely hotels) approached the prosecutor's office with a similar plan. Police had already established community policing in Waikiki, and had opened a police substation, but there was increasing concern over the prevalence of prostitution, so prosecutors began working with the business association. They adopted strategies from the Chinatown district, and obtained geographic restrictions for prostitutes.

### **Other Considerations**

The selection of a target area may be influenced by a variety of other considerations. For example, a prosecutor may have had experience working in a specific community on other initiatives or the prosecutor may have a long-term relationship or particularly close familiarity with the target community. In some instances, the availability of funding for efforts in a certain area, such as from a county commission, may play a role in the prosecutor's decision to establish a community prosecution program, especially given tight fiscal constraints.

### **Interaction between Factors in Selecting a Target Area**

In practice, the selection of a target area for community prosecution sites involves interplay among various community strengths and attributes indicative of both need and potential for intervention to address crime problems. In a schema that illustrates this—albeit in an oversimplified way—Figure 2 suggests, for example, that the assessment of sites can be viewed as a two-by-two cell classification of potential sites in which communities are ranked on their relative strengths (willingness, resources, existing projects and agency support) and their relative

need for intervention (high-crime, types of crime, drug traffic, unemployment, etc.)

Theoretically, an effective community prosecution program would have its greatest impact in an area with sufficient strengths to commend it and with high needs for intervention (e.g., serious crime related problems).

**Figure 2 Classification of Prospective Target Areas Based on Community Strengths and Need for Intervention**

<u>Community Infrastructure</u>	<u>Need for Intervention</u>	
	Minor	Major
<b>Weak</b>	Prosecutors may feel compelled to work on building community strength; the fact that the need for intervention is limited means these communities are generally not a high priority.	Presents a challenge for prosecutors, because of the need for intervention and the lack of community strength; however, many prosecutors argue that this category of sites is the most rewarding. Community may have no infrastructure or willingness; therefore, prosecutors may need to begin by building the community infrastructure or immediately tackle crime problems in order to show positive results to community.
<b>Strong</b>	Generally not a high priority because of the lack of factors influencing selection of target communities. For example, the community has little need for intervention (e.g., low crime rates); therefore, its selection may be perceived as an inefficient use of resources. However, the community may self-nominate.	Preferred category because of the convergence of multiple factors influencing selection of target communities by prosecutors. Community interest and willingness may be strong, and crime, as a target for the prosecutor, is generally present, so the selection can also be seen as an efficient use of resources. Communities in this classification may self-nominate.

Major Need for Intervention and Strong Community Infrastructure

Communities with a major need for intervention and a strong community infrastructure are the preferred choices among prosecutors because many of the factors influencing selection (as previously discussed) and favoring successful intervention are present. The major need for intervention implies that crime, as a target for the prosecutor, is generally present. Community strength suggests that the community has an infrastructure that the prosecutor can utilize, and that the community may be more inclined to participate. As a result, the selection of the community can be viewed as an efficient use of resources. In St. Joseph’s County (South Bend),

Indiana, for example, prosecutors reviewed crime statistics, economic development issues and opportunities, areas where government resources were being allocated, and neighborhoods where the community expressed interest in collaborating. These four features were important because prosecutors knew that resources and funds were limited and they wished to maximize the impact of the available resources, as well as to ensure some level of “buy-in” from the community.

#### Major Need for Intervention and Weak Community Infrastructure

Target areas with a high need for intervention and a weak community structure present a challenge for prosecutors because while there are community needs that prosecutors recognize, the weak community infrastructure means community input and participation is unlikely. The challenge is not unmet, however, as many prosecutors believe that the needs of the community outweigh such drawbacks. Rather than ignore these communities, prosecutors may opt for different tactics. They may decide to begin their initiatives by building the community infrastructure or by immediately tackling crime problems in order to show positive results to the community. For example, in the Newton District in Los Angeles County there were significant gang problems, but a weak community organization, so the CLEAR program worked to build the community structure. They established credibility by showing successes, such as ensuring that significant crimes were solved and that arrests were made; working with the local council office and the schools; coordinating high-profile events, such as street clean-ups; and ensuring multi-disciplinary teams. In Nassau County (Mineola), New York, prosecutors identified the Village of Hempstead as needing intervention due to its crime rate, but they soon discovered that the community infrastructure needed to be reinforced. They devised a three-part strategy to bolster the community that included a large community meeting, a series of “fireside chats” with community stakeholders, and a 30-member Community Advisory Group.

### Minor Need for Intervention and Strong Community Infrastructure

Communities with little need for intervention and a strong community infrastructure are rarely, if ever, selected for community prosecution. The exceptions are those communities that self-nominate by offering the district attorney resources or asking for assistance on a very specific problem.

### Minor Need for Intervention and Weak Community Infrastructure

Similarly, communities with little need for intervention, and a weak community are rarely, if ever, selected for community prosecution. Prosecutors may feel compelled, however, to assist such neighborhoods in building a sense of community.

### Starting in One Area, Expanding to Others

Often, the decision to select a target neighborhood or business district is not an all-or-nothing or once-and-for-all proposition. Rather, the prosecutor may consider where it would make best sense to start the first community prosecution site, before proceeding to secondary sites or to a city or county-wide approach. If an eventual multi-site program is being contemplated, then the first community prosecution site may be considered a pilot or demonstration site. In this case, “success” in the first program may be critical to expansion to a larger initiative. In this case (see Figure 2), the prosecutor may wish to enhance the prospects of a successful outcome by selecting a site on the basis of favorable community attributes and may resist the temptation to select the site with the highest crime and greatest need for intervention. Such an approach may be based on the rationale that a successful early demonstration can lead to greater support (and resources) for extension to more challenging areas. Or, similarly, early failure in an extremely challenging target area might preclude later acceptance of the community prosecution idea.

Selection of the initial site may also carry with it political considerations. In some jurisdictions, areas not selected for the initial site complained that they were unfairly excluded, or that the selected site was unfairly included for political reasons (such as pressures exerted by a ward leader, city council representative, or other politician). Success in the initial site will add to the positive or negative perception of the site selection process, depending, perhaps, on the next area targeted by community prosecution. Unfortunately, failure of the initial community prosecution initiative may serve to defuse the interest of other possible community sites in developing their own community prosecution initiatives. These kinds of concerns may not make it feasible in some jurisdictions to select only one area of a city or county to begin the initiative. Other prosecutorial jurisdictions may simply be too small to subdivide; the community prosecution initiative, therefore, focuses on the entire (smaller) community and develops the same special working relationships and strategies that larger jurisdictions might have employed in select areas.

### **III. The Community Role: Nature of the Interaction in Community Prosecution**

After prosecutors have decided “where” the community prosecution programs should be located, the next logical question is “how” the prosecutor will interact with the target community in implementing community prosecution strategies. The terms community “role” and “interaction” suggest a dynamic, active process: the prosecutor working with the community in some fashion. In this section, we consider the role of the community in community prosecution sites by illustrating the nature of the relationship between the prosecutor and the community from discussions with contacts in 36 community prosecution sites.

Figure 3 provides a framework for conceptualizing the different community roles in evidence in various community prosecution sites across the United States. This figure characterizes prosecutor-community involvement on two dimensions. The first dimension, community involvement, conceives of the community role in community prosecution as ranging from a fairly passive one, in which the community is mainly a recipient of efforts and services, to a dynamic one, in which the community is very organized and plays a strong role in shaping community prosecution strategy. The second dimension characterizes the nature of the prosecutor’s involvement with the community. Prosecutor involvement can range from an information (intelligence) gathering role, a community education role (in which the aim is to better inform the community), or a cooperative role (in which joint projects led by the prosecutor are undertaken with community cooperation), to a problem-solving role (in which the prosecutor helps develop community leadership and works as a co-equal partner).

**Figure 3 The Nature of the Prosecutor/Community Relationship in Community Prosecution**

*Types of Community Prosecutor Involvement*

<u>Role of the Community</u>	<u>Information Exchange</u>	<u>Community Education</u>	<u>Referral to Services</u>	<u>Cooperative Efforts</u>	<u>Problem-Solving</u>
<b>Recipient (Passive)</b>	Prosecutor makes queries in the community about crimes of interest to prosecutors. Prosecutors may inform community of new/ongoing initiatives.	Prosecutors educate residents about crime occurrences, and prosecutors may develop educational program (e.g., about the role of the prosecutor, criminal justice system) for the community. Education can be interactive (e.g., classroom) or in the form of publications (e.g., brochures). Community is audience.	Prosecutors provide general referral information to the community in the form of newsletters, brochures, flyers (e.g., domestic violence hotline, truancy hotline). Onus is on the resident to pick-up or use the information.	Prosecutors may reach out to community or build community infrastructure by identifying community stakeholders. Community may be unwilling or distrustful of prosecutors.	Prosecutors engage in problem-solving with little community input. Prosecutors may survey community to discover problems. Community is the recipient of the services.
<b>Responsive (Participant)</b>	Prosecutors gather intelligence and provide information on crimes and community concerns. Prosecutor engages in community awareness. Community interacts with prosecutor by providing information on crimes, cases, quality of life concerns.		Prosecutors provide referrals for residents, act as facilitator when agencies and organizations are not collaborating, or when residents encounter difficulties with government agencies.		Prosecutors engage in problem-solving with the community. Community identifies the problems it would like solved. Prosecutors may engage the community in the development of the solution.
<b>Dynamic (Joint)</b>	Prosecutors actively work with community to exchange information and ideas on crimes and concerns. Community may work with prosecutors to track cases of interest to the community, and report back to the community.	Community works with prosecutor to select the topic(s) and the venues (e.g., education is a meeting agenda item).	Prosecutors and residents work to identify and improve relationships.	Prosecutors and residents collaborate fully (e.g., identify and implement) on initiatives, activities, and events. Residents sit on and participate in prosecutor-run committees.	Community participates fully with prosecutors in identifying problems, and developing and implementing solutions. Formal bodies run by the community, such as Community Justice Councils, may be convened.

Prosecutors may emphasize one or more of these forms of involvement with the community in shaping their community prosecution strategies. They may have fairly basic aims, such as to develop information from the community (gathering intelligence) relating to specific crime activities, or to help by referring residents or groups who need assistance in finding agencies to address neighborhood problems related to crime. They may wish to make community residents aware of law enforcement initiatives in their areas and seek cooperation. Community prosecutors have commonly mentioned the need to “educate” the community about a variety of crime-related issues, from basic legal and criminal justice procedures to how to get the justice and other systems to work for the community. Some community prosecutors have opted to work cooperatively with community groups on select projects, while others have made a commitment to facilitating the community’s own capacity to identify problems and propose solutions (as a form of empowering target areas to work through their own problems). Some sites have focused principally on the development of a problem-identification and problem-solving capacity with the community. Some of the existing sites may mainly emphasize community education or crime reduction activities.

The role of the community may depend on the make-up of the community, strengths such as outlined in the previous section (e.g., the existence of active community or faith-based organizations) or the types of problems of interest to the prosecutor. At one end of a continuum describing the community role, a given community may be the passive recipient of community prosecution efforts (e.g., a drug sweep, a crackdown on illegal vendors, a campaign against graffiti). At the other end, the community may be centrally involved in a variety of activities relating to quality of life and crime issues, displaying a very active and engaged approach to identifying and dealing with community problems. This type of community involvement is

proactive and “leads” the direction of community prosecution initiatives to serve as a resource in an overall plan for community enhancement.

### **Information Exchange**

Almost without exception, community prosecutors across jurisdictions engage in information exchange. This information exchange may be in the form of disseminating information to the community and/or gathering information directly from the community, but the types of interaction vary, depending on the degree of community participation. For example, residents may take a passive role when prosecutors disseminate general information to the community, such as announcements about initiatives and strategies to address community concerns or updates on crime statistics. Citizens take a slightly more participatory role when they ask prosecutors to report the results of citizen surveys, or ask for explanations about the criminal justice system (see section on education). In a more dynamic role, citizens may ask prosecutors to report on high-profile cases of interest to the community.

Similarly, when prosecutors gather information from the community, the community may take a passive role by merely alerting prosecutors to concerns or complaints (e.g., what is bothering the community; perceived unresponsive justice system). In a more participatory role, the community may provide prosecutors with leads on cases or crimes (e.g., reporting a suspected crack house). The community may also take a dynamic role by actively helping prosecutors identify crimes and criminals. For example, Project Focus and Project Octopus in Manhattan, New York, were organized specifically to gather information on violent drug gang activity. The plan was to use all available resources—including police, community groups, block associations, tenant groups, landlords, schools, and even the United States Postal

Service—to identify and reduce criminal activity. In Honolulu community prosecutors taught residents how to assist prosecutors in identifying criminals and criminal activity.

Information exchange brings the prosecutor closer to the community in many different ways. Previously, information was filtered through the police, sheriffs, or other criminal justice agencies, but the act of exchanging information as part of a community prosecution program enables prosecutors to deal directly with the community. Community prosecutors may also find that, depending on the community, residents are eager to talk to someone from the criminal justice system. Historically, the criminal justice system has rarely acknowledged the community's voice, so community prosecution affords the community an opportunity to be heard. Sometimes, although not frequently, information gathering will evolve from one form to another. Prosecutors may begin gathering information with the intent of solving crimes or of gathering information on ongoing criminal activity. The prosecutor solicits information on criminal activity from the community, and then discovers that the community has other concerns. Prosecutors can opt to act on those concerns. For example, in Los Angeles, the CLEAR program started with the specific intent of soliciting information about gang activity from the community. Prosecutors have found, however, that the community report on quality of life problems as well. Not wanting to ignore those concerns, prosecutors agree to address the quality of life problems.

Among the many ways prosecutors facilitate information exchange is by encouraging phone calls and walk-in meetings. Others attend meetings and community events, or use newsletters, surveys, the Internet, and door-to-door meetings. The use of meetings by community prosecutors cannot be understated. These meetings range from the very formal, with agendas, guest speakers, and minutes, to the very informal. To merely say that prosecutors “attend meetings” does not do justice to their role. The prosecutor's role at meetings may range

from bystander, to active participant, to meeting convener. In a few jurisdictions, prosecutors attend but play no formal role in the proceedings. In other jurisdictions, prosecutors are merely on the agenda. In still other jurisdictions, prosecutors are the primary actors, but the community takes responsibility for the actual meeting.

Many prosecutors convene meetings specifically for the purpose of exchanging information with the community, but the level of engagement will vary according to the community. In many communities, prosecutors are responsible for every aspect of the meeting, from organizational and administrative (e.g., identifying and inviting participants, finding facilities) to substantive tasks (e.g., developing agendas, running the meeting, participating, follow-up). When asked about the process of convening meetings, many prosecutors say they combine targeted invitations to specific community stakeholders (e.g., churches, schools, businesses), and general announcements (e.g., in the newspapers, flyers). They may include prominent guest speakers on the agenda. They also admit that they are often ill-suited for convening meetings. One prosecutor said he had three attendees at his first community meeting, but he persisted. His most recent community meeting drew 200 community residents.

Many prosecutors note that they are inundated with invitations to meetings, especially when they first announce their availability and intentions. Because prosecutors are invited to so many meetings, it sometimes becomes necessary for the prosecutor to be selective about which meetings she will attend. Beginning community prosecutors often note that when they first started implementing community prosecution, they tried to attend every meeting. It very quickly becomes apparent that one individual cannot attend all community meetings, nor is it necessary or effective to attend every meeting. In Hennepin County (Minneapolis), Minnesota, Assistant Senior County Attorney Andrew LeFevour only attends meetings when there are ongoing crime

issues, or when invited. For some groups, this results in his attendance at every meeting. For other groups, LeFevour attends meetings only once a year. He remains very cognizant of the community's independence, and respects their autonomy. "The communities are independent entities, and they have been dealing with these crime issues for years, so I respect their knowledge of when they need me and when they don't."<sup>17</sup>

The process of information exchange is not without its tribulations, however. Judy Phelan of Multnomah County notes that when community prosecutors first attempt to engage in information exchange, they may find that they are barraged by citizens' anger over what the system has not done. This may be the first time the prosecutors are listening to citizens directly, and it may be the first time that prosecutors are hearing the community's concerns. The citizenry may be equally eager to talk to prosecutors and angry at an unresponsive criminal justice system. She warns beginning community prosecutors that they may initially face intense criticism and anger from the community.

The following are illustrations of the information exchange function common in community prosecution:

Plymouth County (Brockton), Massachusetts

Prosecutors and crime watch leaders in Brockton, Massachusetts attend monthly crime watch and community prosecution meetings, along with city agencies, representatives from the YMCA, state and local police, interested individuals and groups, and staff from the boys and girls clubs. During these meetings prosecutors hear of problems from the community, which they then adopt; i.e., they devise and implement solutions. The belief is that while it is the role

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<sup>17</sup> Ibid.

of the community to identify problems, it is not the community's responsibility to solve these problems.

#### Los Angeles County, CLEAR

The Los Angeles County Community Law Enforcement and Recovery (CLEAR) program was conceived to respond to hard-core gang problems. A central focus of the approach remains the vigorous prosecution of gang-related cases, often relying on information provided to the CLEAR Impact Team (prosecutors and other criminal justice personnel) by members of a Citizen's Impact Team made up of community residents, other stakeholders, and attorneys. The Citizen's Impact Team also reports quality of life crimes and issues. However, CLEAR Impact Team attorneys, in order to maintain the integrity of the gang focus, still handle only gang cases; they do not prosecute quality of life cases on behalf of the Citizen's Impact Teams.

Still, recognizing the importance of quality of life crimes, CLEAR Team members do not ignore the community's concerns. To address the quality of life issues, the CLEAR Impact Team convened a Community Impact Team with 12 to 30 representatives of various city services such as the contractor responsible for graffiti removal, and the departments responsible for building and safety. Together the Community Impact Team developed a "Hot Spot" list. They meet twice a month, review complaints, visit the hot spot, evaluate the seriousness of the problem, and ask the appropriate agency to deal with the problem. Peter Shutan, CLEAR Program Director, notes that they are successful in getting problems resolved because they have a representative from city council on the team.

Currently the Citizen's Impact Teams meet monthly with the CLEAR Impact Teams. The purpose of the meeting is to bring crimes, hot spots, and quality of life problems to the attention of the CLEAR Teams. Citizens are expected to report problems to the CLEAR Impact

Team so that the Team can either assist in resolving the issue or make an appropriate referral. Strategies are developed appropriate to whatever issues arise; no one particular type of problem is targeted.

