



APRI

American
Prosecutors
Research Institute

*Juvenile
Delinquency and
Community
Prosecution*

New Strategies
for Old
Problems

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INTRODUCTION & BACKGROUND

Prosecutors have as their ultimate responsibility the search for justice. What “justice” means in any given case can be the topic of heated debate, and arguably nowhere more so than in juvenile delinquency cases. Some believe therapeutic intervention is the answer, while others believe that swift and certain punishment is the key. APRI’s National Juvenile Justice Prosecution Center (NJJPC) and National Center for Community Prosecution (NCCP) believe that neither therapy nor punishment alone is the appropriate response to juvenile offending, and that recidivism, the accepted measure for success, is an insufficient standard for the juvenile justice system. The system must, and can, do better.

The NCCP and NJJPC believe that balanced consideration of community safety, offender accountability to victims and communities, and competency development in offenders is the preferred philosophical approach to juvenile justice. These three goals, as a comprehensive response to juvenile delinquency, make all the stakeholders central to the function of juvenile court and bring the pursuit of justice into focus. Prosecutors embracing these three goals have developed alternative strategies to address juvenile justice issues and demonstrated a willingness to seek legal solutions beyond traditional law enforcement responses.

One strategy, consistent with the above-mentioned goals and increasingly utilized to address juvenile justice issues, is community prosecution. Community prosecution is a holistic approach to law enforcement that combines the efforts of prosecutors’ offices, law enforcement, government service agencies, schools, community members, the faith community and neighborhood organizations to combat crime. This innovative system creates a public forum that encourages ideas, partnership, and information-sharing between the stakeholders. The emphasis is on problem-solving, not convictions. Convictions obtained by community prosecutors are a means to an end, not the end itself. The tenets of community prosecution are particularly well suited to the juvenile justice system because the operation of juvenile court requires similar multidisciplinary interaction, and the “convictions”

achieved in juvenile court are also just the means to achieve the end, namely, rehabilitation.

Juvenile justice systems have historically been reactive, waiting until youths enter the system before action is taken. Community prosecution promotes early intervention in the trajectory of delinquency and strives to eliminate delinquent behavior. Community prosecution also creates new competency building options for juvenile justice, including new treatment and rehabilitation programs that address the unique needs of juvenile offenders. These programs, combined with heightened community interest, demonstrate to juveniles that they are valued members of the community, and that adults care about their lives. These programs encourage self-discipline, good citizenship and skill development that help offenders re-enter the community better equipped to pursue non-criminal paths. These holistic measures are paying off. Juvenile crime reduction efforts have reportedly benefited from the implementation of community prosecution.¹

American Prosecutors Research Institute (APRI) staff visited four jurisdictions—Multnomah County (Portland), Oregon; Suffolk County (Boston), Massachusetts; Middlesex County, Massachusetts; and Kings County (Brooklyn), New York—in 1998 to study their community prosecution and juvenile justice programs. APRI interviewed the program staff, prosecutors, law enforcement personnel, judicial representatives, parole and probation officials, and other criminal justice practitioners who were engaged with the juvenile justice system and/or community prosecution programs. This information was subsequently updated in 2002 for purposes of this publication.

This monograph provides a brief explanation of community prosecution, an overview of the potential interface between community prosecution and juvenile justice, a discussion of the legal and systemic issues that APRI uncovered during its site visits, a review of some common issues identified between community prosecution and juvenile justice, and a brief comparison of community prosecution to another emerging juvenile justice philosophy, balanced and restorative justice.

¹ See Site Visit Notes: Kings County (New York), Interview with Officer Hubert Raton, 77th Police Precinct, New York Police Department (NYPD), September 30, 1998 at 2:15-2:40 p.m.; Interview with Sgt. Guy Bouillon, Community Policing Unit Sergeant, 77th Police Precinct, NYPD, September 30, 1998 at 2:40-3:10 p.m.

COMMUNITY PROSECUTION —THE BASICS

Community prosecution is more than just a new program to implement. It is a long-term, comprehensive crime reduction strategy. Predicated on the Broken Windows theory advanced by James Q. Wilson and George Kelling in 1982,² its overarching goal is to improve the quality of life in a community. While traditional prosecution strategies tend to focus time and resources on serious and violent crimes, proponents of community prosecution recognize that individual citizens in a community often feel more victimized by, and want more aggressive prosecution of, nuisance offenses that occur in front of them, that interfere with the enjoyment of their neighborhoods, and that threaten their immediate sense of security.

Three core elements define community prosecution and differentiate it from traditional prosecution:

- Active involvement of the community in defining problems and identifying solutions,
- Prosecutor-led problem-solving that focuses on the use of non-traditional enforcement efforts, and
- Partnerships with law enforcement, other government agencies, businesses, schools, and other community-based groups.³

Other elements commonly associated with offices that practice community prosecution are a clearly defined target area and an emphasis on quality of life issues. Community prosecution is not a program, but rather a different way of “doing business.”⁴

Community prosecutors spend a great deal of time working and conversing with community leaders and other citizens. As these prosecutors

² James Q. Wilson & George L. Kelling, *Broken Windows: The Police and Neighborhood Safety*, Atlantic Monthly (March 1982).

³ Elaine Nugent, Patricia Fanflik, and Delene Bromirski, *The Changing Nature of Prosecution: Community Prosecution vs. Traditional Prosecution Approaches* (publication expected early 2004).

⁴ Elaine Nugent, *Organizational, Functional & Cultural Changes with the Implementation of Community Prosecution* (publication expected January 2004).

become more familiar with neighborhood residents, they learn which quality-of-life issues and nuisance crimes need the most fervent attention. The community prosecutor then works with local stakeholders to develop creative, long-term solutions to these livability issues. This type of involvement with the community and aggressive pursuit of minor offenses is a radical change from the traditional role of the prosecutor, but it is at the core of the Broken Windows theory and the community prosecution model. It also provides a natural bridge to the juvenile justice system, since many low-level, quality-of-life offenses are committed by juveniles.

