

Community Prosecution

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Community Prosecution

Eric H. Holder, Jr.
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For years, practitioners and experts in the field of law enforcement have been discussing the benefits of community policing in reducing the incidence of crime and improving the quality of life for residents in the community. Two core components of community policing have been identified:

community partnership and problem solving. Much of this discussion, as well as the implementation of community policing projects across the country, has come on the heels of the concept that a large part of our crime problem and general social disorder can be traced to a relatively simple theory referred to as “broken windows,” which was first discussed by James Q. Wilson and George Kelling in 1982. This theory analogizes social disorder to the condition of windows in a vacant building: if a single window is broken and goes unrepaired, it is a mere matter of time before all of the windows are broken since the failure to repair the window evidences a failure of social and governmental institutions to address the damage. In much the same way, the theory states that where minor acts of disorder go unchecked there will be an increase in that area’s lack of stability, which can invariably lead to more serious disorder and crime.

This problem can be alleviated if the community, in conjunction with law enforcement and other government agencies, makes efforts to identify the problems and correct them before they become more serious criminal problems. The model has proven successful in jurisdictions that have implemented community policing principles.

In large part, this was due to the Administration’s commitment to greater federal involvement in community crime prevention efforts and its strong support for community policing nationwide.

What is also becoming much more apparent, however, is the important role that prosecutors have in ensuring the success of these efforts. More and more prosecutors, from city attorneys to elected district attorneys and federal prosecutors as well, in a diverse and expanding number of jurisdictions, are seeing their role and the mission of their offices in a different light: they are no longer simply case processors, handling matters the way they have always been handled. Rather, they, too, are becoming problem solvers, looking to improve the quality of life for the communities they serve.

Community prosecution is not another name for doing business as usual. At its best, community prosecution is also not simply achieved by adding more staff attorneys who are going to continue to handle cases in the same assembly-line fashion. As we have said many times in describing the Department of Justice’s Weed and Seed initiative, it is not simply a new program, it is a strategy, a better way for prosecutors to be doing their job. It is a concrete response to the public safety concerns of the citizens who live and work in our community. It is accomplished by prosecutors creating new partnerships with the community, various law enforcement agencies, and other public and private agencies. By working directly with the community and learning what their problems and concerns are directly from them, prosecutors will be able to respond more aggressively to the criminal justice problems in those neighborhoods.

How this is accomplished very much depends on a particular office as well as the needs or problems within a jurisdiction, but there are several key components that are universal. First and foremost, prosecutors and their assistants have got to get out of their offices and into the community. As United States Attorney for the

District of Columbia, I attended a large number of community meetings and I learned firsthand that many citizens thought of my office as perhaps indifferent, or even uncaring, as to the problems they saw and lived with in their neighborhoods. My first directive to the prosecutors working in our Community Prosecution Section was to go out to the neighborhood meetings and events, to get to know the people personally and, just as importantly, to let the people begin to know who they, the community prosecutors, were, providing their names, telephone numbers and pager numbers so that the citizens would have ready and direct access to them.

Next, prosecutors who work in community prosecution assignments must be ready, willing, and able to become proactive in their law enforcement efforts, to engage in community activism, and to address problems, even minor ones, before they become bigger problems. As we have learned through “broken windows,” paying attention to such problems earlier will often have significant impact later. Prosecutors cannot afford to overlook the “smaller” cases, if those are the ones that matter to the community.

Establishing partnerships with the community and law enforcement providers, as well as strong and real working relationships with other public and private agencies, is also a key element to a successful community prosecution approach. For the citizens, you will not only be finding out what the true problems in their community are, you will also be developing a relationship that will result in their being more willing to be involved as witnesses to crimes and making them more aware of why the criminal justice system operates the way it does. Working more closely with the police will enhance the officers’ interest and ability to engage in their own problem-solving within the neighborhoods in which they work, and will result in them bringing in better cases for prosecution. In the District of Columbia, our community prosecutors made regular appearances at police rollcalls, at which they discussed new criminal cases and provided advice on how to handle particular investigations. Weekly meetings were held between the police commanders and prosecuting attorneys in order to discuss crime trends and to develop strategies for the future. In

some jurisdictions, the prosecutor has been chairing regular meetings of various government agencies, such as a jurisdiction’s licensing office, health department, corrections department, juvenile justice office, public works, etc., with an eye towards developing better and closer working relationships with them in order to resolve some of the problems that make it across their desks.