#### Philadelphia County (Philadelphia), Pennsylvania

Community prosecution in Philadelphia reflects the evolution of two programs and illustrates how exchange of information between the prosecutors and the community affected that evolution. Both the Local Intensive Narcotics Enforcement (LINE) and Public Nuisance Task Force (PNTF) programs began in 1991. The LINE program originated as a pilot effort to address crime related to drug dealing in one police district in West Philadelphia that was particularly affected. Initially, LINE prosecutors sought to collaborate with community residents and leaders in order to open lines of communication that would provide the information necessary to effectively prosecute drug offenders. However, in meeting convened to discuss the neighborhood's drug problems, residents complained about nuisance-related crime problems. The information provided by residents helped to reshape the program into a nuisance abatement effort that served two objectives: improving quality of life in the neighborhood and reducing drug crime. A priority of the residents—closing locations of drug activity—was also an ineffective way to reduce drug crime in the neighborhood. Although the LINE program was never expanded citywide, its strategies and tactics, particularly nuisance abatement and property forfeitures, were adopted by the Public Nuisance Task Force. Prosecutors in the PNTF spend much of their time in the community, attending meetings to gather information from residents about problem properties, and assisting the community in becoming more organized. In Communities That Care, prosecutors develop local Prevention Boards comprised of prosecutors, police, and community (e.g., business, resident, and faith-based) stakeholders. Board members

work with prosecutors to exchange information about problems in the community. Prosecutors facilitate a problem-solving approach, using the authority and respect of their office to help residents solve problems.

### **Community Education**

Education is a second feature of community prosecution programs. In many communities, the prosecutors teach citizens to assist in identifying and addressing criminal activity. In some communities, prosecutors educate property managers in recognizing and resolving or avoiding tenant problems. In still other communities, the prosecutors educate the community as to what the prosecutor's office can and cannot do for them, what they can do to play a proactive role in improving their own safety and quality of life, what solutions are legal, and what types of crimes are occurring in their neighborhoods. Prosecutors may also find that they need to educate citizens about the workings of the criminal justice system before they can become effective partners.

In communities where residents have a more passive role as recipients of the prosecutor's services, community education often occurs in the form of publications. These publications may include newsletters, flyers, and brochures, and they are often bi-lingual. Information may include introductions to the program, the community prosecutor, community policing officers, and representatives of agencies collaborating in the effort, general information on the criminal justice system, information on crimes and crime statistics, announcements, results of surveys, updates on initiatives and high-profile cases, and recognition of volunteers. Brochures distributed by the prosecutor's office are often incident- or crime-specific, providing information on domestic violence, child abuse, how to report crimes, etc.

The Community Affairs Unit in New York County (Manhattan), New York, for example, distributes a plethora of information on local resources and on the criminal justice system. There are bi-lingual informational brochures on programs (e.g., Trespass Affidavit Program, the Narcotics Eviction Program), resource sheets on elder abuse, brochures for witnesses and gay/lesbian victims, and brochures about family violence and child abuse. The Manhattan District Attorney's Office also provides the public with detailed information on the New York State criminal justice process and answers to frequently asked questions such as, "What is a lawful arrest?" and "What is an arraignment?"

In jurisdictions with greater community participation, topics may be more specific and may be broached as a result of community initiative or questioning. For example, in Denver County, Colorado, community prosecutors had to educate the community about crime reporting. Neighbors had assumed that merely reporting a crime would result in an arrest. Community prosecutors, bringing in "speakers to talk about search and seizure, reasonable suspicion, and probable cause" (Wolf, 2000:2), taught the community about the importance of legal standards. They teach citizens how to assist police, identify and record criminal activity, and report offenders. Community prosecutors are also very careful to teach the community the do's and don'ts of crime reporting. In Kalamazoo County, Michigan, residents are trained in how to give testimony at hearings, and the types of information that will be needed.

In Lackawanna County (Scranton), Pennsylvania, community prosecutors go into the community and educate citizens on existing ordinances. In the 18<sup>th</sup> Judicial District in Florida (Titusville), prosecutors have started a State's Attorney's Citizen's Academy that educates citizens about the criminal justice system and the prosecutor's role. The Academy is a bi-annual, 10-week course, held one night a week for three hours. In Los Angeles County, California,

prosecutors participate in a number of property management initiatives aimed at educating property owners. They participate in numerous seminars that teach property owners how to recognize, resolve, and avoid problems.

Some prosecutors are finding that the community is not aware of the prevalence of crime in their neighborhood. As a result, a few community prosecutors make an extra effort to educate the public on the rates of various crimes. The intent is to make citizens more aware and careful, not to frighten or belittle. Interestingly, educating citizens can also be an educating experience for the prosecutor. The prosecutor may find that merely informing the community does not necessarily lead to community concern. Citizens will not always prioritize those crimes that the prosecutor identifies as problems. In many jurisdictions, prosecutors have discovered that the community is less interested in the crimes the prosecutor wishes them to report, and more interested in low-level, quality of life crimes.

#### Lackawanna County (Scranton), Pennsylvania

In Lackawanna County, nuisance properties that give rise to drug activity are a pervasive problem. Prosecutors are educating residents on ways to mitigate the situation by explaining how the criminal justice system works, how to report crime, and how to document suspicious activity. Residents who do not wish to be identified can file anonymous complaint forms that are then investigated by the neighborhood Community Justice Councils.

#### Pima County (Tucson), Arizona

Community prosecution in Pima County was recently redesigned as a countywide initiative, causing community prosecutors in Pima County to focus on programs that engage the entire county. One example includes educating residents about the Criminal Eviction Assistance program, which provides legal advice to landlords who have tenants dealing drugs.

### Erie County (Buffalo), New York

In Erie County, prosecutors educate landlords as part of a Save Our Streets initiative. Prosecutors answer landlord questions, provide general information about the prosecutor's office, and teach landlords about tactics they can use with problem tenants. Prosecutor Drmacich notes that this has led to the creation of a unique relationship between prosecutors and landlords. If prosecutors and police identify a problem with a tenant, the community prosecutor relies on established relationships so he can approach the landlord, describe the problem, and ask the landlord to assist in resolving the problem.

### Travis County (Austin), Texas

The Travis County (Austin) community prosecution approach has evolved in the aftermath of September 11th, according to Assistant District Attorney Meg Brooks. As police and sheriffs have become increasingly concerned with homeland security issues, it has become more difficult to maintain a focus on community quality of life offenses. The community prosecutor views her role as a teacher and facilitator and, in pursuit of those aims, distributes copies of ordinances, writes step-by-step guides on how to address particular problems, instructs the community in how to follow up on problems, and explains to residents what is reasonable and what is not in terms of resolving their own problems. Prosecutor Brooks has also been working with the Austin Hotel-Motel Association, educating hotel-motel owners on ways to spot drug-dealing guests. The problem was that guests would stay at a motel for a few days, use the room to deal drugs, then check out and register at another motel to begin the process anew. Brooks has also implemented a fax system to distribute lists of evicted guests to all hotels and motels in the area and compiled a "blacklist" of guests who are using motels to deal drugs and can be prevented from having access to the motels involved.

## Referral to Services

Community prosecutors often seek to educate community members in the availability and use of existing resources, processes and agencies to help them address their own problems. In many communities, prosecutors refer residents to appropriate agencies in such areas as domestic violence or suicide prevention. The community role under these functions is to receive the support and assistance of the prosecutors and, therefore, is relatively passive. In some instances, prosecutors actively facilitate discussions and meetings among organizations and agencies that “are at a standstill in their deliberations” or “are not talking to each other.” Using the authority and prestige of the prosecutor’s office, prosecutors are able to bring together opposing parties to address problems of importance to community residents.

In Travis County (Austin), Texas, prosecutors work with community residents when they have problems with or are overlooked by other government agencies. In one incident, residents complained about a property to a government agency, but the agency representative maintained that the property was not a problem. Under normal circumstances, after being discouraged, the residents would have dropped the issue. However, because the property continued to be a problem for them, they brought the problem to the community prosecutor. The prosecutor was able to offer residents alternative solutions that eventually resolved the problem.

In Multnomah County (Portland), Oregon, the community and police resisted efforts to build a walkway to a planned river overlook in a remote part of a district. The project was endorsed by the city and the local transportation authority, but the community feared that the walkway’s remote location would be conducive to criminal activity. The Neighborhood DA brought together police, businesses, residents, city government, and the local transportation

authority to discuss and resolve the community's concerns<sup>18</sup>. In Manhattan, Connie Cucchiara served as a facilitator between police and citizens to overcome a strained relationship.

#### Placer County (Auburn), California

Community engagement in Placer County is firmly based on collaboration and facilitation. The District Attorney's office, in investigating crimes against the elderly, recognized that while there were many agencies (e.g., police, health and human services) providing services to the elderly, their efforts were not coordinated. As a result, some services were duplicative, others nonexistent. The District Attorney took on the role of facilitator, to coordinate the services of the various agencies. Using the respect inherent in their office, prosecutors brought all the service providers to the table to discuss how best to deal with crimes against the elderly.

Before doing so, however, the community prosecutors had to meet separately with social service and law enforcement agencies to overcome a long history of misunderstandings and resulting antagonism among them. In meeting separately, the prosecutors eliminated many of the barriers and antagonism so that the agencies could then meet as a group. According to Ken McHold, investigator and program coordinator in Placer County, prosecutors were facilitating and networking, not regulating. Once prosecutors were able to facilitate the interagency meetings, the problems could be effectively addressed. Community prosecutors solidified the protocol for handling cases and assigning agency responsibilities for various actions. Community prosecutors also provided training for some of the agencies.

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<sup>18</sup> Information from the Multnomah County District Attorney's Office website, <http://www2.co.multnomah.or.us/da/ndap>, accessed February 2002.

## Cuyahoga County (Cleveland), Ohio

In Cuyahoga County, prosecutors developed a sophisticated referral service for delinquent juveniles. The community had identified truancy as a persistent problem, but it was clear the police did not have the resources to deal with the problem effectively (i.e., they did not have the requisite personnel to pick up truant children, provide supervision and care, and contact parents). Community members, working with prosecutors, the school district, the police department, and a neighborhood center, developed a program which referred and escorted truant children to the neighborhood center. At the center are prosecutors, school and center staff, and social workers. All partners work to return the child to school, to monitor that child's attendance, to hold parents accountable, and to prevent future truancy. By working together, prosecutors have developed a comprehensive solution to the problem. There is a more productive relationship among the agencies, parents are being held responsible, and the truancy problem is being resolved.

### **Cooperative Efforts**

Cooperative efforts involve working in partnership with the community, often to build a sense of community or to reach out to the community. For many prosecutors, community collaboration is one of the most difficult, albeit rewarding, components of community prosecution<sup>19</sup>. In passive communities, the cooperative efforts may involve community building, especially if the community does not have an extant infrastructure. Community building requires that prosecutors enter the community, identify stakeholders, and then help the community to build an organization that will represent its interests, as well as work with the prosecutor.

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<sup>19</sup> Susan Motika, telephone interview

Many prosecutors' offices have had to engage in some aspect of community building. For example, prosecutors in the Newton District in Los Angeles, California, worked to build a community structure to address significant gang problems in a setting with relatively weak community organization. In relatively rural Palm Bay, Florida, home to serious drug and gang activity, the community is dispersed over a large geographic area, not lending itself naturally to a strong community structure (houses are few and far between). Community prosecution faced challenges because there are few community organizations, no downtown, and little sense of neighborhood. As they pursue law enforcement aims relating to drugs and gangs in the traditional fashion, prosecutors in Palm Bay are also working to build a sense of community.

Many prosecutors' offices embarking on community prosecution initiatives have to reach out to the community in unfamiliar ways. This has been the case when the prosecutor's office has traditionally had little contact with the community, when the community has been underserved, or when the community is reluctant to collaborate.

In many cases, the outreach is an attempt, by prosecutors, to identify community stakeholders and to work with the community on issues of common concern. There are several routes that prosecutors pursue. Many prosecutors reach out to the community by first identifying stakeholders and then arranging meetings or focus groups. Other prosecutors establish a "presence" in the community, usually by opening a community prosecution office.

Many prosecutors plan and implement events and activities that are designed to overcome the community's reluctance. These events are intended to address the concerns of the community and to involve and benefit the community. The events also help prosecutors attain their objectives. For example, in Los Angeles County the community was concerned about children not having suitable after-school activities. The children were playing in the streets

because there were no recreational areas in the neighborhood. This exposed children to drug dealers and other criminal activity. Prosecutors, working with Parks & Recreation, developed the EuCor Mobile Recreation Program with the goal of providing children with games and positive role models.

#### Oakland City Attorney, California

In Oakland, California, prosecutors helped to convene the Coliseum Neighborhood Council Task Force, chaired by Sylvester Grisby, a retired resident of the neighborhood, to be responsible for crime prevention in the community. The task force guides community prosecution, Weed & Seed and National Crime Prevention Council (NCPC) initiatives. The neighborhood's designation as a Hot Spot gave them a unique opportunity to use federal, state, county, and city resources to fight crime. More importantly, a city attorney was assigned to work directly with the community. According to Grisby, the neighborhood was "saturated with drug activity and drug houses" when city attorneys approached him to convene the task force. Working with city attorneys and the police department, the organizers invited community stakeholders to the meeting. The meeting was open to the public, and representatives from the residential and business communities, as well as neighborhood developers attended.

The task force currently meets on a monthly basis and always includes representatives from the prosecutor's office and police department. The meetings focus on crime prevention, code compliance, schools, the role of businesses in helping the community, other neighborhood issues, and announcements about new projects, inside the neighborhood or on its outskirts. Time is allotted for a discussion of how a project will benefit or impact the community, and whether the community can use the project to better the neighborhood. Generally discussions around crime prevention result in complaints and initiatives to reduce crime. Participants are also given

the opportunity to register confidential complaints, using the task force's reporting form. These complaints are entered into a Metric Tracking System that includes information on the government department responsible for solving each problem. Confidential reporting protects citizens, and the tracking system ensures that complaints are not lost in the system.

#### Cuyahoga County (Cleveland), Ohio

In Cuyahoga County, community prosecutors contacted the mayor's office for information about local resources. The mayor's office referred the prosecutors to a local non-profit social services agency, the East Cleveland Neighborhood Center. Prosecutors met with staff from the Neighborhood Center, and together they convened an Advisory Committee of Stakeholders that includes social services, businesses, police, schools, mental health care providers, and public safety. The main purpose of the Advisory Committee has been to collaborate, brainstorm, and solve problems.

According to Thelma Shepherd, director of the Neighborhood Center, the two agencies are very happy to be collaborating; in fact, the East Cleveland Neighborhood Center was so delighted with being asked to participate that they agreed to temporarily house the community prosecution unit. Staff members from the unit have since moved to their own quarters in the neighborhood, but still have contact with the Center on a regular basis. Jay Klein, a member of the community prosecution unit and the Center's liaison, visits daily, generally for just a quick briefing on events in the community. Klein also attends a monthly meeting of community residents. Shepard does not attend the monthly meeting; rather, she relies on Klein to keep her informed of the community's interests, and, more importantly, on the issues that need to be resolved.

Attended by Assistant District Attorney Richard Neff as well as Klein, the monthly community meetings are one of the strengths of the community prosecution unit. They assist the district attorney's office in learning about community concerns and engage the community in problem-solving. The meetings are organized and chaired by Annie Williams, a local community activist, who works with prosecutors to develop the formal agenda for each meeting.

The meetings always start with a presentation and report by the prosecutors on crimes of interest to the community, crime statistics, arrests, sentences, truancy cases, and delinquency cases. This is followed by questions from the public to the prosecutors. Guest speakers are often invited and provide the education and facilitation component. They have included judges, representatives from the local neighborhood center (talking about the programs and resources that are available), prison staff (talking about the Scared Straight program), the chief of police, the mayor, and a city councilperson.

#### Multnomah County (Portland), Oregon

Multnomah County has developed a partnership with Tri-Met, the regional public transportation system. As described earlier, Tri-Met approached the prosecutor's office, asking for assistance with crimes that had occurred within its public transportation system. One target community for the Neighborhood DA Unit thus, became the Tri-Met organization, its employees, passengers, and people affected by Tri-Met, including those who lived around Tri-Met stations and stops. Prosecutors also had to work with the Washington County DA because Tri-Met extends into their jurisdiction.

The Neighborhood DAs work with Tri-Met employees to identify problems, meeting regularly with supervisors and handling everything from turnstile jumping (not paying the fare), to criminal trespass charges (against individuals who are or should be banned from using the

transportation system), homicides, and assaults on bus drivers. Prosecutors track and review every transit incident to keep abreast of crimes and to ensure that cases do not fall through the cracks. The Tri-Met (Neighborhood) DA is the only community prosecutor to carry a caseload. This was considered critical since the transit system's low-level cases tended to get lost.

The prosecutor assigned to Tri-Met is housed in their offices, which enabled a very close working relationship with the Tri-Met police. It is important to note that Tri-Met police are really police officers from Tri-Met districts and county sheriffs who are assigned to the Tri-Met precinct. Due to the unique nature of the precinct, community prosecutors trained police officers assigned to the unit and developed a Tri-Met enforcement guide that provided police and Tri-Met employees with information about prosecution and law.

#### Santa Clara County (San Jose), California

In Santa Clara County, the community prosecution methods for engaging the community vary according to the community's level of preparedness. In areas where there were few community associations, prosecutors first had to organize the community. In Burbank, an area with few community organizations and resources, prosecutors began the program by posting flyers and speaking to residents wherever they congregated, including fast food restaurants. Prosecutors initially invited residents to a meeting to discuss issues with law enforcement; with repetition, the meetings became increasingly organized. In other, more organized areas of the county, prosecutors participated in existing organizations.

#### Westchester County (Yonkers), New York

Prosecutors in Westchester working with the Elliott Avenue Neighborhood wanted to identify the issues of greatest concern to residents. They conducted a door-to-door survey of the entire neighborhood, administered by legal interns, which asked about the community's most

important concerns. Surprisingly to the prosecutors, the survey results indicated that the community was not as concerned about serious crime as prosecutors had assumed; rather, the community was concerned about minor and quality of life crimes such as graffiti, open containers, litter, prostitution, drug sales, and the physical deterioration of neighborhood facilities.

As a follow-up to the survey, prosecutors began to meet and work with businesses and residents to establish relationships. Prosecutors visited merchants, listened to their concerns, and invited the merchants to participate in community prosecution efforts. The neighborhood merchants responded favorably. At the same time, prosecutors began forming partnerships with residents in the community, overcoming the community's initial reluctance to work with the criminal justice system by implementing programs that would provide early, visible successes. For example, they increased police activity and targeted the litter problem by installing more trash bins.

Prosecutors, police, businesses, and residents formed the Community Justice Partnership. Representatives from local government, the mayor's office, the health department, drug treatment programs, social service agencies, employment offices, business organizations, housing resource agencies, and local hospitals also attend. The community prosecution coordinator and the assistant district attorney co-chair the Community Justice Partnership. The partnership currently has 28 regularly attending members and meets once a month. They discuss problems in the neighborhood, but, equally important, the meetings provide a valuable opportunity for networking and information exchange. According to Yolanda Robinson, Westchester County Community Justice Coordinator, it is important in their community for

prosecutors to facilitate the exchange of information and ideas, and to get everyone working together.