Broken Windows

The Broken Windows theory asserts that a community's quality of life deteriorates when nuisance crimes such as vandalism, graffiti, prostitution, loitering, and public intoxication are not addressed promptly.⁵ One "broken window" in a community conveys a message that the neighborhood is indifferent to crime, thereby encouraging would-be criminals to act and other "windows" to be broken.⁶ As the neighborhood deteriorates one broken window at a time, residents feel more and more unsafe.⁷

Links exist between serious criminal behaviors and relatively minor quality-of-life crimes. The Broken Windows theory suggests that targeting quality-of-life crimes, such as prostitution, public drinking, graffiti, public urination, and petty theft, conveys a strong anti-crime message, in turn preventing major crimes.⁸ Broken Windows has received increasing national attention as jurisdictions that support the theory, e.g., New York City, report significant reductions in crime.⁹

⁵ James Q. Wilson & George L. Kelling, *Broken Windows: The Police and Neighborhood Safety*, Atlantic Monthly (March 1982).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See Bernard E. Harcourt, *Reflecting on the Subject: A Critique of the Social Influence Conception of Deterrence, the Broken Windows Theory, and Order-Maintenance Policing New York Style*, 97 Mich. L. Rev. 291 (1998).

Focus Areas

Utilizing the Broken Windows theory, and understanding the increased importance of low-level offenses and the need for problem-solving in the community, community prosecutors select geographic focus areas for their community prosecution efforts. A focus area can be one with a high crime rate or high number of 911 calls. It can be a high drug crime area with a large volume of transient foot and vehicle traffic and/or crack houses. If the primary concern of a community is delinquent youth, the focus area may be a school, or a neighborhood with a high incidence of school dropouts.

Whatever the choice, the focus area must have clearly defined geographic boundaries. A well-defined focus area is necessary to facilitate implementation of new crime reduction strategies, and to accurately measure the impact of the program on the community. Some potential for social and economic development should also exist within the target area. Documented social and economic improvements will help sustain funding for the existing community prosecution effort, and lay the groundwork for expansion.

Staffing the Program

Selecting the proper individuals to serve as community prosecutors is one of the most difficult, and most important, decisions a prosecutor's office will make in implementing its community prosecution program. Successful prosecution of high profile, serious or violent offenses is the typical road to advancement for deputy prosecuting attorneys. As such, most deputy prosecutors naturally resist assignments that focus on minor offenses and that require a great deal of interaction with outside agencies and community groups.

Despite the resistance, some elected or appointed prosecutors may be tempted to assign their most successful and well-known trial deputies to spearhead community prosecution initiatives. This may not always be advisable. The qualities that make an effective trial prosecutor do not necessarily make an effective community prosecutor. For example, com-

munity prosecutors often must operate with little or no structure in their daily schedule, in contrast to trial prosecutors whose work is customarily structured around investigations, hearings, trials, and pleas.

In addition, the community prosecutor must possess especially good interpersonal skills, not always a requirement for a trial lawyer. A critical part of the job is listening to the residents' concerns about crime and quality-of-life issues.¹⁰ An affable prosecutor with a creative mind, a broad range of legal skills and experience, and a genuine desire to improve the lives of community residents can lay the foundation for a successful community prosecution effort.

Interaction with other Agencies

Community prosecution requires interagency collaboration: all parties with a stake in the community are needed. It is no longer sufficient for prosecutors to work only with police officers. They must also collaborate with community agencies, school officials, clergy, social service workers, probation and parole officers, and any other agencies with a vested interest in the community. Prosecutors must forge and maintain strong ties with these organizations as key participants in the community prosecution program. These relationships lead to greater information-sharing, which in turn leads to more effective problem-solving, and more effective prosecutions when required.

Interaction with the Community

An essential goal of every community prosecution initiative should be to strengthen the community's involvement in identifying and resolving livability issues. Any program divorced from the community will not succeed. Prosecutors must establish good communication and strong ties with community residents. Many prosecutors find this to be a daunting task because community residents initially either distrust or misunderstand prosecutors. Nevertheless, by reaching out to reluctant (or skeptical)

¹⁰ See Site Visit Notes: Kings County (New York), Interview with Michael Frett, Deputy District Attorney, September 30, 1998 at 9:00 a.m.

community residents, prosecutors can educate them on the role of the prosecutor's office, and through persistence and dedication, eventually earn the community's trust.

Many prosecutors' offices have developed innovative projects to strengthen the bonds between the prosecutor's office and the community. One such project is the "People's Law School," created by the King's County, New York, District Attorney's Office. This institution teaches basic principles of law to members of the community. Information about the justice system promotes an understanding of the system and the parties that operate it. Understanding is the foundation of trust.

There is, however, one caveat regarding the role of the community: It is important from an ethical standpoint for the prosecutor's office to clearly establish the parameters of the community's participation. Ultimate decision-making power and charging responsibility must always remain solely within the prosecutor's office.

POTENTIAL INTERFACE BETWEEN COMMUNITY PROSECUTION AND JUVENILE JUSTICE

Using the community prosecution model for juvenile justice programs helps create an infrastructure for law enforcement, social service agencies, and schools to work constructively with youthful offenders. By applying community prosecution techniques to a juvenile population, prosecutors can build a community-based network to assist in identifying which youths are the core offenders that need to be out of the community, and which offenders can benefit from diversion and competency development programs. The prosecutor has a better understanding of the case, the neighborhood where the crime occurred, and the impact of the case resolution on the youthful offender, the victim, and the neighborhood.¹¹

Linking community prosecution and juvenile justice allows the community's voice to be heard in matters involving its children. Residents become valuable partners with law enforcement and government agencies, both in fighting crime and in shaping the lives of youth in their community. The community, including the juvenile population, learns to control its living environment and gives itself a stake in decisions that affect its quality of life. To that end, community leadership should have input into the policies regarding juveniles. However, while giving effect to recommendations made by the community is extremely important, the final decision-making authority and responsibility must remain with the prosecutor's office. Balancing community input on juvenile justice matters with concepts of fairness, consistency, and justice must be the guiding force for community prosecutors.