Working more closely with the citizens and police in particular neighborhoods also enhances the prosecutor’s traditional role of convicting the guilty as well. There are many instances one can cite in which the same person or persons are responsible for a number of criminal offenses or acts of violence, usually within the same area. Oftentimes, these acts lead to subsequent acts of violence by members of rival gangs (or crews) who would respond in kind. Under a case processing approach to prosecution, the realization that crimes were geographically based or otherwise connected was often overlooked. Valuable information or connections between incidents or the persons involved would go unnoticed for long periods of time, or never be discovered at all, because cases within the prosecutor’s office were assigned to different investigators and different attorneys, often in different Sections or Units within the office. In the District of Columbia’s Community Prosecution Section, we assigned prosecutors by neighborhood rather than continuing the approach of assigning cases to them on a random, or reactive, basis. By doing so, we found that we were better able to channel the intelligence and were able to make some of the connections between our investigations and the persons involved that had previously been lost. The line attorneys also developed a better working relationship with the officers and detectives since they were working with the same ones on a regular basis over a long period of time. Each attorney would handle a range of cases arising in his or her area, from drug arrests or investigations to robberies, burglaries and murders. For the majority of cases within the Section, the assigned prosecutor was responsible for handling the cases vertically, that is, from arrest through final disposition. Even misdemeanor arrests, for possessory drug offenses, unlawful entry, or other minor offenses,

would be handled by the neighborhood prosecutor, at least initially, in order to determine if the arrestee was a “major player” in the area. Prosecuting “smarter” is one of the goals of community prosecution, and assigning line attorneys by neighborhood takes a big step in that direction.

Besides the typical prosecution of criminal defendants, more and more prosecutors who engage in community prosecution avail themselves of other tools at their disposal that had often been underutilized. For instance, attacking nuisance properties, such as crack houses, through aggressive use of the asset forfeiture laws or stepped up enforcement of the housing/building code regulations, may relieve a community of any number of problems, all stemming from that one location. In the District of Columbia, the Civil Division of the United States Attorney’s Office has taken the lead in this area. Requesting the court to set additional, meaningful conditions of release (such as a stay away order from the neighborhood or a curfew), for those offenders who are on release pending the trial of their matter is also a simple, yet useful, method to solving problems within a neighborhood in a creative way.

As I stated above, this new approach that prosecutors are taking for the good of their communities does not have a single blueprint that would be applicable to all jurisdictions. However, much has been done and continues to be developed that will enable prosecutors everywhere, both local and federal, to take advantage of some of the success of their colleagues who have adopted community prosecution as a strategy within their own offices. Today, the Department has almost 250 Weed and Seed sites in operation around the country, bringing together you and your staff with other key partners who can make a meaningful difference in the community. The Department recently expanded its Strategic Approaches to Community Safety Initiative to five new Districts across the country which will be working with the existing five sites in devising and revising data-driven targeted strategies and interventions to combat specific crime problems within their jurisdictions. The National District Attorneys

Association is championing this approach to prosecution with its local district attorneys because it is the right approach. The American Prosecutors Research Institute (APRI) has a wealth of information available for prosecutors who are interested in developing or enhancing their own community prosecution programs. APRI is also conducting training and providing technical assistance for prosecutors who have implemented such prosecution strategies. The Office of Justice Programs recently announced awards to 61 communities under the 2000 Competitive Grant Announcement for *Awards for Planning and Implementing Strategies in Community Prosecution*. These awards will help local prosecutors in the planning, implementation, and enhancement of community prosecution programs across the country. The Administration has requested funds in the Department’s 2001 budget to hire additional prosecutors, both federal and local, who will target firearms violations and continue the existing community prosecution efforts that are underway.