Robinson notes that previous community outreach efforts in Westchester County had failed, so prosecutors and police were very careful and thoughtful about how they would engage the community. In the past, police initiatives to work with the community encountered problems when community members shared information with drug dealers. The new strategy will be to avoid discussing specific cases or targeted strategies (e.g., buy-and-bust, sweeps) with the community.<sup>20</sup> Instead, prosecutors and police will only report outcomes or aggregates. It is expected that cases of interest to the community will be tracked and reported to the community, and that the community will have a voice in how these cases are disposed, but otherwise, Robinson will only report case outcomes. Specific strategies will not be discussed. Residents who sit on the Partnership are screened to ensure they are not reporting to the drug dealers.

In addition to the emphasis on crime reduction, community collaboration, information exchange, and facilitation, community prosecution in Westchester also targets crime prevention. Community prosecutors are concerned about recidivism among paroled offenders, especially those who return to the neighborhood. They recently entered into a contract with Volunteers of America to hire caseworkers who will assist with an offender reentry program. The idea is to identify those inmates who will be released to the Elliott Avenue Neighborhood six months before their actual release date. Caseworkers will ease the transition from prison to the community by working with parolees to find housing, employment, and other services.

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<sup>20</sup> They are in the process of developing their official policies on working with police and the community.

## Problem-Solving

Many community prosecution programs employ a problem-solving methodology, usually involving some form of problem identification, strategy development, and solution implementation. The community's role in problem-solving appears to vary from site to site depending on the prosecutor's preference and the community's capabilities. In communities where the residents are mostly the passive recipients of services prosecutors may ask residents to merely report criminal activity (i.e., the 'problem' has already been identified by the prosecutors' office). In communities with more active residents, prosecutors may find the community participating as a full partner in the identification of the problem, and the development and implementation of the solution.

The first step in problem-solving, problem identification appears to be the stage at which most communities have been participating in sites across the country, identifying the crime and quality of life problems most significant in their neighborhoods. In very passive communities, residents may participate by identifying problems, which the prosecutor then is expected to "solve." In some jurisdictions, community members work closely with prosecutors to brainstorm and prioritize problems. The community justice councils in Denver, for example, use a "dots" exercise (Wolf, 2000:4) in which lists of community concerns are compiled and prioritized (colored dots are used to indicate priority—hence the name) at community meetings.

The nature of community participation in strategy development depends on the type of problem being addressed and the dynamics of the local community. Some problems are easily solved; others require months of negotiation and preparation. For example, in Cook County (Chicago), Illinois, residents were concerned about juveniles loitering on street corners and being susceptible to criminal activity. When asked, the juveniles said they congregated at the street

corners because they had no jobs and nothing to do. Prosecutors, working with the community and local businesses, organized a job fair for the youth to help them gain employment. The intention was to provide a productive outlet for the juveniles, while addressing a pervasive community problem.

Across the sites we contacted, communities varied in their interest in participating actively in strategy development, with some pursuing active involvement and others being content to have the prosecutors tackle the problems. In most of the community prosecution locations, however, the prosecutor served to bring together the police and community, as well as those affected by the problems of concern and those apparently responsible for causing them. The purpose of the multi-participant strategy common across community prosecution sites is to develop strategies with all relevant parties at the table and involved in the process.

Several prosecutors' offices have found that the community's participation in problem-solving ends with identification of the problem—with the expectation that the prosecutor will develop and implement a strategy to solve the problem. Although prosecutors' offices generally have favored a process engaging the community in the strategy development, in some instances prosecutors have noted that this is not always necessary, feasible, or even preferable. In Westchester County (Yonkers), New York, for example, prosecutors have worked with police and the community to develop strategies but also have an agreement with the police department that strategies requiring police intervention will not be discussed with the community to avoid compromising police operations intended to address community problems.

Communities participate in solution implementation to the extent that it is feasible (i.e., that the problem is addressable via community participation) and the residents are willing. The extent of participation depends on the nature of the problem, on the community itself, and on the

prosecutor. In many of the 36 communities contacted, the prosecutor has taken principal responsibility for implementing strategies. (For many problems, a single phone call from the prosecutor can resolve the issue.) In others, residents play a central role in bringing about the needed intervention.

Several jurisdictions with strong problem-solving communities have developed comparatively sophisticated community justice councils<sup>21</sup> or partnerships. These councils meet regularly, have a set number of participants, and are generally convened for the purpose of identifying and solving community problems. The five community justice councils in Denver, Colorado, are made up of prosecutors, community stakeholders (including youth), educators, and government officials. Their role is to identify and prioritize crime and quality of life problems, to develop and coordinate strategies, and to engage in strategic planning and community capacity building (*DenverDA.org*, 2001). These councils gave rise to Community Accountability Boards, or sanctioning panels, that use restorative justice ideals to sanction low-level juvenile offenders. The council may provide testimony as to the impact of the crime on the community, or the council may work with offenders and victims to repair the harm caused by the crime.

#### Brevard/Seminole County, Florida

To engage the Titusville community, Assistant State's Attorney Phil Archer started by conducting a general survey. This survey, which was mailed after Titusville had been targeted, asked respondents about fear in the community, fear of crime, perceptions of law enforcement, perceptions of the prosecutor's office, problems, and the ranking of problems. In one zone, Archer discovered that police calls for service were three times the normal rate. Prosecutors and police decided to further concentrate their efforts on this site. They organized and convened

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<sup>21</sup> Not to be confused with community justice councils, as the term is used in Karp & Clear (2000). They are referring to community justice councils as formal bodies that develop community justice policies and practices.

Town Hall meetings, which were previously unheard of in the area. They used the first meeting to meet residents and give a broad overview of what they were trying to accomplish. In the second, they had a local business owner mediate the meeting as they asked the community, “Tell us your problems.”

According to Archer, the community brainstormed and came up with an extensive list of problems, including “too many police” and “too few police.” The prosecutor and police then organized the participants into small groups, gave each group eight to 10 problems, asked the participants to further rank the problems and come up with solutions. During this meeting, prosecutors and police also tried to organize focus groups that would look at targeted problems, such as education, crime prevention, and juvenile crime. It is the prosecutor’s intention to have the community engaged in all aspects of problem-solving, from identification to implementation.

#### Sacramento County (Sacramento), California

One of the primary ways community prosecutors in Sacramento engage the community is through neighborhood meetings, education, and outreach. Prosecutors and a community service specialist attend neighborhood meetings where the prosecutors get input directly from residents. They listen to community complaints, prioritize those complaints with the participation of community members, and then bring those problems to the attention of others on the team. The “team” then devises a solution.

In Sacramento the community often participates in the identification of a problem, but relies on the prosecutors for its resolution. A recent issue involved crime and incivilities associated with an apartment complex known to harbor a great deal of drug dealing. The community prosecutor organized the Problem Oriented Policing (POP) officers, code enforcers,

building inspectors, and the fire department to go through the complex and stop activity related to drug dealing. The community identified the problem but did not participate in the activity.

Karen Maxwell, chief of the county's community prosecution unit, maintains that problem identification is heavily dependent on community input, especially since the close collaboration among criminal justice agencies can sometimes result in problems being identified that are not the same as those experienced by the community. On one occasion the sheriff's office asked the community prosecutor to assist in dealing with crime associated with a particular "hot spot." The prosecutor and the team decided not to pursue that problem as a high priority because the community did not place emphasis on it. The prosecutors believed, instead, that the sheriff's should take responsibility for that particular problem. The Sacramento community prosecutors maintain a policy of adopting a problem only if the community has been involved in its identification.

#### Oakland City Attorney, California

The Oakland, California, Coliseum Neighborhood Council Task Force meets monthly and always includes representatives from the prosecutor's office and police department. The meetings are a way of involving the community in problem-solving. Meetings have focused on such issues as crime prevention, code compliance, schools, the role of businesses in helping the community, and new projects that may impact the community.

Some of the problems the task force has identified and solved include abandoned cars and nuisance properties. The task force frequently organizes street-by-street monitoring in which teams walk through the neighborhoods, taking pictures of abandoned cars and nuisance properties. On some streets, residents are designated to monitor the street for code violations; in

other areas a team made up of concerned residents,<sup>22</sup> the city attorney, code compliance officers, and law enforcement officers walk through the neighborhood. They do not invade residents' privacy, but they do pursue the owners and residents to clean up their properties.

#### Jackson County (Kansas City), Missouri

According to Kathy Finnell, Jackson County Chief Trial Assistant for Community Justice, the community is engaged in problem-solving from identification of issues important to the community to implementation of corrective strategies. In one example, bicycles and lawn mowers were being stolen in one neighborhood that was experiencing an increase in garage burglaries. After learning of the problem from the police and the community, the community prosecutor led a discussion of the problem at a community meeting and discovered that residents could pinpoint the problem's source. The response was multifaceted: the police deployed patrol, narcotics and property crimes units; and community organizations educated the community about locking garages, notifying police of any suspicious activity, and the importance of staying involved in the process. Prosecutors also went into the community to educate pawn shop owners about ordinances and laws regarding receiving stolen property. As a result of these mutually agreed upon efforts, the problem seems to have been resolved.

#### Nassau County (Mineola), New York

Prosecutors in Nassau County have strongly supported the development of a special community court to implement a problem-solving approach in working with the community. Each community prosecutor is expected to serve as a link between the community court and the neighborhood. The community prosecutor directs cases of interest into the community court

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<sup>22</sup> Sylvester Grisby. What does this mean? The concerned citizens consisted of Sylvester Grisby?

and, in many cases, seeks to have the defendant sentenced to do community service in the affected area, allowing the prosecutor to show the community its results.

The community court has been viewed by the prosecutor as an important problem-solving resource because of its flexibility in adjusting to the needs of the local communities. When community members identified youth gangs as a high priority problem, the prosecutors looked to the court as a resource in finding and addressing the problems of troubled youth, ultimately dedicating one day a week to persons 21 years of age and under.

#### Lackawanna County (Scranton), Pennsylvania

Recognizing that each of the communities would have its own list of challenges, prosecutors began their community prosecution program by forming Community Justice Councils in each of the three target neighborhoods in Lackawanna County, consisting of community prosecutors, law enforcement officers, residents, faith-based organizations, health-based organizations, code enforcement agencies, neighborhood mediation services, victim services, and community-based organizations. The councils are formed with input from area residents to make certain that community representatives fairly reflect the concerns of the community.

The Community Justice Councils meet monthly to address issues that affect the quality of life and neighborhood safety and serve as a steering committee and problem-solving group. The Councils are responsible for identifying problems, as well as developing and implementing strategies to identify solutions. Problems are identified in one of three ways. First, members can bring problems to the attention of the entire group so that they can develop solutions; second, community members often bring problems to the attention of community prosecutors, who keep

offices in the community; and third, community members can fill out anonymous complaint forms that identify problems.

At the monthly meetings of the Community Justice Council, members review complaints that have arisen over the preceding period. Some can be resolved immediately; those requiring more long-term, comprehensive solutions become the real focus of the council. Because the challenges faced by each neighborhood vary, the solutions developed do as well. In the Hill Section, for example, residents complained about university students living off campus in crowded apartments and the problem behaviors associated with this situation, such as excessive noise, graffiti, vandalism, underage drinking, and public urination. Prosecutors, landlords, and the community worked with the university to educate students and parents—using seminars, meetings, and informational packets—about local ordinances and public nuisance statutes.



#### **IV. The Substance of Community Prosecution Initiatives: What Community Prosecution “Does”**

The new working relationships between the prosecutor and the community illustrated in the previous section have involved a variety of partnerships among and between various entities, including community police; community based organizations; local, state, and federal agencies; the private bar; and literally anyone with a stake in the community or a willingness to help. They have also led to the development of innovative approaches to crime reduction, as well as investment in crime prevention. Non-traditional methods involving civil litigation, community education and enrichment, and facilitating community access to social services have been added to the prosecutor’s repertoire of response to crime.

In this section of the report, we provide an overview of some of the methods being employed by community prosecutors in dealing with community crime issues. The varied approaches are tailored to respond to a wide range of community problems and shaped by available resources. Figure 4 summarizes the principal programmatic strategies described by officials in the 36 sites to respond to problems including crime and disorder caused by juveniles, nuisance properties (locations that are havens for criminal activities as well as those that are simply poorly maintained), and criminal issues particular to certain areas in the community, such as prostitution and drugs. Community prosecution programs have sought to encourage community participation in identifying priorities for community prosecution as well as in implementing strategies. These initiatives have increased community awareness of available resources to assist in resolving community problems on their own. Figure 4 also offers an overview of the basic elements involved in the various program types currently being used by community prosecutors. The chart provides illustrations of target populations and program objectives, as well as the methodology employed to reach them, which may include the use of

legal tools such as civil suits and statutes tailored to the objectives, collaboration with various agencies, and the delivery of services intended to assist, inform, or enhance the lives of the targeted population. In addition, we identify several of the sites that are engaged in these types of initiatives.

**Figure 4 Principal Types of Community Prosecution Strategies**

	<b>Youth Programs</b>	<b>Nuisance Properties</b>	<b>Specific Crimes/Problems</b>	<b>Community Focused</b>
<b>Target Population</b>	Delinquent and status offenders, at-risk youth, non-delinquent students	Tenants, landlords, property owners	Drug dealers and buyers, gang members and at risk youth, prostitutes and johns, hate crime and elder abuse offenders, probationers and parolees	Community members, probationers and parolees
<b>Objective</b>	Prevention, intervention, enrichment, encouraging good citizenship	Reduce crime by evicting problem tenants, addressing crime occurring inside the property; forcing repair of blighted properties	Reduce crime through coercion and education, accountability, exclusion from neighborhood, heightened supervision of offenders	Education, information, dispute resolution, engagement, access to services
<b>Methodology</b> <i>Legal Basis</i>	Truancy, curfew legislation	Civil and criminal statutes and lawsuits	Tailored criminal statutes	
<i>Collaboration</i>	School district, non-profit and community organizations; juvenile probation, CJ officials; government and social service agencies; corrections	Local, state and federal agencies; community members and organizations; private attorneys	Community members and organizations, government and social services, probation and parole, corrections, police	Police, social services, government officials, non profit organizations, probation and parole, corrections, trained mediators
<i>Service Delivery</i>	Academic, vocational, sports training, counseling, mentoring, social services, court diversion, positive cultural and recreational activities	Education on evidence collection, information about CJ system and crime statistics, assistance with eviction and tenant selection, pro bono private attorneys	Community education and information, mentoring, vocational training, social services, health awareness	CJ system information, neighborhood crime statistics, counseling, vocational training, access to government and social service agencies; dispute resolution
<b>Sites</b>	Kalamazoo, MI; Knox County, TN; Cuyahoga County, OH; Cook County, IL; Denver, CO; Santa Clara and San Diego, CA; Montgomery and Howard Counties, MD; Middlesex, Suffolk and Plymouth Counties, MA; Lackawanna County, PA	New York and King's County, NY; Philadelphia, PA; Pima County, AZ; Marion County, ID; Brockton County, MA; Seattle City, WA; Sacramento, CA; Washington, DC;	Multnomah County, OR; Cook County, IL; Honolulu, HA; San Diego City, Placer, Los Angeles and Santa Clara County, CA; Erie and New York County, NY; Pima County, AZ; Marion County, ID	Denver, CO; Lackawanna County, PA; Austin, TX; Seattle City, WA; Brevard/Seminole County, FL San Diego and Santa Clara County, CA; Montgomery County, MD

## V. Strategies Focusing on Youth

Many of the community prosecution sites have identified youth related issues as the target problems for their community prosecution efforts. Typical problems range from the lack of structured activities for neighborhood children during after-school hours, weekends, and summers, resulting in everything from groups of young people loitering on corners or committing low level offenses, to significant crime problems in neighborhoods and schools created by youthful offenders. We have identified six problem-solving approaches to juvenile issues among the 36 sites with which we have made contact. These approaches include truancy/curfew initiatives and drop-off centers; after-school and summer camp programs; mediation/diversion programs focused on low-level, non-violent crime; youth engagement programs intended to inform and empower the youth of the community to deal with their own issues; school-based programs intended to facilitate information sharing about at-risk and seriously delinquent students, as well as to address their problems; and education programs to provide students with information about the criminal justice system. The target population for these initiatives varies with the objective sought. All of these programs share in common optimism about youthful offenders and their ability to change if given the opportunity to do so, as well as the belief that non-delinquent youth who are at risk due to a lack of support and opportunity will become good citizens if their needs are met. For this reason, the prevention and intervention measures are primarily based upon educational and vocational enrichment, and the provision of positive role models. Figure 5 provides a summary of youth programs developed at selected sites. The chart illustrates the similar methodology being utilized across program types as well as the engagement of similar partner agencies to reach differing target populations of young people and to achieve varied objectives.

**Figure 5 Strategies Focusing on Youths**

	<b>Truancy/Curfew</b>	<b>After School/Summer Program</b>	<b>Mediation/Diversion</b>	<b>Youth Empowerment</b>	<b>Collaborative</b>	<b>Education</b>
<b>Focal Point</b>	Truants, curfew violators, parents	At-risk youth, non delinquent	First time low level offenders	Non-delinquent, average student; low level offenders	At-risk and serious offenders	Students
<b>Objective</b>	Discourage truancy with threat of sanction, services to help with school success, diversion	Occupy free time with enrichment activities to prevent crime	Diversion, accountability to victim, Pay community back for offense.	Education about CJ system, leadership skills, encourage community involvement	Information sharing, eliminate service gap, better supervision.	Education about CJ system and positive exposure to CJ officials
<b>Methodology</b> <i>Legal Basis (Statutory, Civil, Criminal)</i>						
<b>Collaboration (Prosecutor's Partners)</b>	School district, non-profits, Community Organizations, CJ officials	School district, police, CJ officials, non-profits, local colleges, universities, local business owners	Community members/stakeholders, juvenile probation, victims, courts	City Council, police, school district, Public Defenders, courts, community stakeholders, CJ officials	Juvenile Probation, Police, school district, Corrections officers, youth and social service providers	CJ officials, local stakeholders, business owners
<b>Service Delivery</b>	Tutoring, academic enrichment, counseling	Academic enrichment, sports training, vocational prep., mentoring, counseling	Counseling, social services, court diversion, educational/vocational training.	Educational enrichment, social services, court diversion, positive cultural and recreational activities, mentoring, counseling	Social services, counseling, educational and vocational enrichment	Information, mentoring
<b>Program Sites</b>	Kalamazoo, MI; Knox County, TN; Cuyahoga County, OH	Nassau County, NY; Cook County, IL	Denver, CO; Santa Clara, CA	Denver, CO; San Diego City, CA; Montgomery County, MD	Middlesex, Suffolk, and Plymouth County, MA; Howard County, MD; Lackawanna County, PA	San Diego City, CA; Cook County, IL

## Truancy/Curfew

Community prosecutors in Kalamazoo, Michigan, Knox County, Tennessee and Cuyahoga County, Ohio, have targeted truancy as an issue of primary concern. Each of these offices collaborates with the school district and other local agencies to create initiatives that provide drop off centers for violators, which are open during school hours, as well as to assess truants to ascertain whether social or human services are needed to address issues that underlie the truancy. There may also be a service delivery component in the form of an after-school program, which may be either mandated or optional, where tutoring, educational enrichment, access to computers, and counseling are provided to help the truants catch up in school, or to remedy educational deficits or emotional issues that may be the underlying cause of the truancy. Since these programs are diversionary in nature, there is also the threat of court involvement to compel truants to attend school regularly. Kalamazoo and Knox County combine their truancy initiatives with programs aimed at curfew violators, so their drop-in centers are also open during the late evening/early morning hours.