Finally, even though many juveniles accused of serious crimes now face adult sanctions, nuisance crimes (generally classified as misdemeanors and low-level felonies) are still prosecuted in juvenile court. Unlike the offense-based adult system, the juvenile justice system is offender-based,

¹¹ Heike P. Gramckow & Rhonda Mims, *Community Prosecution* (March 16, 1998) (unpublished manuscript, on file with the American Prosecutors Research Institute).

focusing on rehabilitation rather than punishment.¹² Community prosecution advances the juvenile justice philosophy one step further by also emphasizing prevention. A break in the trajectory of delinquent behavior must occur at its earliest stages if it is to have long-term effects. The holistic, community-based approach to juvenile justice issues emphasizes early intervention and prevention methods.

¹² National District Attorneys Association's Resource Manual and Policy Positions on Juvenile Crime Issues, *Background 1* (adopted November 16, 1996).

OPERATION OF THE COMMUNITY PROSECUTION MODEL

Multnomah County (Portland), Oregon

Multnomah County (Portland), Oregon was one of the first jurisdictions in the United States to implement community prosecution. In 1990, the Multnomah County District Attorney wanted his office to do more than just react to crime. He also saw the tremendous benefits of community policing. At the same time, a business district in Portland, the Lloyd District, was deteriorating as crime increased. Local businesses wanted to promote economic development in the area that would support construction of the Oregon Convention Center and, eventually, a new basketball arena for the city's professional basketball franchise (the Portland Trailblazers). But before the new convention center and arena could serve as the engine to fuel the district's economy, the growing crime problem needed to be addressed. Efforts began with brainstorming sessions between business leaders, community members, police, and the District Attorney's Office on how to reduce crime and stabilize the neighborhood, and ended with the full-time placement of a deputy district attorney in the Lloyd District.

Over time, the pilot project in the Lloyd District expanded to become the Neighborhood DA program, now a permanent part of the Multnomah County District Attorney's Office. A deputy district attorney now supervises eight full-time Neighborhood DAs in seven geographical areas plus the Tri-Met (the public transit system). These community prosecutors work in satellite locations in the community such as police precincts and substations. They communicate directly with downtown line prosecutors about cases affecting their target areas.

The Neighborhood DAs' primary responsibility is to work with public safety groups and committees on community safety issues and quality-of-life crimes. They develop long-term strategies to eliminate or significantly reduce crime problems. In addition, they issue misdemeanor cases and work with line prosecutors on specific criminal cases arising out of their target areas or directly affecting the quality of life of those living within their tar-

get areas. This close association with the community enhances the overall quality of prosecution. For example, a Neighborhood DA can pass along to a line prosecutor critical intelligence information about a defendant, which can make a difference in deciding an appropriate course of action.

Other outreach programs have developed over time. Neighborhood DAs supervise Americorps members, who are assigned to ride the Tri-Met transit system to provide safety information to passengers and assist in maintaining order on the buses. They also remove graffiti and participate in neighborhood clean ups and other crime prevention efforts, which the DA's Office describes as "prevention through presence."

One of the most innovative community initiatives of the Multnomah County District Attorney's Office is the partnership agreement involving an unofficial skateboard park that emerged in an industrial area of Portland in 1990. By 1995, business owners in the area complained to the Portland Police Department that skateboarding youth were grabbing onto their trucks and riding behind and beside them, which posed a liability to both the business owners and their truck drivers. Business owners also complained that the skateboarders were littering in the area, leaving it dirty and polluted.

The business owners wanted the police to close down the park. They approached the Neighborhood District Attorney and asked him to prosecute the skateboarders for offensive littering and disorderly conduct. Instead, the deputy district attorney proposed to include the skateboarders in discussions with the business owners, in an effort to reach an accord that satisfied all parties. The result was a signed partnership agreement that kept the skateboard park where it was, but required the skateboarders to use the park in accordance with certain guidelines. The skateboarders agreed to maintain their activity within the boundaries delineated by a map and signage, keep the area clean, and no longer grab onto passing trucks. For their part, the business owners paid for the signage that was placed around the park and provided a portable toilet.

The skateboard park partnership agreement was drafted by the Multnomah County District Attorney's Office and includes law enforce-

ment, skateboarders, and business owners as signatories. The merchants and the skateboarders continue to be pleased with the partnership arrangement, and there have been no further complaints. The partnership agreement between skateboarders and business owners is a testament to the effectiveness of community prosecution, and highlights the success of clever, innovative strategies applied to traditional neighborhood problems involving youth.

The District Attorney's office believes that prosecutors are the ideal public servants to bridge these disparate interests because of their ability to bring multiple parties together to forge effective, long-term solutions to community safety problems.

Middlesex County, Massachusetts

In the aftermath of a gang-related shooting of a 14-year-old child in 1991, the Middlesex County District Attorney's Office initiated Community Based Justice (CBJ), a community-oriented approach to preventing and responding to crime. The goals of CBJ include inter-agency collaboration, early intervention, individual accountability, youth diversion, effective case management, and public safety.