Crime is at its lowest level in a generation. Those of us in law enforcement, at the federal level as well as at the local level, have much to be proud of in helping to achieve that success. We cannot be complacent and we must keep moving forward on the approaches we have undertaken without risking the progress we have made. Prosecutors must work more closely with the police and the community to identify a particular neighborhood’s crime and safety concerns and must look to handle their cases and matters in ways that lead to an improvement in the quality of life for the residents of the area. We must try to improve our working relationship with citizens, civic groups, and other government agencies. In doing so we will improve the quality of the prosecution of our cases as well as make our communities better and safer places for everyone. ~

ABOUT THE AUTHOR

Deputy Attorney General Eric H. Holder, Jr. was born in New York City. He attended public schools there, graduating in 1969 from Stuyvesant High School where he earned a Regents Scholarship. He attended Columbia College and was graduated in 1973. Mr. Holder then attended Columbia Law School from which he was graduated in 1976. While in Law School he clerked at the N.A.A.C.P. Legal Defense Fund and the Department of Justice's Criminal Division. Upon graduating from Law School, Deputy Attorney General Holder moved to Washington and joined the Department as part of the Attorney General's Honors Program. He was assigned to the newly formed Public Integrity Section in 1976 and was tasked to investigate and prosecute official corruption on the local, state, and federal levels. While at the Public Integrity Section, Mr. Holder participated in a number of prosecutions and appeals involving such defendants as the Treasurer of the state of Florida, the Ambassador to the Dominican Republic, a local judge in Philadelphia, an Assistant United States Attorney in New York City, agents of the Federal Bureau of Investigation, and a "capo" in an organized crime family.

In 1988, Mr. Holder was nominated by President Reagan to become an Associate Judge of the Superior Court of the District of Columbia. Over the next five years, Judge Holder presided over hundreds of criminal trials, many of which involved homicides and other crimes of violence.

In 1993, President Clinton nominated Mr. Holder to become the United States Attorney for the District of Columbia. Mr. Holder was confirmed in October of that year and served as the head of the largest U.S. Attorney's Office in the nation for nearly four years. He was the first black person to serve in that position. As U.S. Attorney, Mr. Holder created a new Domestic Violence Unit to more effectively handle those types of tragic cases, implemented a community prosecution pilot project, supported a renewed enforcement emphasis on hate crimes so that criminal acts of intolerance will be severely punished, developed a comprehensive strategy to

improve the manner in which agencies handle cases involving the abuse of children, launched a new community outreach program to reconnect the U.S. Attorney's Office with the citizens it serves, revitalized the Victim/Witness Assistance Program to better serve those individuals who are directly affected by crime, and developed "Operation Ceasefire," an initiative designed to reduce violent crime by getting guns out of the hands of criminals.

On April 14, 1997, President Clinton nominated Mr. Holder to be the Deputy Attorney General. He was confirmed by a Senate vote of 100 to 0 and was sworn in as the Deputy Attorney General of the United States on July 18, 1997, in a private ceremony. He is the first African-American to serve as Deputy Attorney General. A public ceremony attended by Attorney General Janet Reno and other dignitaries was held on September 5, 1997. As Deputy Attorney General, Mr. Holder is responsible for the supervision of the day-to-day operation of the Department of Justice. He began the Department's Children Exposed to Violence Initiative and has emphasized enforcement efforts in health care fraud and computer crimes. Deputy Attorney General Holder has also been an advocate for the concept of community prosecution which seeks to connect more directly prosecutors with the citizens they serve. He is now the highest ranking black person in law enforcement in the history of the United States.

Deputy Attorney General Holder has also been active in the organization Concerned Black Men. This group seeks to help the youth of the District of Columbia with many of the problems they face, ranging from teenage pregnancy to sub-par academic achievement.

The Office of the United States Attorney and Public Safety: A Brief History

Roger L. Conner
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United States Attorneys are presidential appointees responsible for civil and criminal litigation involving the United States in each of 94 Federal Judicial Districts. Historically, these offices were only indirectly involved in public safety. They were small offices of litigators, primarily recent graduates who were accepting low salaries in exchange for a few years of trial experience, after which they moved on to private practice; annual staff turnover was twenty-five per cent. The case load was not highly complex – the typical cases were resolved in less than six months – and consisted of relatively minor offenses that happened to occur across state lines, as well as distinctly federal matters. In 1970, for example, almost two-thirds of all complaints referred to U.S. Attorneys’ offices involved interstate theft (primarily of automobiles), draft evasion, fraud against federally insured banks, or counterfeiting. The term “violent crime” does not appear in the annual report of the Executive Office for U.S. Attorneys until 1991.