### Kalamazoo County Prosecuting Attorney, Michigan

A needs assessment conducted of the first community prosecution site in Kalamazoo, the Edison neighborhood, revealed that youth problems, specifically juveniles on the street during school hours, or late evening/early morning in violation of state curfew legislation,<sup>23</sup> was one of the primary issues in their neighborhood. The police indicated that truants and curfew violators were a significant problem for them, mainly because there was no place to take them other than the police station, where the officers spent hours trying to locate parents. In addition, the juvenile justice system was ineffective in handling the cases, resulting in many repeat offenders.

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<sup>23</sup> Michigan's curfew for children under the age of 12 is 10:00 PM, and midnight for those between the ages of 12 and 15. There is no curfew for children older than 15.

As a solution to this problem, the community prosecutor collaborated with the Boys and Girls Club to create a curfew/truancy program, known as the Center for Leadership Options for Community Kids (CLOCK). When police cite the young violators, they transport them to the center, housed in the Boys and Girls Club, where officials take custody and contact their parents. In the case of truants, officials also contact the school authorities. The center is open Monday through Friday from 8:00 AM to 5:00 PM during the school year, when it is focused on truants. In the summer months, the emphasis is upon curfew violators, so the hours of operation are from 9:00 PM to 5:00 AM every day except Sundays. CLOCK also operates a diversion program for truants, through which they may avoid official involvement with the juvenile system. Participation is voluntary; if the youth refuses to participate, the matter is forwarded to Juvenile Court.

Participants are assessed for personal, school, family, and employment issues, and referred to appropriate agencies if necessary. They are required to appear at the center every Monday after school (the center provides transportation from school and returns the students to their homes at the end of the two hour session) where they participate in program activities that include group counseling sessions. During these sessions, the youth are encouraged to talk about any personal or family issues that might be troubling them. With parental consent, random drug testing may be performed at this time. In addition, tutoring is provided to assist them in making up missed assignments and to encourage academic success. They are also taught leadership skills and connected with other positive activities, such as Boy and Girl Scouts and horseback riding. There are five counselors, called liaison officers, who are on staff to run the program. Participants are provided with phone numbers for all five counselors, and are encouraged to contact whomever they feel comfortable with if ever they need help or someone to talk to.

Community service is generally performed during Saturday sessions, when individual counseling is also offered, as long as a parent is willing to participate.

On the average, participants spend about 60 days in the program. If they are able to stay out of trouble (no positive drug tests for 30 days and no additional truancy or delinquent contacts), the charges against them are dropped. However, further difficulties of this type may result in a referral to court. Persistent disruptive behavior may result in program termination.<sup>24</sup>

#### Knox County Attorney General, Tennessee

Community prosecution in Knox County focuses on truancy because of its association with crime in the community and the high level of concern expressed at meetings of various community organizations. The truancy program has been instituted on a county-wide basis in the over 100 schools. The community prosecution initiative targets elementary and middle school students in the belief that early intervention shows greater promise in affecting behavior than later intervention with high school aged youth.

The school district defines truancy as five or more days of unexcused absence. According to the program instituted, when a student has been truant for 10 days or more the District Attorney becomes involved. The child and parents are notified to attend a Parental Responsibility Truancy meeting at the school. The meeting is facilitated by the community prosecutor and attended by the school superintendent, as well as representatives from social service agencies and the juvenile probation office. The child and his parents are instructed on the implications of adult life without a high school diploma, as well as the possibility of criminal charges being brought against the parents (or the child, if he is over age 16) should the truancy continue.

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<sup>24</sup> Information on community prosecution in Kalamazoo County is from interviews with Senior Neighborhood Prosecutor Karen Hayter, CLOCK Liason Officer James Mallett, and Reifert, 2000.

A second level of intervention, the Truancy Review Board, has recently been added to address truancy that continues beyond the Parental Responsibility meeting; it may be triggered by one or more additional absences. A task force of agencies consisting of school principals, psychologists, nurses, security staff, police, social service providers, and juvenile court officials, sit on the board, which holds individually scheduled meetings with the parent and child. The purpose of the meetings is to ascertain if services are needed to assist the family, in an effort to ensure that the child attends school. The community prosecutor facilitates the meeting, and if services are recommended, it is the parent's responsibility to request them. If the request is made at the meeting, the services, which may include parenting classes, counseling, and mental or physical health services, will be set up immediately.

If the child persists in being truant despite all of these interventions, a warrant is filed requiring the parent and/or child over the age of 16 to appear in court on a misdemeanor charge (punishable by up to one year in jail in the state of Tennessee). The parent can be assigned up to 250 hours of community service and placed on supervised probation for a year. Should they violate probation through allowing continued truancy, the parent may be detained in jail for ten days.

In an effort to engage the community in the truancy initiative, a community advisory board was created that meets four times each year to discuss community perceptions about the truancy issue and the effectiveness of the program, as well as to provide input (guidance and advice) on ways that it might be improved. In addition, a media campaign has been developed to promote parental awareness of the truancy issue, and the prosecutor's office has implemented a truancy hotline, which citizens can call to report truants.

The prosecutor also utilizes a Truancy/Curfew Center staffed by the police and social services agencies. Any school-aged youth found on the street during school hours is transported to the center. The school is contacted to make certain that the child in fact returns to class the next day. No charges are brought against the child unless he or she is on probation or has accumulated five days of unexcused absences—in which instance, the youth is referred to the truancy program. In addition, curfew for children under the age of 18 is midnight. Children found on the street unaccompanied by an adult between midnight and 6:00 AM are also taken to the center. In both situations, contact is made with parents, and an assessment is performed to see whether the child or his family is in need of services; if so, the appropriate referrals are made.<sup>25</sup>

Cuyahoga County Prosecuting Attorney, Ohio

A partnership with school officials has resulted in the creation of a truancy center and the Truancy Reduction Alliance to Contact Kids (TRACK) program. This effort combines personnel from the East Cleveland police department, the school district, the social service providers from the Neighborhood Center, and parents to reduce truancy in the city. The center, which is open two days each week from 8:30 AM to 1:00 PM, provides a convenient location for police officers to drop off truants that they find on the streets during school hours, where they are assessed to determine whether they are in need of social services. School officials and parents are notified of the child's whereabouts, and parents are responsible for picking up their children and returning them to school, even if it entails some inconvenience on their part. If the parent is legitimately unable to transport the student, center staff delivers the child to the custody of a school official after the center closes at 1:00 PM. These children are monitored for the next five

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<sup>25</sup> Information about the Knox County community prosecution program was obtained from interviews with Community Prosecution Coordinator Rhonda Garren.

consecutive school days to ensure that there are no further absences. Should the child fail to attend school, the first unexcused absence results in a formal warning to the parent, and the second results in a referral to juvenile court, where parents are fined generally a minimum of \$100. Truants may also be ordered to attend a "study table" at one of two locations, where they receive tutoring, and have access to computers and other educational resources. Study tables are also available at the request of the parent, but the child's attendance is then optional.

TRACK also includes a diversion component for first time offenders, requiring an appearance before a magistrate rather than a judge. The community prosecutor is present at the hearing, and the child appears with a parent, generally not represented by counsel. Referrals may be made for needed services, including counseling, drug treatment, or anger management classes, and the child may be mandated to attend the study table. Community service may be ordered, which will generally be performed in the neighborhood where the child lives. Successful completion of all conditions may result in the dismissal of the truancy case.<sup>26</sup>

### **After-School/Summer Programs**

A number of locations have sought to address behavior problems they find to be associated with youth who have a great deal of unstructured free time, even when they are legitimately at liberty. Summer and after-school hours have been identified as particularly high-risk times for juvenile crime in neighborhoods. Based on this assumption, jurisdictions have created a variety of prevention programs in the form of summer camps and after-school programs to offer academic and vocational resources for youth, as well as to provide recreational and creative outlets for neighborhood children. These programs are collaborative, drawing on local resources such as the school district, private non-profit organizations such as the Boys

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<sup>26</sup> Information about Cuyahoga County's Community Based Prosecution Program was obtained from interviews with Assistant County Prosecutor Richard Neff. Date?

Club, and community stakeholders. The focus of such programs is mainly upon at-risk rather than delinquent youth, who live in low-income neighborhoods where few options are available to structure their free time. The objective of these programs is to provide positive activities and mentoring influences in an effort to create leadership skills, prepare children to do well in school, and become law-abiding citizens. Examples of such programs are found in Nassau County, New York, and Cook County, Chicago.

Nassau County District Attorney, New York

Although Nassau County boasts among the lowest crime rates in the nation, there are particular areas, consisting of lower income residents and large numbers of adolescents, with notable crime problems. The first community prosecution site was established in the village of Hempstead, where the prosecutor hosted a series of meetings with leaders from the minority community, as well as civic and religious organizations, to identify areas of concern. One of the important problems was the lack of after school and summer programs, which left many children unsupervised, resulting in elevated levels of juvenile crime.

The District Attorney's office created a partnership with the local public schools to create after school and summer programs where enrichment and mentoring are provided. The "Rising Star" program, which includes several initiatives that target the youth of the community, is the product of this partnership. The program was coordinated by the office, utilizing forfeiture money, and supplemented in 1999 with a grant from the Bureau of Justice Assistance.

The after-school pilot effort was initiated at the Franklin Elementary School, located in one of Hempstead's poorest neighborhoods. Utilizing the efforts of the public school district, local college students, the Boys and Girls Club, Girl Scouts, and local police, the program offers structured activities intended to build character, and training in stress and anger management, as

well as providing mentors and assistance with homework. Police officers also meet with the participants every Friday, providing hands-on demonstrations and discussing criminal justice issues, creating positive interactions with the youths, and allowing them to get to know the police in a non-adversarial situation. This is an ongoing program, which is open five days a week from 3:00 to 6:30 PM. It had provided services to nearly 400 students from July 1999 through September 2000 and continues to expand operations (Kushner, 2001).

Beginning in the summer of 1998 the Summer Virtues Camp, a summer program for at-risk youth from the Village of Hempstead was created, drawing on the talent of students and staff from a local college, the Big Brothers and Sisters organization, and the school district. The camp is offered free of charge to 30 fifth and sixth grade children each summer, operating from 9:00 AM to 5:00 PM each day for a period of six weeks. Lunch, snacks, and transportation are also provided. Campers are provided with academic enrichment and virtues training (activities stressing the virtues of prudence, temperance, fortitude, and justice) each day and, after the work is completed, the children are engaged in recreational activities. Each week, a special activity is presented, consisting of either a field trip or a guest speaker.

The Rising Star program has a strong commitment to athletic training, in the belief that sports provide “a safe haven and an attractive alternative to the lure of gangs and violence, and provide fertile ground for character development and virtues training.”<sup>27</sup> The effort started a free summer camp to provide an eight-week soccer training program in the summer of 1998 with over 150 youths participating. In addition, a sports-mentoring program has been established to offer guidance and training in boxing, lacrosse, soccer, and baseball. These programs offer both

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<sup>27</sup> Office of Nassau County District Attorney Denis Dillon, Annual Report, Rising Star Excerpt (Fiechter, 2000).

sports and academic counseling and training to local youths, and succeeded both in producing varsity level high school athletes and assisting athletes in obtaining college scholarships.<sup>28</sup>

Cook County State's Attorney (Chicago), Illinois

Community prosecutors attending neighborhood meetings heard complaints from adult residents that teenagers were hanging out on the streets during the summer and creating nuisances. Since there was no evidence that the youths were doing anything illegal, prosecutors went to local high schools to talk to the students in an attempt to find a solution to the problem. Prosecutors learned that these teenagers had nothing to do and that they wanted summer jobs, but had no idea how to get them. Prosecutors approached local business owners and community stakeholders, and created a task force of those willing to hire and/or provide volunteer or mentor situations for young area residents. A summer opportunities forum was held at which representatives from these businesses were on hand to meet with and interview 200 students selected from eight participating high schools. The program targeted middle level achievers; chosen students were required to have passing grades, but were not necessarily the most academically successful students. Transportation to and from school, as well as lunch was provided to the participants. Workshops that taught interview skills were held both prior to and during the forum, where the students met with potential employers. The program, now ongoing for the past two years, has resulted in summer employment for many youths, some of whom are now permanently employed by the business owners.<sup>29</sup>

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<sup>28</sup> Information on Nassau County's community prosecution efforts is from an interview with Assistant District Attorney Rene Fiechter; from the District Attorney's Newsletter, "Rising Star," Volume II, Number II (Dillon, 2000); "Rising Star," Office of the District Attorney, Nassau County (August, 1999); the DA Newsletter, Community Crime Prevention Update (Dillon, 1998); and the District Attorney's Office website ([www.nassauda.org](http://www.nassauda.org), 2000).

<sup>29</sup> Information on Chicago community prosecution program is from interviews with Neera Walsh, Deputy Supervisor of Community Prosecution.

## Mediation/Diversion Programs

Some community prosecutors, specifically in Denver, Colorado, and Santa Clara County, California, have created mediation programs to target low-level juvenile offenders and their problem behaviors in the community. Based upon the restorative justice model,<sup>30</sup> these mediation programs involve a high level of community participation. Neighborhood residents become directly engaged in the problem-solving process, speaking to the offender in an effort to make clear that his behavior has consequences for his neighbors, and make binding decisions regarding appropriate sanctions to be applied to the juvenile, in most cases community service hours to be performed in the community where the offense took place. These diversion programs, generally offering first-time offenders dismissal of charges upon successful completion of mandated terms and conditions, assess the juvenile to identify issues that may have caused the problem behavior and then require the offender to participate in specific programs or receive certain services to help avoid further involvement in the criminal justice system.

### Denver District Attorney, Colorado

Denver's Community Accountability Boards (CABs) serve as a community-based mediation program for juveniles who have committed property offenses within the jurisdiction of the city and county. The CABs provide a forum for neighborhood residents to meet with the juvenile offenders who have committed such offenses in one of six target areas, which together include 26 Denver neighborhoods. Through the CABs, community stakeholders hold group

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<sup>30</sup> Restorative justice emphasizes elevating the role of crime victims and community members through active involvement in the justice process, holding offenders directly accountable to the people and communities they have violated, restoring the emotional and material losses of victims, and providing a range of options for dialogue, negotiation, and problem-solving. It is a concept that dates back to the practice of Native American tribes that is hundreds of years old (Ritter & Motika, 1999).

conferences with the juvenile, the parents, and other interested parties to develop ways of repairing the harm caused by the offense.<sup>31</sup> Eligible youths are between the ages of 10 and 18, and eligible property offenses can include felony level offenses.

Referrals to a CAB come from the neighborhood, municipal court, state diversion, or state probation. Juveniles referred from the neighborhood have committed property offenses in the neighborhood for which they have not yet been referred to court, and those referred from state diversion have not yet been adjudicated for the charge in question, so, for these individuals, the program is diversionary. If they successfully complete the program requirements, their charges may be dismissed. On the other hand, juveniles referred from municipal court and from state probation have already been adjudicated for the charge. The court has already ordered but not specifically assigned community service; while these youths are not eligible for a dismissal of the charges, they do participate fully in other aspects of the program.

In order to participate in the Denver restorative justice program, the juvenile must admit to the charges. CAB conferences are held in the community where the offense took place, and the CAB members who attend the conference are drawn from that community. Both the offender and the victim participate voluntarily. If the victim refuses to participate, a community resident, who may have been the victim of a similar offense, can act as a surrogate at the conference. Present at the conference are the juvenile, his parents and/or support people, the victim, and at least three members of the community. Support people for the juvenile may include coaches, teachers, grandparents, or others who live in the home. The number of participants at the meetings varies, but the rule of thumb is that there must be as many community representatives

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<sup>31</sup> Project Summary, Office of the Denver District Attorney, Community Prosecution Division, Community Accountability Board Program, David Mrakitsch, Susan Motika (unpublished document prepared by and received from the Denver District Attorney's Office in May 2001).

at the meeting as the juvenile has support people. The CAB members review the facts of the offense, and discuss how the incident impacted the community. The group works together to agree upon an appropriate sanction, which takes into account the offender's age, and if possible, his interests and talents (ascertained through an assets work sheet administered prior to the conference). The community service hours assigned to the youth are performed within that community as well. The board attempts to link the sanction to the offense. For example, juveniles whose offense was graffiti are assigned to do graffiti clean up, or if the school is the victim, the community service is performed there. Storeowner victims may put the youth to work in their store. Most offenders are also required to write letters of apology to their victims. Youths who fail to complete community service may be referred to juvenile court.

A Community Justice Advocate from the community prosecution program facilitates the entire process, maintains contact with the juvenile, mostly through phone calls, at three to six month intervals, and monitors recidivism through delinquent and/or criminal records checks for up to two years after the completion of community service.<sup>32</sup>

#### Santa Clara County District Attorney, California

The youth mediation program in Santa Clara is known as the Neighborhood Accountability Board. It is part of a restorative justice program run cooperatively by the community prosecutors and the juvenile probation department, which emphasizes three elements: Community Protection, focused on providing protection and safety for the community; Offender Accountability, intended to hold the youth responsible for delinquent acts to victims and the community; and Competency Development, intended to encourage the youth

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<sup>32</sup> Information about Denver's Community Accountability Board was obtained in an interview with the staff members from the Community Prosecution program who run the CAB, David Mrakitsch, Community Justice Coordinator and Margaret Escamilla, Neighborhood Justice Coordinator, in May 2001.

to become a contributing member of society. The Neighborhood Accountability Board targets first-time offenders under the age of 17 who reside within a targeted area, have had no prior diversion sentences, and are charged with misdemeanor or low-level felony offenses. These are usually property offenses but may include low-level assault under some circumstances. Juveniles who have been on informal supervision or have had actual delinquent adjudications in the past are considered for participation on a case-by-case basis, and must be approved by the prosecutor. The most important condition for participation is that the child must accept responsibility for the offense.