To ensure a commitment to the program, the Middlesex County District Attorney's Office conducted extensive outreach with the schools, probation, law enforcement and youth service agencies in each area of the county. The outreach effort included promoting the concept to agency heads and policymakers to elicit their support before the program was formally implemented. This top-down approach was critical. A large part of the strategy was to show the benefits of participation, i.e., an improved, coordinated response to youth problems in the county. When opinion leaders in one part of the county voiced support for the program, it helped promote the benefits of the program to their counterparts in other parts of the county.

The most significant barriers to engaging key stakeholders were competing interests and different philosophical approaches. Much of the difficulty arose from the CBJ Program design, which required the sharing of

detailed information about individual youths. To supplement the statute that addresses information-sharing, the District Attorney developed a Memorandum of Understanding for participating agencies on information-sharing policies and procedures. Additionally, the Memorandum of Understanding addressed CBJ meeting format and training for the community justice concept.

This collaboration helped bolster the resources of the partnering agencies. The Middlesex County community prosecutors use CBJ meetings as a forum to open the lines of communication between law enforcement, youth service agencies, probation case workers, school personnel, local officials, and other community-based agencies. These meetings identify the underlying causes of juvenile crime and develop appropriate responses to juvenile crime issues.

At information-sharing meetings, officials review the status of juveniles identified by CBJ members as having demonstrated potential for violent behavior, e.g. weapons possession, drug distribution, assault, intimidation or threats, or civil rights violations like hate crimes. Members of the information-sharing meetings work to reach a consensus about appropriate actions to address each youth's specific case. The action plan is continually revised at the CBJ meetings based upon the discussion of individual cases and related problems, types of incidents in the community, and the effectiveness of previous responses to problems.

Each community prosecutor submits e-mail reports of the regular CBJ meeting activities to the Deputy Director of District Courts and the CBJ Coordinator in the District Attorney's Office. The CBJ coordinator compiles an agenda that includes new arrests and case dispositions. The meetings begin with a report from each attendee regarding the individuals on the list. Participants discuss the juvenile's general behavior and demeanor, consider factors affecting this behavior, and make recommendations as to whether prosecution and/or intervention treatment services are needed. The assistant district attorney reports on any case disposition, including whether or not the recommendations made by the CBJ task force were granted by the court, and provides copies of final court orders.

Once a juvenile is referred to CBJ, group efforts focus on determining the root of the problem and finding appropriate community-based solutions. If the individual continues to refrain from delinquent behavior, and there is a consensus that he/she is on the right path, removal from CBJ oversight will likely occur. Some youth are tracked based on factors other than their commission of a new delinquent act. The District Attorney's Office explains that the CBJ process is legally sound because CBJ does not target a specific group of youth. Instead, these youth identify themselves as having a need when they enter the juvenile justice system.

The backbone of any juvenile community prosecution effort is the connection to local schools. Schools are the place where most juveniles spend their days, where friendships are developed, and where values are shaped. The stronger ties to schools give prosecutors more opportunities to positively impact the youth population in the community. Community Based Justice also gives Middlesex County schools a system of constant communication among previously separate agencies. In addition to information-sharing meetings, school superintendents meet regularly through Project Alliance, a District Attorney-led effort to examine emerging social problems, devise concrete strategies addressing areas of concern, and provide an ongoing evaluation of program strengths.

To further address the problems of youthful offenders and to complement the Community Based Justice initiative, the District Attorney's Office created a Juvenile Prosecution Unit in 1996. Juvenile Prosecution Unit assistant district attorneys, known as Juvenile Court Liaisons, attend CBJ meetings for a particular area. During the meeting, each case in the Juvenile Prosecution Unit caseload is reviewed to determine whether the juvenile meets the criteria for youthful offender prosecution. If so, an assistant district attorney is assigned to follow through on the case. The CBJ meetings provide information on the youth that will assist prosecutors in making necessary assessments.

One of the successes of Middlesex County's CBJ program was illustrated only two weeks into the 2002 - 2003 school year. One of the students began the school year by terrorizing the entire school community, causing problems within the school and intimidating students and teachers

alike. However, the student had not yet taken any action that provided sufficient legal justification for suspension or expulsion. School officials wanted to protect the school community, but were limited in the action that they were permitted to take.

Around the same time, this particular juvenile had been arrested in a neighboring community for armed robbery. Although the juvenile did not live or attend school in the community where he committed the crime, the assistant district attorney was able to convey information regarding the juvenile's arrest and subsequent felony adjudication through the CBJ. With this information, school officials were able to take action because Massachusetts law permits the suspension and/or expulsion of a student who has committed armed robbery. Additionally, the school communicated specific information about the juvenile offender to the assistant district attorney for use in the dispositional phase of his hearing. As a result of Community Based Justice, juveniles know they are being watched and talked about which may, in turn, make them feel more accountable for their behavior. Probation officers noticed improvements in supervision of juvenile offenders because of their involvement in the CBJ task forces and information-sharing with law enforcement and the schools. Schools noted improved responses from law enforcement to "crisis" events and criminal activity in the schools.

Suffolk County (Boston), Massachusetts

Suffolk County consists of the city of Boston and three surrounding cities and towns. It is a densely populated urban area that, until several years ago, had an escalating crime rate. Many poor neighborhoods in Boston were suffering from neglect. Juvenile crime was climbing and the city was suffering from explosive youth street violence, including guns flooding city streets. Neighborhood residents were living in fear.

In 1992, the District Attorney's Office set out to stabilize devastated neighborhoods to encourage economic revitalization. Working with community activists, businesses, neighborhood groups, schools, and law enforcement agencies, the Suffolk County District Attorney's Office launched a community prosecution program geared to reestablish safety in the streets.