Beginning in 1967, the Federal Government became deeply involved in crime policy through the provision of grants and other support to local law enforcement agencies, but the U.S. Attorney’s offices were not significantly affected. With the exception of organized crime, state and local governments had primary responsibility for controlling crime.

In 1981, the Attorney General convened a bipartisan Attorney General’s Task Force on Violent Crime, which proposed a sweeping plan for the Department of Justice to assume greater responsibility for controlling violent crime and narcotics trafficking. A key recommendation was that the U.S. Attorneys should generate a

coordinated attack on serious crime in each District. It also called on U.S. Attorneys to significantly increase prosecutions of repeat violent offenders, and to make expanded use of pretrial detention, mandatory minimum sentences, and increased federal prison capacity.

A bipartisan majority in Congress supported this new direction, a consensus that has continued with the enactment of legislation dramatically expanding federal crimes and penalties. Federal prison space, a key resource for federal prosecutors, also grew, from 24,252 prisoners in 1980, to over 139,000 in March, 2000. Total staffing of U.S. Attorney’s offices almost tripled from 1981 to 1998 (3,532 in 1981 to 9,360 in 1998). Equally important, the offices are now filled with experienced prosecutors, competition for the positions is high, and turnover is quite low.

New Roles for the U.S. Attorney’s Office

This dramatic infusion of fiscal resources and legal authority has permitted U.S. Attorney’s offices to experiment with new roles in public safety, crime prevention, and community building.

1. Strategic Investigation and Prosecution for Crime Control:

Example: U.S. Attorney’s office, Southern District of New York:

In the early 1990’s, homicide prosecutors in the Southern District of New York were struck by the fact that their “successful” prosecution rate was quite high, but they did not seem to be having any effect on the murder rate in the District. They started with a crude pin-map of murders, which showed that homicides were clustered in a few neighborhoods. Using federal investigative

resources, they discovered that loosely affiliated groups operating in areas defined by neighborhood boundaries sometimes encompassing only a few square blocks, were using violence to guard their territory. These small groups were intentionally low-key (no jackets with colorful insignia, for example), and carefully organized to make penetration by informants or traditional “buy-and-bust” drug enforcement virtually impossible.

Prosecutors determined that they could not be reached without the same sustained analysis and action that proved so effective in combating the Mafia. By creating a data base of *all* federal investigations in the affected neighborhoods *by address*, they were able to link information held by various federal investigative agencies. The drug operations of these violent gangs were well concealed, and witnesses of the actual homicides were either non-existent or intimidated, but their car theft rings or abuse of illegal immigrants was more exposed to federal investigators. The resulting successful prosecutions in the Southern District have been followed by immediate, steep declines in violence in the targeted neighborhoods.

The U.S. Attorney for the Southern District of New York has now institutionalized this role by creating an Office of Crime Control Strategies. Its assignment is to identify the significant crime problems in the District, to find connections between those problems and the myriad federal investigations ongoing, and devise strategies—including those that do not involve prosecution—that will have the greatest crime prevention impact.

2. Supporting Partnerships for Addressing National Priorities in Crime Control:

Example: U.S. Attorney’s Office District of Massachusetts:

Attorney General Janet Reno has urged U.S. Attorneys to take the lead to develop new, coordinated efforts to reduce gun violence in each District. In Boston, the office supported a new partnership of police, probation officers, state prosecutors, academic researchers, and community leaders to broadcast a new standard of

behavior that young gang members should desist from carrying or using guns in the community. The strategy led to dramatic reductions in youth homicides, and won national acclaim. According to researchers, an essential element of the strategy was the U.S. Attorney’s pledge that those who ignored the rules would face federal prosecution with mandatory minimums, a promise that was backed up in the very early stages. Project Exile in the Eastern District of Virginia has reported similar results by linking promises of Federal prosecution with a public campaign, vigorously supported by local law enforcement and the media, warning potential offenders to leave their guns at home.