Neighborhood Accountability Boards, which are now operating throughout the county of Santa Clara, consist of residents who have been trained to handle the cases and assign appropriate sanctions. The offenders and a parent are required to appear before a "sentencing circle" in the community within which they committed their offenses, where they must face their victims and members of the community. The probation office evaluates the offenders to determine what their needs are and supplies services, including educational and vocational assistance, and counseling for family or drug and alcohol issues. The youth is required to sign a contract agreeing to perform community service and participate in a self-help program designed by the probation office. A youth intervention worker is assigned to work with each child for the period of the contract in order to track compliance and provide support and information when needed. When the contract is successfully completed, a closure conference is held, and the child receives a certificate and is given the opportunity to talk about the experience. Participants are

also required to write letters of apology to the community. Successful program completion may result in the dismissal of the charges against the offender.<sup>33</sup>

### **Youth Engagement Programs**

The primary objective of all Community Prosecution initiatives is to engage community members in crime control efforts in their communities. The belief that those who live in the community may have a clearer awareness of their own issues and what causes them, as well as the power to influence neighborhood behavior has given rise to this new attentiveness to community input in the creation of prosecution policy. Several prosecutors have also seen the value of bringing youth to the table in order to better understand their issues, as well as to foster their understanding of the criminal justice system, cultivate better relationships with criminal justice officials, and encourage a sense of ownership of their problems and the obligation to participate in solving them. Innovative approaches have been tried in San Diego, California; Montgomery County, Maryland; and Denver, Colorado where generally law abiding, average students are recruited from the community, provided with information, instruction, and mentoring, and then allowed to play a meaningful role in local government.

#### **San Diego City Attorney, California**

In partnership with the City Council, police department, school district, and the public defender, the City Attorney has created a juvenile diversion program known as "Teen Court." It is open to first time, low-level, non-violent offenders, between the ages of 12 and 17, whose acts would be considered a misdemeanor or an infraction. The offenders have not yet been petitioned to juvenile court, but are referred, instead, to Teen Court by the police, who forward a police

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<sup>33</sup> Information on the Santa Clara community prosecution program comes from interviews with Deputy District Attorney Christopher Arriola and Assistant District Attorney Marc Buller, Supervisor of the Community Prosecution Unit, Elisa Lopez DeNava, Restorative Justice Advocate, and from the Santa Clara District Attorney's Office website ([www.santaclara-da.org](http://www.santaclara-da.org), 2000).

report to program officials only. The juvenile and a parent are interviewed by the officer and must admit to the offense and sign a contract evidencing agreement to be bound by the opinion of the court in order to participate. Teen Court, therefore, is actually a sentencing court, where a jury consisting solely of other high school students decides upon the sentence, which is officially recognized by the Juvenile Court. Sanctions may include counseling, community service, and letters of apology to the victim and parents, as well as a correctional facility tour. The offender has 90 days to complete the sentence; failure to do so may result in the filing of a petition and involvement in the juvenile court system. Participants who complete the program are tracked for up to two years to determine whether they have re-offended. In the two years since the original program was implemented, less than three percent of this population has been found to have re-offended.

Students are selected from four to six San Diego area high schools to assume the roles of prosecutor, defense attorney, court clerk, and bailiff. Student participants attend a series of four classes where they learn about the criminal justice process. The classes are specifically devoted to learning how to play the required roles—potential jurors participate in a role-play exercise, where they are presented with a fact pattern and allowed to make a decision. They receive instruction about sentencing options and information about sentencing rationale to guide their opinions. Students who will be attorneys are instructed by a designated community prosecutor or a public defender on how to prepare opening and closing statements, and are supplied with the police report for the case they have been assigned about one week prior to the hearing. A session is devoted to practicing openings and closings, during which the prosecutor and defense attorney critique the presentation and provide guidance about appropriate ways to handle the case. Local attorneys and City Council members volunteer to sit as judges, and are also provided with

instruction on how to handle the role. Hearings are held four to six times per semester, at one of the selected high schools, or at a meeting place in the community where the school is located. Four hearings are held on the designated dates. Victims are represented through the introduction of victim impact statements during the hearings.

The goals of this program are twofold—the offenders are given an opportunity to receive social services and are held accountable for their behavior by a jury of their peers, through the performance of community service in lieu of a criminal conviction, while the student participants learn more about the criminal justice system at the same time that they are empowered by their participation. Officials hope that the court “will teach high school students—offenders and non-offenders—about the consequences of making bad choices and hopefully help them change their behavior before serious crimes are committed.”<sup>34</sup> A similar program has been implemented in Montgomery County, Maryland.<sup>35</sup>

#### Denver District Attorney, Colorado

The Denver community prosecution model is strongly focused on community engagement and empowerment. To this end, Community Justice Councils (CJCs) have been created that draw community residents into identifying problems and fashioning problem-solving strategies. The CJC recognized that there were issues involving neighborhood youth as both offenders and victims that the adults might not be aware of or understand, and that perhaps the best method to begin to address these issues was to include young people in the same way that the adults were being included. Indeed, there were already some young members on the CJC,

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<sup>34</sup> Information about San Diego City Attorney’s Teen Court Program was obtained through an interview with Deputy City Attorney D. Cal Logan, and City of San Diego press releases (*Maienschein, Gwinn Unveil Innovative Juvenile Diversion Program for San Diego Teens*, 2001; *San Diego Teen Court Now in Session*, 2001).

<sup>35</sup> For a brief description of Montgomery County, Maryland’s, Teen Court program, view the State Attorney’s website ([www.communityprosecution.org](http://www.communityprosecution.org)).

but their voice was limited. Youth Empowerment Teams evolved as an effort to discover what the issues were that most troubled neighborhood youth, and to engage them in the process of creating solutions to the problems. Teams generally consist of 10 to 15 members ranging in age from 10 to 21, who are drawn from many sources, including schools, churches, and sports programs within the designated community prosecution sites in Denver. The formation of the teams is also advertised in the paper in order to produce a large pool of youths with different interests and talents, from whom an active and dedicated team can be assembled. While there are no firm criteria governing who may participate, the ideal candidate is a participant in good standing at his school, church, and within the community.

The children learn leadership skills and empowerment tools, including dispute resolution, and they are exposed to positive and enriching activities, such as participation in youth choir and field trips to concerts and cultural activities. Speakers are brought in to give talks to the youths about topics of interest. In this process, they are also introduced to police, judges and other criminal justice officials, who teach them about the criminal justice system and serve as positive role models. The children learn to prioritize issues that concern them as a group and to bring them to the attention of the Community Justice Advocate. Problems that the youths have identified in this manner include bullying, both at school and in the community, and being approached by others who encourage them to use drugs.<sup>36</sup>

### **Collaborative School Based Programs**

Some community prosecution jurisdictions have acted on the premise that serious youth crime—on the streets and in schools—could have been predicted and therefore avoided had the school, social service, or criminal justice officials who come into contact with the juveniles every

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<sup>36</sup> Information about the Denver District Attorney's Youth Empowerment Teams was obtained in an interview with Michelle Wheeler, Community Justice Advocate.

day been allowed to share information. One approach to addressing this problem is to create collaborations of the relevant agencies and officials dealing with at-risk or court-involved juveniles to provide services intended to head off future difficulties, as well as to create effective dispositions for the court-involved juveniles. These collaborations also provide support and guidance to school officials on security issues, as well as resulting in the thoughtful and informed development of policies to deal with problems such as drugs on campus. The Middlesex County prosecutor employs an outreach mechanism, utilizing the school as a point of contact with parents and the community and including them in the collaboration when this is appropriate. This outreach mechanism also makes use of student focus groups to discover issues of particular importance to area youths. Similar initiatives are at work in Howard County, Maryland, and Lackawanna County, Pennsylvania.

Middlesex County District Attorney, Massachusetts

The Community Based Justice program (CBJ) was created in 1991 in Middlesex County, Massachusetts, to respond to the problem of violent juvenile gangs. Approximately 50 attorneys are involved in CBJ, carrying a regular criminal caseload while prosecuting CBJ cases vertically and participating on the CBJ task force. The task force includes prosecutors, police, school officials, juvenile probation officers, corrections officers, youth and social services representatives and sometimes neighborhood leaders, who meet weekly to share information about identified high-risk high school aged students, who have been charged with delinquent or criminal offenses. Information about specific offenders is shared amongst these agencies, all of which have different points of contact with these children, but who traditionally had not communicated with each other. The information elicited at the meetings is invaluable to the prosecutor who is handling the disposition of specific delinquency or criminal cases involving

identified offenders, because it is possible to get a much more comprehensive picture of the offender's background, current problems, and behavioral issues, in order to fashion a disposition that is appropriate to that offender.

Some of the CBJs identify a priority prosecution list, which includes violent juveniles who are then singled out for special attention, with graduated sanctions imposed on those who continue to offend. The list is constantly updated to include current information on the juveniles and to continue to uncover new children in need of intervention. It includes approximately 1,700 juveniles who are monitored on a regular basis. Efforts are made to avoid removing the offenders from the community; in appropriate cases, the youth and his family are given support through social services and creative probationary terms. In addition, information is shared about students whose behavior indicates that they are "at risk" to commit delinquent behavior, to facilitate the use of intervention strategies. A similar program has been adapted for use in both Suffolk County (Boston) as well as in Brockton County (Plymouth), Massachusetts to focus on at-risk and court-involved youthful offenders.<sup>37</sup>

#### Lackawanna County District Attorney, Pennsylvania

In 1998, prior to the development of the community prosecution program, Scranton created a program called School Based Community Justice (SBCJ). An attorney was assigned to each of the 11 school districts to represent the office at meetings with school officials, crime watch groups, community and faith based organizations, social and human services officials, and student representatives to discuss school issues. The program was initiated to respond to a serious drug use and sale problem based in the schools that had given rise to a criminal

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<sup>37</sup> Information about the Community Based Justice Program in Middlesex County, Massachusetts, was obtained from an interview with Assistant District Attorney Kerry Ahearn and the publication "Community Based Justice, No Time to Wait, No Time to Waste," Middlesex County District Attorney (1994).

investigation, which culminated in the arrest of five students. SBCJ members met and examined the existing drug policy for the school district, which they found to be inadequate. A comprehensive and uniform policy was created and implemented countywide. Students and parents are now provided with copies of the policy, which they must sign in the beginning of each school year. The community prosecution program was created as a result of the positive efforts of, and response to, this program.

The focus of the program has been expanded to address specific at-risk and serious juvenile offenders, facilitating the sharing of information amongst school, social service, and justice officials in an effort to address the needs of these students in a more efficient manner. The program also enables the prosecutor to fashion dispositions for offenders that they handle in court in an informed and constructive manner. Information is also shared on incidents, both criminal and non-criminal, that occur at school or on school property. At monthly meetings, community prosecutors present reports with crime statistics, while school officials share information about truancy and disciplinary actions that might be indicative of service needs of specific students that members of the SBCJ might address. Also, in an effort to acknowledge and encourage positive behavior, every school district honors five students each month for making positive contributions to the school community.

The prosecutor also offers many resources to the schools, including seminars to address issues that arise in the adolescent population. Seminar topics include drug identification and awareness, date rape, aggression defense, and school violence. Attorneys have also been trained in a 28-part curriculum developed by the National Crime Prevention Council and Street Law, Inc., and intended for use at Weed & Seed sites. Interactive programs are presented at the schools on a variety of topics including hate crimes and how to report a crime. The SBCJ

program, which had been limited to the public school district, is now available to private and parochial schools as well.<sup>38</sup>

Howard County State's Attorney, Maryland

Emulating the Community Based Justice model from Middlesex County, Massachusetts, the Howard County community prosecutors began a program called "School Based Cluster Meetings," which involves the joint efforts of the Department of Juvenile Justice (juvenile probation), the school resource officer (a Howard County police officer assigned to work at the school all day each school day), a representative from the Department of Social Services, school administrators (the principal or guidance counselors), and a community prosecutor. The objective of the meetings is to facilitate appropriate sharing of information about students identified by the cluster as being either court-involved or at risk for future involvement because of disruptive behavior at school or brushes with authorities that have not yet resulted in formal charges. A list of these children is maintained, which is reviewed at each meeting (held at two to three week intervals) in order to monitor developments, behavioral issues, or problems since the last meeting. Many of these children have had contact with more than one, or perhaps all of these agencies, which in the past had not communicated with each other, resulting in gaps in supervision that can now be avoided. The goal is to ensure that agencies dealing with the children and their families have all the information needed to effectively address issues that might otherwise lead to school failure and criminal involvement and to provide any additional services that may be needed. In addition, juvenile prosecutors have access to a comprehensive information base, which may assist them in fashioning more appropriate dispositions. The collaborative also discusses issues or problems in the school that might impact the safety and

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<sup>38</sup> Information about the Lackawanna County District Attorney's Office community prosecution program was obtained from interviews with Christine Tocki.

well being of the students, making it possible to head off incidents that are brewing within the student population.<sup>39</sup>

### **Student Education/Information Programs**

Some community prosecution sites have decided to go out into the public schools and provide an interactive experience for the students, utilizing criminal justice professionals to both inform them about the workings of the criminal justice system and to create opportunities for positive interactions between the youths and the professionals, particularly the police. The target population has been mainly middle school aged children, who, it is hoped, have not yet formed negative attitudes towards police, providing them an opportunity to see justice officials as people who are there to help.

#### **San Diego City Attorney, California**

The San Diego Community Safety Initiative is also a collaborative program teaming the police, city attorneys, the schools, and several community groups to increase the understanding of middle school aged youths about the criminal justice system as well as to encourage them to become responsible members of the community. The eight-week program includes instruction from criminal justice officials and tours of the criminal courthouse and local police station, culminating in a mock trial in which the students participate as attorneys, witnesses, victims, and jury members. The neighborhood prosecutor acts as the judge. The program began in the five schools in Mid-City, which was targeted due to its diversity; the community includes a sizeable

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<sup>39</sup> Information about the "School Based Cluster Meetings" program administered by the Howard County State's Attorney's Office was obtained from an interview with Honorable Marna McLendon, State Attorney.

immigrant population consisting mainly of Africans and Asians, where 70 different languages are spoken. It has been expanded to schools in the Central City district.<sup>40</sup>

Cook County State's Attorney, (Chicago), Illinois

Community Prosecutors in Cook County have created a special initiative to target middle school aged children who attend public schools within the designated community prosecution areas, specifically sixth graders. In an effort to educate the children about the criminal justice system, as well as to facilitate positive interaction between them and criminal justice officials, mock trials are staged at the schools, with attorneys, police officers, and school personnel playing the parts of witnesses, attorneys, and judges. The children act as the jury on the cases, and are called upon to decide on legal issues and case outcomes based upon their understanding of the way the system operates. The officials then explain what a real outcome would be, and try to give them an understanding of why the system operates the way that it does. The area schools have been very receptive to the program; most have responded positively to offers to have mock trials staged at their locations. In the future, plans are to include the children in all of the trial roles including judges, witnesses, and attorneys.<sup>41</sup>

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<sup>40</sup> Information about San Diego City Attorney's program, "Community Safety Initiative" was obtained from an interview with Neighborhood Prosecution Unit Division Head Joan Dawson.

<sup>41</sup> Information on Chicago community prosecution program is from an interview with Neera Walsh, Deputy Supervisor of Community Prosecution.



## **VI. Strategies Focusing on Nuisance Properties**

Nuisance properties have become a centerpiece of community prosecution initiatives in many jurisdictions. Properties generating behaviors, conditions or activities associated with crime include those that have been neglected or whose owners allow illegal activity such as drug sales or prostitution. Nuisance properties also include those that have fallen into such disrepair that they pose a danger to tenants and neighbors, contribute to neighborhood blight, or attract transients. Community prosecution programs have targeted these types of properties in a variety of innovative ways because normal criminal prosecution has been ineffective in eliminating the problems associated with them. Often, the strategy is creative in applying statutes or ordinances that might have been previously overlooked or that were drafted to handle different problems. Community prosecutors and other government officials have been effectively using the civil process to address nuisance properties, in part because the burden of proof is more easily met (it is easier to prove that civil violations have occurred by a preponderance of the evidence than to prove criminal activity beyond a reasonable doubt). In addition, under optimal circumstances, civil sanctions can often be enforced immediately, whereas the criminal justice process may take considerable time. The strategies developed to address nuisance properties may involve collaboration on the part of various local, state, and federal agencies and may include delivery of services to assist community members, landlords, or property owners in ridding their properties of unwanted tenants, for example. Figure 6 provides a summary of some of the types of programs currently being used to address nuisance properties and their associated problems.

**Figure 6 Strategies Focusing on Nuisance Properties**

	<b>Crime/Eviction</b>	<b>Repair/Responsibility</b>	<b>Community Empowerment</b>
<b>Target Population</b>	Problem tenants	Landlords/owners	Tenants, landlords, owners
<b>Objective</b>	Stop criminal activity, remove problem tenant	Repair damaged property, evict problem tenants	Confront subject causing nuisance, use community pressure to encourage changes
<b>Methodology</b> <i>Legal Basis</i>	Criminal trespass; civil statute; eviction actions, code violation; lease addendum	Code violations, civil statutes, and lawsuits, injunctions and abatement orders; forfeiture proceedings	Civil statutes
<i>Collaboration</i>	Multi-agency sweeps; intelligence, evidence provided by community	Multi agency sweeps; intelligence, evidence provided by the community	Community members, private attorneys
<i>Service Delivery</i>	Educate and assist landlords with eviction, and tenant selection; educate community on evidence collection	Educate the community on evidence collection	Educate community members, pro bono civil suits
<b>Sites</b>	Manhattan, NY; Kings County, NY; Philadelphia, PA; Pima County, AZ; Marion County, ID	Philadelphia, PA; Pima County, AZ; Marion County, ID, Brockton County, MA	Seattle City, WA; Sacramento County, CA; Washington, DC

**Nuisance Abatement**

Strategies addressing nuisance issues vary in both types of targets and objectives. Tenant-focused strategies, for example, have sought to educate non-criminally involved residents about ways to have tenants evicted who are engaging in criminal activities, or to enlist law-abiding tenants in efforts to place police in buildings to address the problems. Some community prosecution strategies have sought to intervene in creative ways to force tenants involved in criminal activities out of the building. Other approaches have been designed to place pressure, through code inspections and related methods, on landlords or property owners who willingly allow criminal activity to take place on their property, or who leave blighted property in a state of disrepair. In some instances, existing but seldom employed statutes have been adapted or new statutes have been drafted to address issues relating to nuisance properties in specific ways, often

targeting nuisance property owners with the threat of sanctions to induce compliance or to force them out of the neighborhood. Properties that are forfeited or sold as a result of such actions may be repaired and made habitable again, or may be converted to some more positive use for the neighborhood, for example, as community centers. Many sites, including Manhattan, New York; Philadelphia, Pennsylvania; Marion County, Indiana; and Pima County, Arizona have nuisance abatement programs that include provisions for targeting the tenant, the landlord and/or the property owner and forcing them to address crime or blight.