The Suffolk County Community Prosecution program consists of two components, the Safe Neighborhood Initiative (SNI) and the Community Based Juvenile Justice Program (CBJJ). The SNI focuses on specific neighborhoods, targeting “quality-of-life” crimes through the use of crime prevention and reduction strategies. The SNI is the cornerstone of the Suffolk County District Attorney’s Office’s efforts to establish a coordinated community response to crime. The Community Based Juvenile Justice Program is modeled after the Community Based Justice Program in neighboring Middlesex County, Massachusetts. The CBJJ’s purposes are to reduce juvenile crime, increase school and community safety, and identify and develop innovative intervention strategies for juveniles who are at risk for developing delinquent behavior.

Safe Neighborhood Initiative (SNI)

Suffolk County’s SNI places prosecutors outside the courthouse and into the center of the communities they serve. Heavy prosecutorial workloads must be balanced with SNI work outside the courthouse. The SNI prosecutor regularly meets with community leaders, juveniles, and neighborhood residents to determine the issues that are of the most concern to members of the community. Based on the input received, the SNI prosecutor decides which cases will be prosecuted and which issues will be addressed in an alternative manner. By 1998, the Suffolk County District Attorney’s Office had implemented four Safe Neighborhood Initiatives, and initiated plans for building a fifth.

The non-traditional prosecution role was applied at one Suffolk County SNI site that had a problem with abandoned cars. Prosecutors identified these as SNI cases and asked that they be heard in Superior Court. When judges questioned why traditional misdemeanor cases were being brought in Superior Court, Suffolk County prosecutors explained the need to treat these issues with heightened attention. The judges started hearing these cases and granted dispositions favorable to the community.

These same principles can be applied to juvenile cases. When judges learn about the framework of a community prosecution/juvenile justice program, they may be more receptive to prosecutors’ goals. Thus, if a prosecutor makes a sentencing recommendation based on the communi-

ty's belief that an offender would be better served by community service rather than time in jail, a judge may be more inclined to grant the prosecutor's recommendation.

Suffolk County solicits the community for input in sentencing through community impact statements. Community impact statements are written by victims, groups of residents, or merchants, and then are introduced in court to give a judge a sense of how an offender's specific behavior has affected the neighborhood. Giving the community an appropriate forum to voice its opinions creates a sense of empowerment, and gives the community a stake in the judicial process.

Through the Suffolk County Safe Neighborhood Initiative, members of the community meet regularly with the prosecutors who advocate the community's interests in court. Based on these meetings, prosecutors often ask the court to order juveniles to perform community service projects. The youths are better able to appreciate the impact of their crime, and many will realize that they are a part of the larger community and must behave accordingly. The results in the community are cleaner streets, buildings, and public areas. Alternatively, when the prosecutor receives input that an offender does not accept responsibility for his actions or does not demonstrate a likelihood for reform, removal of the juvenile from the community may be recommended.

Community Based Juvenile Justice (CBJJ)

The Community Based Juvenile Justice Program (CBJJ) is a concerted effort to combat juvenile crime with unique solutions to traditional juvenile crime problems. The program, designed by prosecutors, teachers, probation officers, and state officials, targets juvenile offenders who are at risk of becoming chronic and violent offenders. This is accomplished through regular meetings, called "roundtables," involving prosecutors, law enforcement personnel, school officials, probation, department of social services, and other government agency representatives.

The information-sharing roundtables are usually held at junior high schools and high schools, and they are often chaired by the SNI or juvenile prosecutor. At the meeting, the police bring arrest lists, and the par-

ticipants discuss and strategize about youths who are violent or who pose a risk. Because confidentiality of records is always a concern when juveniles are involved, the prosecutor does not submit names at these information-sharing meetings. However, prosecutors have access to probation and court records to obtain needed information. The guiding principle of the program is that through improved communication, children in the earliest stages of delinquent behavior can be identified and provided with necessary services.

In 1997, according to the Suffolk County District Attorney's Office, 250 juvenile offenders and at-risk youth were discussed at roundtable meetings. Once an individual's name has been brought up at the meeting, his/her name is placed in a database and a plan for addressing the individual's needs is developed. Once a youth is placed into services, a monitoring phase begins. The assistant district attorney is kept informed of any developments with regard to that child or his/her service plan.

Sub-groups are sometimes formed out of the information-sharing meetings. These sub-groups address all incidents occurring in and around a particular school, determine which social service program options are available for at-risk youths, and discuss crimes that are relevant to the specific school to which they are assigned.

Suffolk County has adopted a number of other progressive initiatives including the following:

- "Operation Scrap Iron," an aggressive campaign to encourage juveniles to turn in their guns. No arrest, prosecution, or punishment results from participation in the program. Law enforcement authorities and researchers gather data on the guns turned over to authorities and submit this information for tracing through the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
- "Youth Strike Force," a cooperative effort between the Suffolk County District Attorney's Office and the Boston Police Department's gang suppression unit to identify problem youths whose behavior may warrant more serious charges.
- Prosecutors in Police Stations (PIPS), a program that streamlines the ability of assistant district attorneys to answer and address any legal

questions police have during the arrest and booking process. As a result, police write up more detailed reports and warrants, leading to better presented legal cases in court.

- Operation Night Light, a partnership of the DA's office with police and probation. Both a police officer and a probation officer conduct night-time home visits to juveniles together. Probation officers benefit from the increased safety; police benefit because they obtain valuable information on the juveniles residing in their community.

A key contributor to the Boston success story is the Department of Probation. The Department of Probation helps the prosecutor's office by providing input through community impact statements. The Department of Probation also oversees court-ordered community service at SNI sites and reports on whether it was performed satisfactorily. In addition, police investigatory powers are enhanced through collaboration with the probation department. While police need probable cause and a search warrant to enter homes of citizens, people on probation generally have a diminished expectation of privacy in their homes, and probation officers in many jurisdictions do not need probable cause in order to enter probationers' homes. By working together, police and probation departments can enhance their ability to investigate crime and improve neighborhood safety.