3. Facilitating the Development of Strategic, Research-Based Partnerships for Crime Problems Identified as Priorities by Local Communities:

Example: U.S. Attorney’s office, Middle District of North Carolina:

Recent research suggests that crime is often embedded in patterns of social relationships that are not known, even to experienced front line practitioners. In such instances, coordinated local law enforcement effort is insufficient, for effective interventions cannot be framed without a prior investment in research and analysis, including input from social service providers and the community.

A small number of U.S. Attorney’s offices are testing the hypothesis that the U.S. Attorney’s office can be a catalyst for creation of new partnerships between law enforcement, researchers, prevention agencies, and community leaders who are allowed to select *their own local priority* for a new, research-based intervention.

One of these, the Middle District of North Carolina, serves five small cities where a history of racial conflicts make police-community cooperation politically and emotionally complex. The U.S. Attorney’s office has devoted considerable resources to bridging these gaps, assigning the Executive Assistant U.S. Attorney—the highest ranking attorney in the office—to identify serious crime problems and facilitate new partnerships of police, probation

officers, social services agencies, academic researchers, and community leaders.

In High Point, North Carolina, the office responded to a surge in juvenile homicides by inviting the harshest critics of local law enforcement to sit down with police, probation officers, social services, prosecutors, and other community leaders, out of which came a new public-private partnership. Today, teams that include clergy, probation officers, and police officers now make over 100 home visits per month, and 28 different community organizations are providing assistance to young probationers at risk of serious criminal conduct. Homicides, which had ranged from 11 to 16 for five successive years dropped to 5 in the first year of the program.

In Winston-Salem, another city in the Middle District, the issue was an escalating pattern of non-lethal violence among high school and middle school students. Again, the U. S. Attorney's office used its convening power to assemble a diverse working group, including some who had been at odds previously. Timely input from academic researchers helped the group understand that the local "crime problem" was actually a series of separate problems involving a small core of offenders and locations, each of which required a different strategy. The resulting strategies are remarkably flexible, and the interventions planned for locations where violence stems from territorial defense of drug markets, are different from those where the trouble is inappropriate responses by youth to "disrespect" or "mentoring" by older, violence-prone youth.

These strategic, research-based interventions have not yet received an independent evaluation, but two other cities in the District have already asked for help creating similar partnerships.

4. Preventing Crime by Building Community Capacity:

Example: The Weed and Seed Program:

The Attorney General and Congress have invited U.S. Attorney's offices to move beyond strategic prosecution and coordinate law enforcement with the Weed and Seed program, which has grown from 20 pilot projects in 1992 to

over 240 in 1999. Steven Rickman, Director of the Executive Office for Weed and Seed, has often observed that Weed and Seed is not a *program*, it is a *strategy*. The program is the responsibility of the U.S. Attorney's office in each District, which serves as convener, facilitator and catalyst for the development of a comprehensive approach that includes public safety, neighborhood restoration, and economic development.

In the ideal version of Weed and Seed, the U.S. Attorney's office brings Federal enforcement resources and a very modest amount of federal money to the table, persuading other agencies and the community that working together to set priorities and frame interventions will produce the kind of synergy that draws human and financial resources from the private sector, leading to redevelopment of the target area. The Weed and Seed program thus tasks the U.S. Attorney's office with building "community capacity" in targeted neighborhoods.

The selected communities are inevitably some of the most troubled neighborhoods in the jurisdiction, places where many other programs have been tried without notable success. A national evaluation of Weed and Seed confirmed that it is making progress toward its goal of patiently building community capacity for cooperation and coordination.

The Weed and Seed program has been a strong stimulant to community coalition building. Public and private organizations came together, for the first time in a number of sites, to develop interventions that would have a broad base of support. It seems clear that these developments would not have occurred in the absence of Weed and Seed influence.

U.S. Attorney's Roles in the Future: Difficult Choices

U.S. Attorney's offices in different areas are playing a number of different roles in crime control and prevention:

- C Effectively prosecuting cases initiated by enforcement agencies;
- C Analyzing crime patterns to redirect federal agency investigations of criminals or

criminal groups that are generating crime (e.g., Southern District of New York);

- C Coordinating federal, state and local law enforcement to address specific federal crime control goals (e.g, Boston Gun Project);
- C Serving as willing partners in strategic efforts led by *other* law enforcement agencies, including those that require changes in pre-existing priorities and policies;
- C Taking the lead to generate sustained coordination among local law enforcement and collaboration with communities to reduce crime based on *locally* chosen objectives (e.g., Middle District of North Carolina);
- C Serving as a leader and catalyst to strengthen the capacity of specific geographic communities to achieve goals beyond crime control, such as safety, security, economic development, and peace (e.g., Weed and Seed).