New York County (Manhattan) District Attorney, New York

The Trespass Affidavit Program was created to deal with apartment buildings that have been taken over by drug dealers. In the affected buildings, the lives of the residents have been disrupted by constant foot traffic in and out of the building as buyers enter to make drug purchases, and then often loiter in the hallways and common areas. In the program, confidential complaints from tenants of the buildings trigger a Community Affairs division contact and registration of the landlord in the program. The landlords supply police with current tenant lists, as well as keys to the building, which is then posted with signs that read “Tenants and their guests only.” The officers patrol the building, can ascertain who belongs there, and arrest loiterers (drug buyers) for trespass, thereby improving order and driving away the drug dealer’s business. In addition, Community Affairs has mobilized several agencies, including the Federal Bureau of Investigation, their own forfeiture unit, United States marshals, and attorneys to help reclaim apartment buildings where drugs are being sold, through keeping records of arrests being made in the buildings, and persuading landlords to take responsibility for illegal activities taking place in their buildings or face the threat of forfeiture proceedings.

Since implementation of the Trespass Affidavit program, over 3,000 buildings in Manhattan have been enrolled in the program and the number of successful prosecutions of trespass cases has increased sharply. Commercial businesses may also participate in the program. The District Attorney's office trains the police in procedure, including the rules governing stops of suspicious individuals and search and seizure of property, to increase program effectiveness. A similar program, known as F-TAP (Formal Trespass Affidavit Program), operates in Kings County (Brooklyn), New York.

A related initiative, the Narcotics Eviction Program, aims to reduce nuisance problems associated with drug use in New York County. The program takes advantage of a civil statute—the New York State Real Property Actions and Proceedings Law—which authorizes “any duly authorized enforcement agency of the state” to begin eviction proceedings against tenants who are using or allowing others to use their apartment to sell drugs, if the landlord fails or refuses to act. Prosecutors learn about most cases by reviewing every search warrant that the police execute for suspected narcotics offenses. They also receive referrals directly from the police, residents, and tenant associations. The landlord is given written notice of the suspected drug dealing on the premises, as well as the content of the evidence found, and is asked to begin eviction proceedings. If he fails to do so, the District Attorney's office notifies him that they intend to commence proceedings, naming both the tenant and the landlord as respondents.

If the court rules in the government's favor, the judge may fine the landlord \$5,000 and order reimbursement of court costs. Generally, the landlord agrees to begin the action. The Act does not authorize action in cases involving possession of illegal drugs for personal use, so the seized drugs must weigh at least an eighth of an ounce—enough to warrant a felony charge. Even if drugs are not found on the premises, other evidence such as materials commonly used for

processing and packaging drugs or records of drug transactions may give rise to a cause of action. An eviction may be authorized based upon proof by a preponderance of the evidence that drug dealing is occurring. No arrest is necessary to meet the burden, just evidence of an illegal drug business. Even if the drug dealer is not an official tenant, but is using the premises with the leaseholder's consent, the leaseholder can be evicted if they knew or should have known that an illegal business was being conducted from the apartment. Six assistant district attorneys, a bureau chief, a deputy, and five paralegals spend a significant amount of their time working on this program. A measure of the program's success is that 98 percent of cases taken to court have resulted in the eviction of drug dealers, and no successful legal challenges of the program have been made.<sup>42</sup>

#### Philadelphia County District Attorney, Pennsylvania

Philadelphia's Public Nuisance Task Force targets particularly those properties associated with drug and alcohol related nuisances. The task force includes the police, the Bureau of Liquor Control Enforcement, the Pennsylvania Liquor Control Board, the Philadelphia Department of Public Health, the city Department of Licenses and Inspections, the city Law Department, and the Philadelphia Legislative Delegation. These agencies work closely with community police and the Narcotics Enforcement Team (NET), a decentralized division of the police department that handles cases geographically.

Generally, neighborhood residents initiate the nuisance abatement procedure by contacting the Assistant District Attorney assigned to their region. A warning letter is sent to the property owner, informing her of the violation of the drug act that occurred on the property and

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<sup>42</sup> Information on the Manhattan Community Affairs Unit was obtained from the following sources: interviews with Executive District Attorney Kristine Hamann and Connie Cuchiarra, Director, Community Affairs Unit; ("Building Partnerships among Communities, Police, and Prosecutors," 1993); and Boland (1998b).

of the possibility that it could be seized and sealed. An investigation of the property is conducted, which may include any or all of the partner agencies mentioned above. The prosecutor seeks to abate the nuisance through civil injunction, asset forfeiture, condemnation of the property, or negotiation with the owner. The residents are kept apprised of the progress of the case, and the community may be involved in giving the necessary information or testimony about the property.

The Public Nuisance Task Force relies primarily on three pieces of legislation to address nuisance properties:

(1) The nuisance drug law, 42 PaCSA Sections 8381-8392 (1992) authorizes the District Attorney's office, the City Solicitor, a resident within 1,000 feet of the nuisance property, or a community based organization to go to Common Pleas Court to stop "drug related nuisances" (use of any property, in whole or in part, which facilitates or is intended to facilitate the controlled substance act) or any property where drugs are regularly used or sold. The court may seal the property, order repairs, revoke licenses, force the owner to pay damages and civil penalties up to \$10,000 and court costs incurred by the community, allow neighbors to seal the property at the owner's expense, or order the premises secured.

(2) The Pennsylvania Liquor Code, section 6-611, states that any licensed liquor establishment that serves minors, drunks, known alcoholics, known criminals, or persons of known intemperate habits, or otherwise violates the code, is a public nuisance. Engaging in unreasonable conduct that is disruptive of community life (e.g., littering, violence or noise pollution) also creates a public nuisance. The District Attorney's office is authorized to join neighborhood groups in making a request to have the court close such an establishment.

(3) Philadelphia code sections 19-2600-2602 empower the District Attorney to join neighbors in requesting the court to close establishments that unreasonably interfere with the public rights of three or more people through any activity that violates the law.

The task force has a hotline number, so that citizens can reach them easily. Much of the funding for the unit comes from revenue generated through forfeiture proceedings.

#### Pima County Attorney's Office, Arizona

The police and the Pima County Attorney's Office run the Crime Free Multihousing/Storage/Condominium program. The county attorney has trained the police in how to run the program, and has made available to landlords step-by-step written instructions on methods to evict tenants who break the law. Under this nuisance abatement program, landlords receive a crime-free lease addendum include with all leasing agreements. The addendum is a written agreement that tenants not engage in or allow any criminal activities on the leased premises. It specifically mentions prostitution, drug sales, and gang related activities. Violation of the agreement is considered violation of the lease and grounds for eviction. Because the eviction action is civil, the burden of proof to be met to demonstrate criminal activity is a preponderance of the evidence, making it easier to take eviction action against an offender than to convict them of a crime. The landlord must give the tenant notice of the intent to evict him, and if the tenant refuses to move, the court will set a hearing date upon the landlord's request within three days. At the hearing, evidence of criminal activity is presented before the judge, and if he finds there has been such activity, the court must order the tenant out in no more than 24 hours. The conviction is recorded, and the record is accessible to any future landlord who screens prospective tenants.

The Crime Property Abatement Law is another method by which the community prosecutor attempts to address neighborhood crime in Pima County. The law says that residential property used for criminal activity is a nuisance. The nuisance action can be filed in civil court by the attorney general, the county attorney, the city attorney, or a resident affected by the nuisance. The property owner, manager, or any other party responsible for the property can be sued. Notice must be given to this party that a nuisance exists. Failure to take reasonable steps to stop the activity from continuing gives rise to the nuisance cause of action. Remedies include civil penalties of up to \$10,000, closure of the property, damages, costs, and attorney's fees. Again, the burden of proof is a preponderance of the evidence. The community prosecution unit provides written instructions on the steps that must be taken to set up a successful nuisance action.

Forfeitures are another civil remedy utilized to force landlords to take responsibility for what goes on in the premises they lease. Arizona law provides for the forfeiture of property used to commit or facilitate the commission of various offenses. The owner is subject to forfeiture of his property if he knows that the conduct is occurring or is likely to occur, and takes no action to ensure that the property is not used for such purposes. If the landlord is involved, even if he is acquitted of the underlying charge, the court may still uphold the forfeiture of property.<sup>43</sup>

#### Marion County Prosecutor, Indiana

A designated program coordinator oversees the nuisance abatement initiative in Marion County (Indianapolis). Referrals come mainly from the police or community members, and are generally documented with police reports about criminal activity that has taken place on the property. Property owners are notified of the activities that have generated complaints and are

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<sup>43</sup> Information on community prosecution in Pima County is from an interview with Deputy County Attorney Christine Curtis.

offered assistance in evicting the problem tenant. Prosecutor personnel advise cooperative owners on the eviction process and attend hearings with them to present police reports and other documentation to support the eviction, where they must prove by the standard of a preponderance of the evidence that a nuisance exists. In addition, the prosecutor ensures that a constable will enforce the eviction order should the tenant fail or refuse to vacate the premises. The prosecutor's office also offers education to property owners on how to bring in better tenants, through background checks of prospective renters for criminal records or prior evictions, as well as inserting provisions into their leases to inform renters that specified nuisance behaviors are considered a breach of the lease, which facilitates the eviction process.

Should the property owner refuse to cooperate in seeking eviction, the prosecutor is authorized to bring suit against both the tenant and the owner seeking to abate or enjoin the nuisance, and civil damages may be ordered against both parties ("Civil Law and Procedure," 1998). If the property owner is the source of the nuisance, a police investigation and undercover sting may be initiated to gather evidence sufficient to result in the forfeiture of the property. Additional tools that may be used to force compliance or force the owner out include collaborative efforts involving other agencies, including city council and municipal services, as well as code inspectors from the fire, zoning, and health departments, which can result in heavy fines to offending property owners and eviction of problem tenants. Such multi-agency sweeps are done every couple of months on up to 10 properties that have been the source of community complaints.

The nuisance abatement coordinator is currently at work on a county-wide landlord training program intended to teach landlords how to identify drug activity, what to do if they find

it, and how to avoid leasing to problem tenants in the future, mainly by screening applicants for criminal records and prior nuisance-related evictions.<sup>44</sup>

#### Plymouth County (Brockton) District Attorney, Massachusetts

The Abandoned Houses Project, which was created as a result of the Receivership Statute passed in 1993,<sup>45</sup> empowers the District Attorney or other municipality to bring an action requesting that a receiver be appointed to oversee the rehabilitation of residential properties that have been the subject of persistent code violations. Once repairs have been made, the cost of the renovations is assessed against the owner of the property as a priority lien. Should the owner fail to pay, the receiver may foreclose on the property to pay the debts, and transfer ownership to a responsible landlord.

#### Nuisance Abatement Programs Involving the Community

Community members are enlisted in the effort to eliminate nuisance properties in several ways in a number of community prosecution jurisdictions. Although, indeed, most community prosecutors at a minimum educate local residents on how to document nuisance problems as well as monitor whether changes are being made, some sites have recruited residents in a more active manner. In Seattle, Washington, and Sacramento, California, community members are directly involved in the abatement effort. They are given the opportunity to confront problem business owners at community meetings, placing pressure on them to commit to making changes. In Washington, DC, the private bar has been recruited to assist communities in getting rid of the nuisance problems that they have identified on a pro bono basis.

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<sup>44</sup> Information about the Nuisance Abatement initiative in Marion County, Indiana was obtained in an interview with Nuisance Abatement Coordinator Mark McCleese.

<sup>45</sup> Massachusetts General Law ("Public Health," 1993).

### Seattle City Attorney, Washington

The Seattle City Attorney makes use of a nuisance abatement method that engages and empowers the community, known as the “Good Neighbor Agreement.” This agreement memorializes an understanding between the community and owners of problem businesses who agree to correct nuisance-related business practices. Under this approach, the community prosecutor sets up a meeting to bring the community together with the owner, providing the opportunity for residents to confront him with the problems he is causing in the neighborhood. The agreement creates a foundation upon which to build an effective prosecution against the business owner, as the written document clearly indicates the owner’s awareness of the nuisance practices that are caused by his business. While the agreement has no legal enforcement provisions, it serves as evidence of knowledge of illegal practices that can be used against the owner in court, satisfying the knowledge requirement found in most ordinances. It also provides evidence that efforts have been made to work with the business owner and that they agreed to make changes but failed to do so, which gives the city attorney leverage in court. In addition, citizens are enlisted to monitor compliance with the agreement, and are able to provide evidence on specific violations that have occurred at a court hearing, should one be required at a later time, to abate a continuing nuisance.

### Sacramento County District Attorney, California

The District Attorney in Sacramento County engages the community in the community prosecution effort in several ways. Community forums are held to discuss specific crime problems, such as incidents involving a particular nuisance property where a crime occurred. The owner is invited to the forum, along with residents, police officers, and code enforcement officials. At the meeting, the residents are given the opportunity to inform the problem owner

about the negative impact his business has had on the community. Such forums are held frequently, and are purposely restricted to a single issue in an effort to maintain focus and create a solution. The forums often result in "Good Neighbor Agreements," similar to those employed in Seattle, which amount to informal contracts summarizing the responsibilities that the owner agrees to, as well as the role to be played by the community and local agencies in ensuring that the contract is adhered to. Although the "contract" is not enforceable, it provides a clear understanding of the expectations placed upon the property owner, and places pressure upon him/her from the community, whom the merchant may not wish to alienate any further. The attorneys are trained in mediation so that they can effectively handle community forums.

United States Attorney for the District of Columbia, Washington, DC

Operation Crackdown in the District of Columbia is a project in which the Community Prosecution unit involves the community in targeting absentee landlords whose property has become a public nuisance. The project is fashioned to take advantage of a statute, District of Columbia Act 12-395, which allows the United States Attorney, the Corporation Council, or a community based organization to file an action in the Superior court to enjoin, abate, or prevent a drug related nuisance. Local private attorneys are enlisted as partners in this effort to provide their services pro bono, as they are authorized to file lawsuits against landlords who own houses where illegal drug activity is going on, on behalf of established community or civic groups.

Notice of a potential lawsuit is sent out to the offending landlords, who are forced to retain an attorney to respond to it. Forced to spend money on legal fees, landlords find that looking the other way when illegal activity takes place on their property incurs a cost which makes the property less profitable. The nuisance law is viewed as an effective deterrent against nuisance landlords and drug dealers because, unlike forfeiture actions, there is no legal defense.

If there is a nuisance, the landlord is required to fix it. These types of cases almost never go to trial. Because they are very expensive to defend, landlords generally settle as a practical matter.

As a remedy, the court can issue an order that the source of the nuisance leave the property and never return, or that the problem be repaired. In one notably successful instance, a case was filed against a landlord whose property was abandoned, and had fallen into disrepair. Instead of spending the significant amount of money that would have been necessary to make the repairs, the landlord deeded the property over to the community group on whose behalf the lawsuit had been filed. That group made the repairs and put the property to use as a community center.

The cause of action lies with the community or civic group, which is instructed on the proper way to build up a record to support the nuisance action. Community members are taught to keep a log of the traffic in and out of the location, noting especially out-of-state license plates on the cars of individuals frequenting the location as indicative of drug sales occurring there. The action can be brought on behalf of “friends of the neighborhood” in the name of the law firm, for example, to protect the identity of the specific residents involved. This deflects the anger of the subjects of the suit over to the law firm, taking the pressure off of the community. The individual affidavits that are the basis of the action are filed under seal until the hearing to protect the residents. Under this District of Columbia strategy, police also play an important role in building the record by supplying a history of the calls for service at the location and the number of arrests that were made there. In order to have standing to bring the action, the community group, which need not be incorporated, must live in the affected area or within eight to 10 blocks of it. Once the statutory requirements of notice to the landlord have been met, he is presumed to have knowledge of the nuisance, and no additional proof is required of whether he

knew or should have known of the drug related nuisance. The burden of proof that the nuisance exists is a preponderance of the evidence.

## **VII. Strategies Targeting Specific Offenses or Crime Problems**

Many community prosecution programs have targeted specific offenses or problems identified by the community with focused, problem-solving initiatives. Among the sites that we contacted, issues included prostitution, drugs, hate crimes, and elder abuse. These sites utilize a combination of strategies to address these problems: vertical prosecution of the specific offenses by the community prosecutor; community awareness, education, and input on problem-solving initiatives; specifically tailored statutes that punish recidivists with enhanced penalties or mandatory jail terms, place geographic restrictions upon offenders, or require forfeiture of vehicles used in the commission of drug sale or possession drug offenses; and education or provision of needed services to rehabilitate the offenders.

Many of the community prosecution sites have chosen to address serious crime through collaborative efforts that draw upon the information and expertise of local police, various local, state and federal agencies, and community organizations, as well as area residents who come into contact with targeted offenders or crime problems. Pooling information and working together created a more useful understanding of criminal patterns and behavior that can often result in the development of innovative approaches to rid the area of specific problems or offenders. Often, low-level offenses can provide the leverage needed to apprehend and prosecute a serious felony offender, or code violations can provide the ammunition needed to force a drug dealer or other nuisance offender out of an apartment building or a neighborhood. Collaborative efforts capitalize on the sharing of information and utilization of non-conventional methods to address criminal problems in ways that would not normally be possible in a traditional criminal prosecution. Such efforts may have specific targets, such as gang crime, or may be adaptable to whatever crime issues are identified and require focused intervention. Figure 7 provides an

overview of the types of programs that have been created by prosecutors to address specific crime problems, identifying the targets of the intervention, its objective, and the methods used to accomplish the objective.