Furthermore, when probation officers form personal relationships with probationers it improves their monitoring of the juveniles. This provides prosecutors with intelligence about past offenses and diminishes the likelihood of the juveniles' future involvement in illegal behavior. If a probationer violates probation, a prosecutor can work with a probation officer to expedite the warrant and swiftly bring the juvenile before a judge.

The District Attorney's Office has derived many benefits from the SNI and CBJJ programs. Residents better understand what the District Attorney's Office does to combat crime. Judges allow prosecutors to bring "quality-of-life" cases in Superior Court instead of District Court. SNI neighborhood residents report that crime is down and police presence is up, and that the fear factor is down and quality of life has improved.

Within Suffolk County's Community Based Juvenile Justice program, youths are encouraged to be a part of the larger community. The program also instills values by showing youths that adults care about them. For their part, prosecutors feel they have a greater stake in the community because they meet and become familiar with the residents.

Kings County (Brooklyn), New York

Brooklyn is the largest borough in New York City.¹³ Brooklyn incorporates all of Kings County, and is divided into 23 police precincts.¹⁴ There is tremendous ethnic diversity in Brooklyn, evidenced by more than 100 ethnic, racial, and religious groups.¹⁵

With the onset of the crack epidemic in the mid-1980's, Brooklyn's crime levels soared. A variety of successful community policing and community prosecution strategies were employed to combat the rise in crime. By 1998, both New York City and the borough of Brooklyn recorded their lowest crime levels since 1964.¹⁶

The District Attorney's Office divides Brooklyn into five public safety "zones" to tailor traditional crime fighting techniques to the neighborhood model. These "Zone Prosecution Units" form the backbone of the community prosecution program, allowing the District Attorney's Office to implement community prosecution programs on a neighborhood-by-neighborhood basis. Each of the five zones is comprised of four to five police precincts. Within each zone, there are eleven or twelve trial assistant district attorneys, both senior trial assistant district attorneys and line trial assistant district attorneys. Zone prosecutors meet regularly with neighborhood residents to address their concerns and devote proper resources to combat quality-of-life crimes.

¹³ 1990 U.S. Census Data, *Kings County* <<http://venus.census.gov/cdrom/lookup911239422>> (accessed November 16, 1998).

¹⁴ Brooklyn District Attorney's Office, *Community Prosecution* <<http://www.718web.com/brooklyn-da.commun.htm>> (accessed March 18, 1999).

¹⁵ Brooklyn District Attorney's Office, *Community Prosecution* <<http://www.718web.com/brooklyn-da/welcome.htm>> (accessed March 18, 1999).

¹⁶ Dan Barry, *Mayor Says Adding Officers is Key to City's Health*, N.Y. Times B10 (January 29, 1999).

The Kings County District Attorney's Office community prosecution initiative focuses on juveniles through several innovative programs. The most notable of these programs is the Youth and Congregations in Partnership (YCP). The Kings County District Attorney modeled the YCP Program after a program in Fort Wayne, Indiana, in which a coalition of churches had arranged with the local probation authorities to "adopt" one adult offender for each participating church.

The District Attorney's Office built on the Indiana concept, gearing Brooklyn's program toward juveniles. The District Attorney believed that juveniles and children under the age of 16 were in greatest need of the attention and guidance that people of faith could provide. Moreover, he realized that Brooklyn—which he refers to as the "Borough of Churches"—would be an ideal locale for such a program.

Under the YCP program, a church or other house of worship volunteers to mentor a child for a full year. Volunteer mentors cannot be otherwise involved with the justice system (i.e., police officers, probation officials, etc). YCP mentors are trained by a community counseling and mediation center. Through a series of discussions and interactive exercises, the volunteers learn about family issues and tutoring, along with the skills to effectively interact with at-risk and court-involved juveniles. Volunteers must complete the entire training session to qualify as mentors for the YCP program.

Selection criteria for juveniles to enter the YCP program include such factors as the seriousness of crime, the youth's level of participation, prior contacts with the criminal justice system, family background and personal circumstances. Selected juveniles are "matched" with a congregation depending on the congregation's makeup and the background of the juveniles. After a satisfactory "get acquainted" period, the court orders the juvenile to fully cooperate with YCP for up to one year, and to comply with probationary conditions. If the juvenile is successful, his/her criminal record is sealed. The goal of the program is to build trust between the juvenile, the volunteers, and the District Attorney's Office. However, if the juvenile continues to commit crimes or possess dangerous weapons, the volunteers must report this to the assistant district attorneys, who will, in turn, report to the court.

Another juvenile community prosecution program run by the District Attorney's Office is the Trauma Troopers program, which pairs Emergency Medical Service (EMS) volunteers with juveniles to teach them EMS skills and to act as mentors. The program's objective is to place the juveniles at the scene of violent incidents so that they can see what damage violence does to people and that "it is not cool" to be engaged in violence.

The District Attorney's Office brings the criminal justice system to elementary classrooms through its Legal Lives program, implemented in response to an increase in bias and drug-related crimes. The program brings instruction to more than 10,000 students and their parents in 315 classrooms. Prosecutors, judges, volunteers, and teachers work together to teach students about the law and its role in their lives. More than 500 District Attorney's Office staff and 320 teachers have worked together on the bi-weekly interactive lessons. Legal Lives places the same emphasis on education and treatment as it does on arrest and prosecution.

The Legal Lives curriculum is designed to increase students' legal knowledge and to prevent juvenile delinquency through the development of critical and analytical thinking skills. The subject matter of the lessons includes drug possession, shoplifting, gun possession, dating violence, and bias. Students learn through role-play and participation in mock trials.