**Figure 7 Strategies Targeting Specific Crimes or Crime Problems**

	<b>Narcotics Intervention</b>	<b>Elder Abuse</b>	<b>Hate Crimes</b>	<b>Prostitution</b>
<b>Target Population</b>	Drug sellers and users	Offenders against seniors, over age 65 and dependant adults, 18-64	Offenders who commit criminal acts motivated by bias based on race, religion, sexual orientation	Prostitutes and johns
<b>Objective</b>	Bar offender from entering the area of the offense while on bail or probation, accountability for violators of restriction and nuisance statute	Efficient prosecution, community engagement	Efficient prosecution, community engagement	Efficient prosecution, community engagement and education
<b>Methodology</b> <i>Legal Basis</i>	Statutorily created area restrictions, forfeiture		Enhancement statute	Statutorily created area restrictions,
<i>Collaboration</i>	Community police	Multi-agency task force		Multi-agency task force, community members
<i>Service Delivery</i>		Education of community members, caregivers, on how to protect elders	Education of community	Educational, vocational training, services for prostitutes; health awareness for johns and prostitutes
<b>Sites</b>	Multnomah County, OR; Oakland, CA	Placer County, CA	Cook County, IL	Marion County, ID; Honolulu, HI; Erie County, NY; San Diego, CA

**Figure 7 Strategies Targeting Specific Crimes or Crime Problems (Cont.)**

	<b>Gangs</b>	<b>Probation/Parole</b>	<b>General Intervention</b>
<b>Target Population</b>	Youth gang members and at-risk youth	Probationers and parolees	Selected offenders or problems in the community
<b>Objective</b>	Aggressively prosecute gang crime	Facilitate community reentry, heightened level of supervision	Multi-faceted problem-solving approach
<b>Methodology</b>			
<i>Legal Basis</i>			
<i>Collaboration</i>	Local, state, and federal agencies, and law enforcement	Social service agencies, community members, probation and parole officers, police	Local, state, and federal agencies, and law enforcement
<i>Service Delivery</i>		Educational and vocational training, health and human services	Social services
<b>Sites</b>	Los Angeles, CA	Pima County, AZ	Manhattan, NY; Santa Clara, CA

**Narcotics Intervention**

**Multnomah County District Attorney (Portland), Oregon**

Certain Portland neighborhoods were experiencing problems with drug dealers who felt comfortable selling their wares on neighborhood streets. Due to a jail-overcrowding problem, arresting the dealers did not help because they were quickly released and returned to the area. This situation made it appear as if there were no sanctions on the actions of the dealers, and no impact upon the neighborhood drug trade as a result of police and prosecutor case processing involvement, resulting in vigorous community complaints.

In 1992, the Neighborhood District Attorney, working with the city attorney, crafted an ordinance creating “drug free zones” in areas of high volume drug dealing, intended to restrict drug arrestees from returning to the locale of their offense. In order to have an area designated as a drug-free zone, a statistical showing is required that the area generates substantially more drug arrests than other comparable areas. Consequently, the zones are primarily located in community prosecution sites where drug activity has been demonstrated to be inordinately

high—the North-Northeast and the West Side, as well as small sections of the Southeast District. The number of areas designated as drug free zones has increased over time, with the central business district (downtown) serving as one of them.

If a person is arrested for a drug offense, either sale or possession, in a drug-free zone, the police can issue a 90-day notice of exclusion from the zone. The ordinance authorizes activation of the restriction upon arrest. A judge is not needed to issue an order. Upon conviction for the drug charge, the restriction period is increased to one year, and is court ordered. If the offender enters the zone within the period of restriction, he is subject to arrest on a charge of criminal trespass and a conviction may result in a sentence of 30 days in jail. They can be arrested every time they enter the zone, and the sheriff has agreed to lock them up, even if only for a few hours, until bail is posted. A variance may be issued to defendants who live, attend school, work, or have other legitimate reasons to be in the area where they were arrested. They are allowed to be in the restricted zone as long as they are traveling to or from an authorized location. Once they stop to hang out or talk with others, they are subject to arrest.

The criminal trespass cases generated by arrest under the ordinance are heard in community court, with the very important benefit that the offender is mandated to perform community service in the neighborhood where she was arrested, providing the community with visible proof that something is now being done about their problem. Once arrested and released on bail, dealers are no longer free to resume business as usual, resulting in drastic decreases in drug sales in the affected areas.<sup>46</sup>

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<sup>46</sup> Information about Multnomah County's drug free zones was obtained in an interview with Assistant District Attorney James Hayden.

### Oakland City Attorney, California

In the State of California, the City Attorney has power to write Nuisance Ordinances. One method being used to discourage drug crime in Oakland is a program called “Beat Feet,” which partners the City attorney with the Oakland Police. This program implements a new local ordinance written by the City Attorney, which declares vehicles used to purchase narcotics or to solicit prostitution a public nuisance. Police undercover officers station themselves in high drug crime areas, “selling” marijuana and cocaine in a reverse sting operation, which targets drug buyers. The buyers, most of whom come from out of town, are arrested and their automobiles are seized. A criminal conviction is not necessary to seize the property; this is done on the spot at the point of arrest. The city attorney files civil forfeiture suits, resulting in either the forfeiture of the vehicle by the owner or the assessment of steep fines, which the owner must pay in order to get the vehicle back. The criminal case need not have been prosecuted prior to the forfeiture of the vehicle, so the hearing is conducted fairly quickly after the vehicle is seized. Vehicles that are ultimately forfeited are sold, producing revenue that is often used to fund community projects. In order to enhance its deterrent value, the Beat Feet operation is publicized in the media, so drug buyers know that if they purchase drugs in Oakland, they may become involved in a prolonged legal process during which they run the risk of losing their vehicles permanently.<sup>47</sup>

### Elder Abuse

#### Placer County District Attorney, California

Elder abuse was chosen as the target problem by the Placer County District Attorney’s Community Prosecution unit because this county has a large (19 percent) and growing (projected

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<sup>47</sup> Information about the Oakland City Attorney’s Beat Feet program was obtained in an interview with paralegal Sandra Marion.

at 25 percent in 2040) elder population, and elder abuse crime has increased significantly over the last five years (while in 1997, Adult Protective Services opened approximately 12 new cases per month, by 1999, the number had increased to 40 new cases per month.). Many nursing and assisted living facilities, as well as retirement communities are being located in Placer County, so the office has had to respond to the escalating victimization of this extremely vulnerable population. Elder abuse is defined as crimes committed against individuals age 65 or older, or against dependant adults age 18-64, involving the infliction of pain or mental suffering, endangering health, theft, or embezzlement of property.

A partnership called "Community and Agency Multidisciplinary Elder Team" (CAMET) has been formed amongst the Placer County District Attorney's Office, the local police, community members and stakeholders, and certain government agencies, including the mental health unit of Health and Human Services, Public Guardian and Adult Protective Services, courts and judicial officers, victim advocates, the Probation Department, the Domestic Violence Task Force, the Placer County Drug Court, and health care providers. One assistant district attorney vertically prosecutes all elder abuse cases, and an investigator is the program coordinator. In addition, the multi-disciplinary team noted above educates personnel from agencies that deal directly with the elder community on the causes of elder abuse, methods to prevent it, and the proper handling of abuse cases. The District Attorney's office has developed a plan to increase community awareness of abuse issues, focusing on developing community ties and involving community youth in the effort. Finally, the office seeks to enhance its own effectiveness in the prevention, education, investigation, and prosecution of individuals who commit crimes against the elderly.

## Hate Crimes Strategy

### Cook County State's Attorney (Chicago), Illinois

The community prosecution program in Cook County handles all hate crimes committed in the county. This emphasis on hate crimes was triggered by an incident that occurred during the Fourth of July weekend in 1999, when an individual went on a shooting spree, targeting minority victims. Four people were killed and others were wounded before the assailant killed himself. Neighborhood residents felt terrorized and indicated that this problem should be addressed. As a result the prosecutor views this type of crime as having two victims, the actual victim and the community.

The Illinois statute considers any criminal act motivated by a bias based upon race, religion, color, creed, handicap, ancestry, gender, sexual orientation, or physical or mental disability to be a hate crime.<sup>48</sup> If proven, such motivation may upgrade a crime that would ordinarily be considered a misdemeanor to a felony. A first offense is graded a class 4 felony, punishable by one to three years imprisonment, but is generally punished with probation and a mandatory 200 hours of community service. Victims groups are consulted to determine what type of community service would be appropriate for specific offenses. The service is performed in the neighborhood where the offense took place, and in a manner that is visible to the community. A second offense escalates to a class 2 felony, punishable by three to seven years imprisonment, but probation will not be offered. Some jail time must be imposed. Community prosecutors vertically prosecute all cases that are referred to them by police or the community as hate crimes. They have also partnered with the private bar—civil rights attorneys who have agreed to represent victims of hate crimes on a pro bono basis to sue the offenders civilly.

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<sup>48</sup> Illinois Compiled Statutes ("Criminal Code of 1961," 1961).

Prosecutors hold community and school based forums on hate crimes, to increase awareness of the issue, as well as to educate people on how to recognize hate crimes and what can be done to respond to them. The Cook County Prosecutor is currently lobbying for state legislation that will provide enhanced penalties for conspiring to commit hate crimes, as well as for federal hate crime legislation.

### **Prostitution Initiatives**

Prostitution is a quality of life issue that is of particular concern in many communities. Although it is generally considered to be a “victimless” crime, the impact of prostitution on the community is disruptive and damaging. Four of the community prosecution sites in our review (Marion County, Indiana, Honolulu, Hawaii, Erie County, New York and San Diego, California) have targeted prostitution particularly. Some offices have chosen to address the problem through targeted prosecution, utilizing dedicated attorneys to try the prostitution cases from a specific area. In addition, prosecutors have developed programs that target either prostitutes or their patrons (or have components which target both groups of offenders) with programs that may be diversionary in nature, at least for first time offenders. Prostitute targeted programs generally provide counseling and access to social services as well as health care and vocational training, seeking to stop prostitution by steering women away from the profession. Programs targeting the customers (“john” programs) may require offenders to undergo testing for sexually transmitted diseases, in addition to attending classes taught by criminal justice professionals, former prostitutes, and former “johns” who share the negative experiences that resulted from their behavior. Some programs utilize zone restrictions, mandated against the offenders as a condition of probation or diversion, requiring them to stay away from the area for a specified period of time, and jail time may be mandated for offenses committed within targeted areas, even

for first time offenders. Finally most of the programs include an outlet for community involvement, allowing residents of the affected community an opportunity to confront the offenders with the negative impact of their behavior.

Marion County Prosecutor, Indiana

The Patronizing Diversion Program in Marion County targets prostitutes' customers in an Eastern District business area and emphasizes accountability tempered by selective leniency. First time offenders who are arrested for soliciting a prostitute within one of the county's designated "Red Zones," the two locations most affected by prostitution (these areas have the highest syphilis rate in the country), are given the opportunity to avoid conviction in exchange for an admission that they have patronized a prostitute. The offenders are required to participate in a day-long program, which has several components. The Health Department sends technicians who draw blood to screen all participants for sexually transmitted diseases, as well as nurses who distribute brochures and give lectures on the possible health implications of sexual contact with prostitutes.

Prostitutes are also confronted by an impact panel where neighborhood residents get a chance to air their feelings about the damage that prostitution does in their neighborhood. The offenders are required to give something back to the community where the offense occurred in the form of community service. They must wear distinctive orange vests while collecting trash in one of the two red zone areas, which serves two functions: visible accountability to the offended neighborhood and deterrence in the form of public embarrassment. Community volunteers supervise the clean up, which engages them in the process by allowing them to take part in reclaiming the neighborhood. Offenders are informed that negative reports from the volunteers about their community service performance may result in program termination and a

referral to court. Finally, geographic restrictions are imposed: offenders are court ordered not to come within a one mile radius of the site of their arrest. For offenders who live or work in the area, an exception to the order applies while they are going to or returning from a destination. They are not permitted to loiter within the red zone areas. Those who comply fully with program requirements and maintain a clean criminal record for a period of two years may avoid conviction.<sup>49</sup>

#### Prosecuting Attorney for the City and County of Honolulu, Hawaii

In Honolulu, prostitution was having a negative impact on the tourist industry, a major source of revenue for Hawaii. In response to this issue, two initiatives have been implemented: the prostitution abatement program and the prostitution intervention program. These initiatives target prostitutes through a combination of geographic restriction and services to provide options to prostitutes who express an interest in leaving the profession. The Prostitution Abatement Task Force filed a nuisance abatement action to impose geographical restrictions against known prostitutes in the Waikiki district, seeking to ban offenders from the area upon conviction as a condition of probation. In 1998, the prosecutors were successful in getting legislation passed which codified the geographic restrictions that they sought in the suit.<sup>50</sup> The statute empowers the county to designate four areas within the county as zones of significant prostitution, within which prostitution convictions carry a mandatory 30-day jail term, although at the prosecutor's discretion, a probationary sentence may be imposed. Further, while on bail or probation, an offender charged under the statute is prohibited from entering the restricted area between the

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<sup>49</sup> Information about the Marion County, Indiana, prostitution program was obtained in interviews with former Deputy Prosecuting Attorney Diana Burlison and Deputy Prosecuting Attorney Michelle Wainmeier.

<sup>50</sup> Hawaii Revised Statutes ("Offenses against Public Health and Morals," 1998).

hours of 6:00 PM and 6:00 AM. Violation of this restriction constitutes violation of a condition of bail or probation, and results its immediate revocation and imprisonment “forthwith.”

In addition, the Honolulu County Attorney’s office, in partnership with a private non-profit organization known as Sisters Offering Support and other community agencies, created a prostitution intervention program. The 12-week program provides free workshops on topics that include health, building self-esteem, and access to community resources, with the goal of providing options to women who are interested in changing their lifestyle, including shelter care for offenders’ children. The prostitute must request the opportunity to participate in the program, which is open to the offenders regardless of their criminal history. In appropriate cases, the prosecutor will agree to a probationary sentence for the offender upon the conditions of community service and participation in the program. The program does not make use of diversion, however. Failure to complete community service or a new arrest during the probationary period may result in a jail sentence.<sup>51</sup>

#### Erie County District Attorney, New York

In Erie County, the community prosecutors handle all of the prostitution cases and participate in a prostitution task force that also includes police, public health officials, and interested community members. The prosecutor’s office has implemented a no-drop plea policy for offenders with prior offenses, who must plead guilty to the prostitution charge or go to trial. First time offenders, including patrons of prostitution, may be referred to a diversion program, the “John School,” which involves a one-day class on the legal and public health implications of patronizing prostitution, as well as its impact on the community. Speakers for the class include the prosecutor, who discusses the legal issues involved, former prostitutes, a public health nurse,

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<sup>51</sup> Information about the Honolulu, Hawaii, prostitution program was obtained in an interview with Criminal Justice Planner Claire Merry. Date?

and community members who confront the offenders with the effect that the crime has on their communities. In Buffalo in particular, much of the prostitution takes place in residential neighborhoods and is often accompanied by drug-related crime. First time offenders who choose to participate in the program are granted an “adjournment in contemplation of dismissal,” and may ultimately have their charges dismissed if they satisfactorily complete the program and any additional requirements, and if they are able to avoid further criminal involvement for six months.

San Diego City Attorney, California

The criminal statute governing prostitution in California authorizes graduated penalties for repeat offenders.<sup>52</sup> First time offenders are placed on informal unsupervised probation, while second and third time offenders receive mandatory jail sentences. Particularly serious prostitution issues in two locations in the city of San Diego led the City Attorney’s office to create the Prostitution Task Force, a collaborative initiative that combines the efforts of the city attorney, the police, social services, community based organizations, and community members to proactively attack the prostitution problem utilizing three different methods. The first method targets customers of prostitutes who are first time offenders. As a condition of statutory unsupervised probation, offenders who have committed the offense in a designated area must attend a one-day program that is intended to be primarily educational rather than punitive. A community impact panel composed of residents, business owners, and representatives from community based organizations, meets with individuals who have offended in their communities to inform them of the impact that prostitution has on their neighborhoods. Also included on the panel are former prostitutes and “johns” who share their experiences of life on the streets, as well

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<sup>52</sup> ("The Penal Code of California,")

as the dangers involved for johns, such as the risk of being assaulted and robbed. A documentary video of the life of a teen-aged prostitute is also shown. Finally, law enforcement officials and social workers talk about the legal implications of the offense, as well as the risks and symptoms of sexually transmitted diseases. In addition, a court ordered area restriction forbids offenders from engaging in conduct related to prostitution (cruising or loitering during late evening/early morning hours) within the designated high prostitution area.

The second component of the San Diego prostitution initiative focuses on the needs or problems of the prostitutes themselves to provide assistance in getting out of the business. The Second Chance/Strive program is a three week long vocational rehabilitation initiative that is characterized as a “tough love boot camp, which runs eight hours per day and five days per week. Attendance may be required as a condition of probation. Participants receive guidance to prepare them to enter the job market, including instruction about appropriate behavior and dress, as well as resume writing and interview training.

Yet a third San Diego program component targets prostitutes, offering peer support to sustain the efforts of prostitutes to change their lifestyles. Former prostitutes act as advocates, providing advice and encouragement. In addition, community members have helped to set up a program known as “Prostitutes Anonymous,” which is a peer network also available for support. The program is discreetly publicized to avoid embarrassment. Upon arrest, prostitutes are provided with fliers that provide meeting dates and a contact phone number, which are also available at shelters and other locations, but are not posted in public places.<sup>53</sup>

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<sup>53</sup> Information about the San Diego City Attorney’s prostitution program was obtained through an interview with Joan Dawson, Head Deputy City Attorney for Neighborhood Prosecution Unit.

## Gang Intervention

### Los Angeles County District Attorney, California

The Community Law Enforcement and Recovery program (CLEAR), which was created in 1996 by an interagency gang task force, is a collaboration among law enforcement agencies, public officials, and community residents working to address the community's gang problems by targeting geographical areas or specific gangs, and then utilizing suppression, intervention, and prevention tactics. The program was created by statute,<sup>54</sup> and includes five funded partners, the Los Angeles Police Department, the Los Angeles Sheriff's Department, the Los Angeles District Attorney's Office, the Los Angeles City Attorney's Office and the Los Angeles County Probation Department, all of which were represented on the originating task force. CLEAR is headed by an executive committee made up of representatives from these agencies who meet monthly to set policy and make budget decisions.

Each agency plays a distinct role. Police and sheriffs take the lead in intelligence gathering and suppression of gang activity, and make tactical decisions for certain programs. The district attorney is responsible for vertical prosecution of serious gang-related felonies, advising police on investigations when needed, handling probation violations, and providing input on community impact teams. The district attorney's office is proactive, targeting the most active gang members and aggressively filing probation and parole violations and gang enhancements when they are appropriate. The city attorney vertically prosecutes gang-related misdemeanors and uses nuisance abatement strategies to address quality of life issues. Probation staff track members of targeted gangs who are on active probation to ensure compliance with probation conditions, and ride along with police to arrest gang-involved clients who violate

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<sup>54</sup> ("The Penal Code of California,")

conditions. CLEAR also deploys a community impact team consisting of business owners, residents, and other stakeholders who meet regularly with CLEAR staff to share concerns and notify them about hot spots in their neighborhoods.<sup>55</sup>

### **Probationer/Parolee Reentry**

#### **Pima County Attorney, Arizona**

In response to issues articulated by community members in Pima County, the community prosecutor implemented Operation Spotlight, a program that operates in South Tucson, a small area approximately one square mile in size with a largely Hispanic population of about 6,000 residents. A problem that had emerged in this community involved an unusually large concentration of probationers and parolees living in and around the neighborhood, whose ongoing criminal behavior and poor reintegration into the community after release from incarceration were having a disruptive effect on the neighborhood. Police, probation and parole officers, and prosecutors all had pieces of information about the offenders and their whereabouts, which could have been utilized in a more efficient manner. Operation Spotlight is a collaborative effort coordinated by the community prosecutor, who has enlisted the cooperation of the adult and juvenile probation and parole departments, the community, and local police to monitor and share information about offenders who have been released into the area on court ordered supervision. The program also provides support to these re-entering offenders through community-based probation and services, intended both to help them succeed and to protect the community from those who do not. Offenders are required to perform community service within their neighborhood while under supervision, and community members volunteer to bring them lunch during their service, which encourages a connection between the community and the

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<sup>55</sup> Information about the CLEAR program was obtained in an interview with Nancy Lidamore, Assistant Head Deputy, Hardcore Gang Division, and (*CLEAR Program Manual*, 2000).

offenders. Because offenders often have family issues, the community prosecutor also meets regularly with Child Protective Services to ensure that their children receive whatever services they may need.

The Operation Spotlight members meet once a week to discuss community issues and develop solutions. They also are trained as a team to respond to specific problems. Although the meetings are not open to the community, residents are engaged in the process by the community prosecutor, who seeks their input at community meetings, provides feedback on decisions and plans made at the meetings, and has become the person upon whom residents call when problems arise. As part of the information sharing mechanism, the community prosecutor has developed a geo-information system accessible only to Spotlight members. The program appears on the computer screen as a map, which contains information on every probationer or parolee residing in the South Tucson area. Each offender is represented by a red dot, which, when clicked on, provides information about the individual, his criminal record, the name of his probation or parole officer, and a digital photograph of the offender. In this way, Spotlight members have access to information on a 24 hour basis, and the information sharing ability is increased. The database is linked to the Pima County website, which enhances the amount and quality of information available.

The information sharing and cooperation among agencies that deal with the offenders in different contexts on a daily basis (often more than one family member is on parole or probation), the extra surveillance provided by the community (neighbors know who is on

probation or parole), and access to the database all make for a heightened level of supervision that discourages new criminal behavior by the offenders.<sup>56</sup>

### **Targeted Problem-solving Initiatives**

#### **New York County District Attorney (Manhattan), New York**

The New York County District Attorney's Project Focus trial assistants are commissioned to focus in a proactive manner on unique crime problems in a targeted area within the 34<sup>th</sup> police precinct, chosen for its high volume of violent crime and drug activity. Prosecutors are assigned to areas corresponding to the beats of community police officers. Information gathered from the community, local police and the Community Affairs Unit are used to identify the area's crime patterns and active criminals, and a plan is designed to address them, utilizing alternative civil remedies as well as traditional prosecution methods. Information about the targeted offender is sought from neighbors, whose cooperation is kept confidential. Often, associates of the targeted offender arrested for low-level offenses are a source of additional information that can be utilized against the offender. This program has been replicated on the Lower East Side of Manhattan, where it is called Project Octopus. The Lower East Side has different issues, including a large concentration of public housing that requires partnership with the housing authority police, and problems that span more than one police beat, necessitating assignment of prosecutors to distinct crime problems rather than by beat.

#### **Santa Clara County District Attorney, California**

The Operation Spotlight initiative in Santa Clara County, created in collaboration with the Probation Office's Restorative Justice Project, teams community prosecutors with a technical team of representatives from city and county agencies who focus on selected small areas within

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<sup>56</sup> Information about Pima County's Operation Spotlight was obtained in an interview with Deputy County Attorney Christine Curtis.

the community prosecution sites, generally about four blocks, to identify neighborhood problems and develop strategies to solve them. Meetings and events are scheduled by the prosecutor within the spotlighted area, bringing together the technical team, the Probation Office's Community Coordinator, and community members who outline a list of goals reflecting community concerns. Spotlight meetings have been held at community events such as barbeques in order to increase the level of community participation and create enduring lines of communication. Neighborhood selected block captains act as liaisons between the community and law enforcement. The technical team wraps the community with services as part of a plan to clean up the area, improve services and rally the neighborhood residents to take action to help themselves.

Spotlighted neighborhoods are selected by the community prosecutor for various reasons, such as high crime rate or specific instances of urban blight. Some areas are spotlighted because a juvenile mediation program, known as Neighborhood Accountability Boards, reveals a specific local issue such as truancy that requires intervention. In one instance, a nuisance property was the focus. An adult movie theatre, located on a main road just around the corner from a residential area, was creating a public nuisance by permitting unlawful sex acts on the premises that carried over into the streets, and neighborhood children routinely found used condoms and alcoholic beverage containers. The sheriff's office had been working alone on the problem for years, but it took the joint effort of multiple local agencies to eliminate it. Based upon combined reports of the various agencies, the district attorney filed a civil suit naming the tenant business and the landlord who permitted the business to operate, which resulted in an injunction specifically listing required repairs. Ultimately, the owners voluntarily closed the business down when they were unable to correct serious building code violations within the mandated deadlines.

## **VIII. Community Involvement Strategies**

Many of the community prosecution sites have created methods to engage the community in problem-solving strategies either directly or indirectly (see Figure 8). The Denver County District Attorney's Office created a prototypical community engagement method that directly brings the community into the process of setting criminal justice priorities for their neighborhoods and creating solutions to problems. Other outreach methods include lectures and programs to inform community members about the workings of the criminal justice system, as well as training them in how to gather evidence or provide impact statements that may affect the fate of local offenders. In addition, many programs reach out to community members by creating or facilitating access to needed services, or by situating offices alongside the offices of other service providers, thereby publicizing these services and at the same time providing meeting places for community affairs.

**Figure 8 Strategies to Involve the Community in Problem-Solving**

	<b>Community Engagement</b>	<b>Education</b>	<b>Awareness</b>	<b>Community Service Centers</b>	<b>Mediation</b>
<b>Target Population</b>	Community leaders, stakeholders, residents	Community members	Community leaders, stakeholders, members	Community members	Community members
<b>Objective</b>	Engage community to identify local problems and priorities, help to create problem solutions	Understanding of criminal justice system	Promote community participation in community prosecution efforts	Create local access to government and social services	Diffuse minor community disputes to prevent escalation to criminal problems
<b>Methodology</b> <i>Legal Basis</i> <i>Collaboration</i>	Police, social services, government officials	Criminal justice system representatives		Social services, non-profit organizations, probation and parole, corrections	Trained mediators
<b>Service Delivery</b>	Criminal justice system information and statistics, contact with helpful outside agencies	Education	Information about area crime and community based programs	Counseling, vocational training, services	Dispute resolution
<b>Sites</b>	Denver, CO; Lackawanna County, PA; Austin, TX	Denver, CO	Seattle, WA	Brevard/Seminole County, FL; San Diego City, CA; Santa Clara, CA	Montgomery County, MD

**Engaging the Community**

**Denver District Attorney, Colorado**

As noted earlier, the Denver District Attorney, William Ritter, established Community Justice Councils (CJCs) “designed to strengthen communities to prevent crime from occurring in the first place” (Ritter & Motika, 1999). The membership of the Community Justice Councils consists of neighborhood stakeholders, including residents, business leaders, community center directors, faith leaders, law enforcement, city government officials, and local youth who are chosen by the community prosecution unit through in-depth interviews. Each CJC has between

30 and 40 members. The CJs meet once a month to discuss priority issues from the neighborhood, inform the prosecutor's office of new issues and problem locations, and develop and coordinate strategies for dealing with neighborhood crime and quality of life issues.

The first council was formed in 1997 in Denver's Globeville neighborhood, an area that has a number of risk factors including high unemployment, a large minority population, and a high percentage of children living in poverty. Through group exercises on community problem identification, lack of parental supervision was identified as a high priority problem in Globeville. Several strategies were created to address the problem, including the development of youth empowerment teams, programs which engage area youth in identifying their own issues and teach the leadership skills needed to create solutions; the establishment of a special summer school for at-risk youth; and the organization of Globeville Community Day, a day-long community based fair with free food and activities intended to unify the neighborhood and enhance communication between the office of the prosecutor, the police, social service providers, and neighborhood residents. The Globeville council also identified speeding as a pressing problem. As a solution, council members agreed to keep a log of information on speeding "hot spots," identifying times that were most problematic as well as the age range of the drivers and the vehicle types involved. The information was to be analyzed and used to support the deployment of enforcement strategies such as selective use of radar. The information was also to be assessed to determine if the violators were primarily residents, which would require a change in community norms in addition to any proposed law enforcement response. The CJC were also instrumental in creating Community Accountability Boards, a mediation program targeting low-level juvenile offenders.

Community Justice Advocates facilitate the CJC meetings, which are actually run by male and female co-chairs elected from the body of community members. The Advocate's job is to take notes on the discussion, inform council members about neighborhood crime statistics and recent developments, advise the council on the law relevant to a particular issue, and assist in fashioning effective responses, in part by enlisting the cooperation of public officials or agencies best suited to handling the issues. These agency representatives often join subsequent CJC meetings to respond to concerns and help create appropriate solutions.<sup>57</sup>

Lackawanna County District Attorney, Pennsylvania

Community justice councils modeled after the Denver initiative are also found in Lackawanna County. Each community prosecution site has its own CJC, whose members are selected by the community prosecutors, and include community stakeholders and leaders with whom the prosecutors have worked in the past, or who have been referred to them by community leaders. Community activists and crime watch representatives meet monthly with officials from local hospitals, colleges, housing redevelopment agents, and social service providers to prioritize issues identified through community complaint forms or by council members, and create and implement plans to resolve these problem.

An additional component that has been added to the CJC format in Lackawanna County is the Advisory Board. The Advisory Board consists of United States senators and representatives who represent the area, State Representatives, directors of social service agencies, local union leaders, and local newspaper editors, and representatives from each CJC selected by their members, who meet twice a year. Each meeting has a specific agenda: to address neighborhood issues that have proven difficult to resolve at the grassroots level. The

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<sup>57</sup> Information about Denver's Community Justice Council was obtained in interviews with Susan Motika, Director of the Community Prosecution program, and Michelle Wheeler, Community Justice Advocate.

membership of the board has the power to address these issues directly in a way that the more grassroots CJC membership may not be able to do. The board is kept apprised of community problems and events through bi-annual reports, and provides guidance in how these more complex problems can be solved.<sup>58</sup>

### **Community Education and Awareness**

#### **Denver, Colorado**

In Denver, community safety forums were created in response to community needs for information about certain issues, which were brought to the attention of the prosecutors through the Community Justice Counsels. The community is surveyed, both formally and informally, in an effort to ascertain issues and topics about which there is confusion. The community prosecution unit designs presentations that bring together experts and officials in the area to educate and to provide the community with access to officials who have the power to make changes. They also provide an opportunity for the community prosecutors to find new community activists to incorporate into community-based efforts.

Meetings are publicized in several ways, including door-to-door visits and distribution of leaflets, newspaper ads, phone calls, and announcements at community meetings. Most meetings are held on weekday evenings or on Saturday mornings, and to encourage attendance, food and childcare are provided. The first request was for community education on nuisance abatement. Forums were held on Saturday mornings in the four targeted neighborhoods, each drawing between 50 and 100 residents. There have also been forums on domestic violence, graffiti, and municipal code violations and enforcement, in addition to a forum called “Meet Your Community Police” that was designed to introduce the community police officers to their

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<sup>58</sup> Information about Lackawanna County’s Community Justice Council was obtained in an interview with Assistant District Attorney Christine Tocki.

neighborhoods, and provide information about what they do and how to contact them as well as other city agencies. The forums are designed to provide a spectrum of useful information, as is illustrated by the graffiti forum, which included information about the juvenile diversion program and accountability, how to recognize gang graffiti, and clean up and prevention efforts that are currently being offered in the neighborhoods. The forums are meant to be interactive, also providing the opportunity for the community to question officials, and to let them know about specific community problems. A recent forum entitled, "How Drug Crimes Affect the Community" provided an opportunity for community members from different areas to discuss problems common among them and to express their feelings about the impact of these crimes on the community. Criminal justice officials and social service providers were present to respond to concerns, and receive a first-hand understanding of what it is like to live in an area where such crime is rampant.<sup>59</sup>

#### Seattle City Attorney, Washington

In October of 2000, the Seattle City Attorney released the first copy of "Liaison Links," a quarterly newsletter that is published by the community prosecution unit. The purpose of the newsletter is to "share information and cover the issues, challenges and successes in making Seattle neighborhoods safer and more livable" (Seattle City Attorney's Office, 2000:1). Seattle is divided into four community prosecution sites that are physically isolated from each other by natural and artificial boundaries like waterways and freeways, resulting in little effective interaction between them. One of the purposes of the newsletter was to stimulate the sharing of information amongst the sites about ideas and problem-solving initiatives being utilized by the others that might be used to address common issues. A second objective was to heighten

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<sup>59</sup> Information about Denver's Community Safety Forum was obtained in an interview with Susan Motika, Director of the Community Prosecution Program.

community awareness of the availability of the prosecutor by introducing and providing the backgrounds of the prosecutor for each site, and including articles contributed by the prosecutors informing the residents about successful community oriented undertakings. In addition, the newsletter is meant to stimulate a greater level of community participation by informing the public of the projects in which many of their neighbors are already involved.

“Liaison Links” is available on the Seattle City website, and issues are mailed to representatives of neighborhood groups, the police department, and city government offices where they are available to the public. A recent survey of the Citizen’s Advisory Board, a group created by community police that includes community representatives and stakeholders who help in prioritizing neighborhood issues and creating problem-solving initiatives, indicates that the newsletter has successfully reached the neighborhoods and has resulted in increased awareness of community prosecution.

### **Community Services Centers**

When establishing field offices for community prosecution sites, several programs have sought to place them in locations where the community may have access to services in addition to those offered by the community prosecutor. These service centers, which may have been in existence prior to the placement of the site, or may spring up around the site, are generally located in strip malls, which can accommodate satellite offices for welfare benefits or community health facilities, as well as probation and parole agencies. The service centers provide more easy access to benefits that might previously have been available only in downtown offices, often requiring a train or bus ride and the commitment of an entire weekday morning. As a result, these services were difficult if not impossible for neighborhood residents, particularly those with full-time jobs, to access. Some of these locations also have meeting space

for community events, and may sponsor programs that provide for the needs of low income or homeless residents. An additional benefit is that the contact among the agencies establishes useful relationships and encourages the exchange of information and the pooling of resources that enhances the ability of all the agencies to address community needs efficiently.

#### Brevard/Seminole County State Attorney's Office, Florida

The Titusville community prosecution site is located in the Harry T. Moore Social Services Center, which was already in existence and from which the State Attorney rents space. Also housed in the center are representatives from most of the community and social services agencies, including Crosswinds, a juvenile prevention/intervention program, an AIDS support program, independent living and mental health programs, and a food bank. Every Thursday night, dinner is served for area residents who need it.

#### San Diego City Attorney, California

Fourteen community service centers have been set up in various locations in San Diego in an effort to decentralize city agency service providers, with neighborhood prosecutors acting as liaisons between the agency representatives and the community. From Monday through Thursday, residents can meet with representatives from these agencies in their own communities rather than having to travel into the city to deal with whatever issues they may have. Within each center there is also space available to residents for community meetings. To further facilitate problem-solving, Neighborhood Prosecutors have developed a resource guide, which contains information on where residents can go with problems outside of their expertise.

#### Santa Clara

The Burbank and Midtown Community Justice Center houses field offices for several government agencies including the community prosecutor, a public defender, a juvenile

probation officer, and the restorative justice program. There is also an area within which community meetings can be held. The center is located in a strip mall type of storefront along the main road within the community prosecution site, where it is easily accessible to residents. The mall area also includes other public help agencies such as an AIDS clinic.

### **Mediation for Private Criminal Complaints**

#### **Montgomery County, Maryland**

In the state of Maryland, private criminal complaints filed by individual citizens directly with the prosecutor's office and without police involvement account for up to one-half of the criminal complaints handled by the prosecutor. These cases often involve low-level crime resulting from disputes between neighbors, which receive a low priority response from the criminal justice system, but when left unattended, may escalate to more significant crime problems. The community prosecutors now screen these cases, referring appropriate cases to mediation, a tool for dispute resolution, which comes with the added benefit of relieving the already overburdened court system of the need to process the case. Interested private attorneys are trained in mediation, and a list is kept of such individuals who are assigned to hear the cases. The mediator meets with the parties and tries to fashion a resolution that is acceptable to everyone. In one such case, a community member filed a complaint against neighborhood children who were playing ball in the street and hitting parked cars with the balls. Mediation resulted in the complaining community member becoming a soccer coach, who now works with the children about whom he had been complaining.

Sometimes, an offender or a group of offenders are the source of multiple complaints. When this happens, community mediation may be employed. The community prosecutor assigned to the area consults with the community police officer to clarify the issue, and sets up a

community meeting to talk about it. There is a round table meeting with the complaining community members, as well as interested neighbors and the offenders, who are motivated to attend by the threat that criminal charges will be referred to court. Both sides are allowed to present their positions, and a satisfactory resolution is sought. Should the parties fail to come to an agreement, the case will be referred to court. This method of dispute resolution engages the community in the process of solving their own problems with the assistance of the community prosecutor.

## **IX. Conclusion**

In this second report describing community prosecution as it is evolving in the United States, we have attempted to consider in more depth two principal aspects of the movement: the role of the community (how it is conceived of and operationalized by prosecutors) and the content of community prosecution strategies. The analysis of the community role in community prosecution focused on two aspects: a) how prosecutors have defined their target community geographically within their jurisdictions; and b) the nature of the interaction or relationship with community members (representatives of a targeted area) prosecutors have established. The 36 sites reviewed differed not only in the processes employed to select their target communities, but also in the criteria employed, which included specific crime problems, existing community resources, policing administrative boundaries, existing crime prevention initiatives, available resources, and community willingness or self-nomination of certain communities. The discussion illustrated various ways in which these criteria were relied on singly or weighed in combination by prosecutors in defining their targeted communities.

The role played by the community in prosecution strategies ranged on a continuum from relatively passive (in which communities were mainly recipients of services or interventions orchestrated by others) to a central leadership role (in which community members became a principal driving force in identifying and addressing problems). We found these community interactions with prosecutors to fall into the following basic categories on such a continuum: recipients of information exchange, beneficiaries of community education initiatives, cooperative participators in certain projects or undertakings, and, finally, as central, co-equal problem-solving partners with the prosecution team.

This report, like its predecessor, *Community Prosecution Strategies: Measuring Impact*, has attempted to identify core attributes of the community prosecution innovation as it emerges in the United States. Despite the wide variability in the strategy from location to location, this more in-depth examination of the role of the community in community prosecution and of the content of the interventions delivered reveals both distinctive core elements of community prosecution and adaptations of other community-oriented justice initiatives.

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