The District Attorney's Office also initiated an expansion of the police department's Safe Haven program. This program offers school children and senior citizens a secure business location that will give them help in an emergency situation. The "Safe Haven" decal in a store window or door indicates that the store owner and employees will make a telephone call to family or the police in the event of an emergency.

COMMON THEMES BETWEEN COMMUNITY PROSECUTION AND THE JUVENILE JUSTICE SYSTEM

When comparing the community prosecution model and the juvenile justice system, several common themes can be identified. The most obvious theme, yet most often overlooked, is the role of the juvenile population in the operation of these systems. Resistance to change within the prosecutor's office, the importance of staffing, interagency collaboration, and limits on community or allied agency control over prosecutorial functions also resonate in both systems. Finally, as in any discussion of the criminal justice system, confidentiality of records consistently emerges as a problem for criminal justice and allied agency professionals. Each of these themes is discussed below.

A Role for the Youth

One of the most interesting intersections between the community prosecution model and the juvenile justice system is the children. Typically, juveniles are viewed as a population that needs to be controlled or acted upon. Delinquent behavior by youth spurs the residents of communities to pass curfew ordinances, initiate neighborhood watches, and identify truant youth to patrol officers. The juvenile court system responds with diversion programs, charges, probation, and detention. The actions taken by communities and the justice system to address delinquent youth are appropriate, but do not incorporate the rest of the non-delinquent, law abiding, juvenile population.

As prosecutors, court systems, and communities begin to develop innovative responses to crime, new roles have emerged for juveniles in the community and in the justice system. In the community prosecution setting, the youth in a community can be stakeholders. By meeting regularly with juveniles and listening to their opinions and thoughts, prosecutors may better understand youth culture and generate greater trust. As demonstrated by the skateboard park partnership agreement in Portland, OR, youth in a community can be thought of, and treated, as responsible

partners in problem-solving. The enduring success of the skateboard park is testament to the value of involving youth as responsible citizens and contributors to the community.

Youth across the country participate in teen court, mediation, and mentoring programs. They hear evidence, judge and mete out sentences. They resolve disputes and serve as role models for younger children. Teenagers are actively involved in anti-violence campaigns and teen dating violence education programs. These and other community prosecution and juvenile justice initiatives demonstrate the potential of the juvenile population as a rich, and largely untapped, resource.

Resistance to Change and the Importance of Staffing

Some prosecutors believe their job is to try cases in court, not to assist residents of a community with nuisance offenses and other problems. They do not like being viewed as social workers, and they do not like handling minor crimes.

Resistance to community prosecution is almost identical to that experienced by prosecutors who implemented new leadership initiatives in the juvenile justice arena. Many prosecutors were entrenched in the traditional view that juvenile court was only for social workers or liberal minded judges, and that the juvenile justice system should be used as a training ground for new prosecutors.

Time vindicated those prosecutors who pioneered new leadership roles and emphasized the importance of juvenile court. Many prosecutors are assigning greater responsibility to the juvenile division and are looking for experienced lawyers to prosecute in juvenile court.

Continued success for the new role of the prosecutor in juvenile justice depends on selecting the right people to staff juvenile justice divisions. Prosecutors interested solely in convictions and aggressive prosecution of only the most serious offenses are not appropriate for juvenile court, nor are those prosecutors who lack good interpersonal skills. The juvenile justice system is highly multidisciplinary. It requires good communication

and teamwork skills from all who practice there. Selecting the right person to serve as a juvenile court deputy can mean the difference between success and failure for the juvenile division of an office.

Similarly, a community prosecutor must be carefully selected from the ranks of the prosecutor's office. Trial attorneys generally define success by conviction rates and lengthy sentences for violent offenses. The community prosecutor must be willing to redefine "serious" offenses, and have a vision for success that differs dramatically from other prosecutors in the office. Genuine concern for the quality of life of community residents and a desire to problem-solve are critically important qualities for community prosecutors. The same interpersonal skills that make a good juvenile court prosecutor are also necessary for a community prosecutor.

Working with Allied Agencies, Communities, and other Partners

In the field of juvenile justice, providing services to children is a cottage industry. While "multidisciplinary" once referred to law enforcement, probation, and the department of human services, the concept now extends to victim advocates, doctors, psychologists, school counselors, school resource officers, tutors, aftercare specialists, clergy, and a host of others. Juvenile court prosecutors must interact with these practitioners every day, and the successful ones have found a way to do it peacefully, without losing sight of their responsibility to effectively prosecute cases.

Peaceful coexistence in a multidisciplinary forum requires good communication skills and an ability to respect boundaries. Each agency must be allowed to perform its duties. Juvenile court prosecutors must find ways to give effect to reasonable recommendations, while still fairly and consistently serving justice. In some cases, it is easy. Everyone agrees on an appropriate resolution. In other cases, the recommendations may be diverse, conflicting and at odds with justice. Particularly in these latter cases, prosecutors must maintain autonomy and power over prosecutorial functions such as charging, plea negotiations, and sentencing recommendations. Of this juvenile court multidisciplinary plethora, only prosecutors are both learned in the law and ethically bound to seek justice.¹⁷

¹⁷ American Bar Association Juvenile Justice Standards, Relating to Prosecution 1.1(B) National District Attorneys Association—Juvenile Prosecution Standards 19.2A(2).

Prosecutors have tremendous power, but they also have the tremendous responsibility to seek justice in every case. This challenge is common to the community prosecution model as well. Although the multidisciplinary practitioners are replaced with citizens, business owners, children, politicians, activists and the like, the struggle to balance competing interests and seek justice remains the prosecutors' burden.

While in most juvenile justice systems all the disciplines should have similar goals, i.e., restoration of the victim, protection of the community, and the rehabilitation of the juvenile, the same cannot be said of stakeholders in the community prosecution model. While everyone wants to improve quality of life and increase safety in the community, their views of what that means are likely to be much more diverse. Business owners are driven by profit motives. Citizens can be caught up in vigilantism. Activists are focused on protecting and promoting their philosophical icons. In the midst of this, community prosecutors must use every legal tool and creative thought they can muster to give effect to input from the stakeholders, to improve the quality of life for the community, and to adhere to their ethical duties of fairness, consistency and justice.

Confidentiality of Records and Information-sharing

Communication is the key to success in community prosecution and the juvenile justice system, yet legal barriers to information-sharing are a confounding and intractable problem for both systems. New legislation, memoranda of understanding, and confidentiality agreements are some of the tools available to community prosecution and juvenile justice professionals to improve communication between the parties while handling private information with sensitivity and respect.

The prosecutor's office in Middlesex County, MA, developed a memorandum of understanding and developed a suitable format for meetings. Suffolk County, MA, likewise developed roundtable meetings for information-sharing, as did Kings County, NY. Each jurisdiction recognized that information-sharing was the linchpin to more effective intervention with youth and increased safety and improved quality of life for the communities. Furthermore, each jurisdiction found innovative ways to adhere

COMMON THEMES

to the law but overcome the obstacles posed by strict confidentiality of records limitations. Prosecutors are encouraged to review the confidentiality of records statutes in their jurisdictions, look at the examples set by other jurisdictions, and find effective ways to communicate with the allied agencies, partners, and stakeholders in their jurisdictions.

COMMUNITY PROSECUTION AND BALANCED AND RESTORATIVE JUSTICE

A related philosophy gaining momentum in the juvenile justice arena is balanced and restorative justice. At its ideological core, the “balance” is achieved by giving equal consideration to community safety, offender accountability, and competency development, while restorative justice focuses on “crime as harm, and justice as repairing the harm.”¹⁸ By blending traditional and non-traditional prosecution strategies with certain restorative principles and programs, balanced and restorative justice supplants the “best interest of the child” theory with balanced pursuit of these three goals to achieve justice. The community safety dimension of the philosophy recognizes that the juvenile justice system has a responsibility to protect the public from juveniles in the system.¹⁹ It also recognizes that the community can participate in assuring its own safety. The accountability element defines criminal conduct in terms of obligations incurred by the offender, both to the victim and to the community.²⁰ The competency development element, a broader concept than traditional rehabilitation, maintains that offenders who enter the system should leave it more capable than when they entered.²¹

The primary difference between balanced and restorative justice and community prosecution is that the balanced approach is still offender-driven, i.e., the system, guided by its three goals, responds to the offender’s conduct regardless of which criminal offense the offender commits. Community prosecution, however, is community-based, with a primary goal of improving the quality of life. Still, the strategies, programs and community involvement initiated under a philosophy of community prosecution are a natural fit for a justice system embracing balanced and restorative justice.

¹⁸ Shay Bilchik, *Balanced and Restorative Justice for Juveniles: A Framework for Juvenile Justice in the 21st Century*, Office of Juvenile Justice and Delinquency Prevention p. ii (August 1997).

¹⁹ *Id.* at p. 14.

²⁰ *Id.* at p. 14.

²¹ *Id.* at p. 14.

Both community prosecution and the balanced and restorative justice approaches involve a strong community component and a departure from conventional charging, sentencing, or disposition alternatives. Not surprisingly, some of the jurisdictions that embrace the community prosecution model are also taking the lead in adopting the balanced and restorative justice philosophy. In 2002, the National District Attorneys Association (NDAA) amended its *Resource Manual and Policy Positions on Juvenile Crime Issues* to reflect that “balanced consideration of community protection, offender accountability and competency development is the recommended philosophical approach to juvenile justice.”²² Prosecutors willing to re-examine the traditional concepts of prosecution and to adopt new roles as community leaders are finding success with both of these innovative, long-term criminal justice models.

²² National District Attorneys Association Juvenile Justice Manual, *Commentary on Sentences* p. 13.

CONCLUSION

As society evolves, juveniles find themselves with ever increasing amounts of unsupervised time on their hands. The lack of parental supervision, coupled with televisions behind closed bedroom doors, CD players with headphones, personal electronic games with headphones, and the anonymity of computer chat rooms, encourage isolation. Many children feel no real emotional connection to their environment, their neighborhoods, or their schools. The government, the criminal justice system, and the police are faceless entities that have no relevance to their lives. Even adults, with their busy work schedules and obligations, have lost the sense of involvement that characterized small communities years ago.

The tenets of community prosecution and balanced and restorative justice are perfectly suited to re-energize, empower and involve schools, communities, and the juvenile justice system. Locating juvenile justice professionals in the community, giving community members a voice in identifying neighborhood problems of greatest concern, and involving children with their neighbors to teach them empathy and responsibility are strategies designed to improve the quality of life in communities and effectively prevent juvenile delinquency. Prosecutors should be encouraged by the successes of their colleagues, and challenged to make dynamic and forceful changes in their own jurisdictions.

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Department of Health Promotion and Education

University of Utah

Center of Substance Abuse Prevention

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www.ndaa-apri.org

Community Prosecution Implementation Manual

National Center for Community Prosecution
APRI
www.ndaa-apri.org

Community Prosecution Planning Workbook

National Center for Community Prosecution
APRI
www.ndaa-apri.org

Websites

Office of Juvenile Justice and Delinquency Prevention
www.ojjdp.ncjrs.org

Bureau of Justice Statistics
<http://www.ojp.usdoj.gov/bjs/>

National Center for Community Prosecution
http://www.ndaa-apri.org/apri/programs/community_pros/cp_home.html

National Juvenile Justice Prosecution Center
http://www.ndaa-apri.org/apri/programs/juvenile/jj_home.html



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