Most of the 9,500 persons employed in U.S. Attorney's offices are involved primarily in the first of these potential roles—the effective prosecution of individual cases. If public safety and crime control were to become the job of the entire office, rather than that of the U.S. Attorney and a separate staff of specialists, it would put case preparation in direct competition for resources with time spent forming partnerships and engaging in strategic planning. U.S. Attorneys who have been in the forefront of these experiments acknowledge deep and principled resistance from veteran prosecutors to such a change.

Some internal critics argue that public confidence in the fairness of the U.S. Attorney's offices, which is deeply important to the legitimacy of our criminal justice system, could be compromised by engagement with other law enforcement agencies and collaboration with the community. What happens if the “partners” become the focus of federal criminal investigations, for example? Others suggest that federal priorities should be trained on subjects that local prosecutors find especially troublesome, such as official corruption or white collar crime,

while street crime should be primarily the responsibility of state and local law enforcement.

If, as seems likely, U.S. Attorney's offices continue to be involved in community-oriented problem solving, several important issues will need to be addressed. How can principles or objective guidelines be established for choosing the allocation of resources between litigation and non-litigation activities? How will the issues be chosen that should command the strategic attention of the office? For example, should the Attorney General set national policy goals to guide investments of non-prosecutorial resources? Alternatively, should the individual U.S. Attorney's offices be able to respond to the special needs of communities within each district? Should the U.S. Attorney's offices be more of a partner and less of a leader in jurisdictions with large, sophisticated prosecutors' offices and police departments? What self-restraint should operate based on respect for state and local elected officials and their sense of priorities?

Finally, important questions of equity need to be addressed as well. When applied in a U.S. Attorney's office, could the result of Community-Oriented Lawyering be disparate treatment of individual offenders, especially those who receive stiff federal penalties as part of coordinated campaigns to restore safety in high crime neighborhoods? Or is the greater injustice ignoring the problem-solving potential in the office's resources, thereby tolerating enormous, persistent inequality in the safety citizens enjoy based on the neighborhood they can afford? These are not easy questions for an office that, by broad agreement, is an institution whose primary goal is justice, not merely punishment or crime control. ~

ABOUT THE AUTHOR

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Using Knowledge and Teamwork To Reduce Crime

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This article updates an earlier version that first appeared in the *NIJ Journal*, October 1999.

In recent years, women in the Memphis area--especially young women--have been falling victim to sexual assault at an alarming rate. General crime rates were falling in Memphis, but sexual assaults continued to rise. The U.S. Attorney for the Western District of Tennessee, Veronica Coleman, is leading an effort to do something about it. She heads a group formed to develop new approaches for reducing sexual assaults in Memphis. "We don't want to be known as the rape capital of the world," she says.

This is the story of how five U.S. cities, including Memphis, with five different crime problems are experimenting with a new way of doing business. This method makes heavy use of statistical data and information analysis, boosts the U.S. Attorney's role as a key community problem solver, and asks researchers to serve as navigators--observing, analyzing, and recommending changes in direction.

The pilot project is called the Strategic Approaches to Community Safety Initiative (Strategic Approaches) and is supported by more than a dozen U.S. Department of Justice agencies.

Key Players

Three special roles are key to the Strategic Approaches project:

1. U.S. Attorney. Through Strategic Approaches, U.S. attorneys are demonstrating a new, emerging role for federal lawyers: that of prosecutor as proactive problem solver. They are taking a more direct, active interest in finding solutions to the problems that jeopardize public safety in particular communities.

2. Project Coordinator. This critical team member manages the daily process, facilitates the conversation, moves the group toward the collective goal, ensures that different components of the partnerships are working effectively, holds the group to task, and works with the research partner to think through the nexus of operational capacities, local data analysis, and crime control theory.

3. Researchers. Unlike traditional research involving neutral observation, Strategic Approaches expects research partners to be fully engaged in problem solving. The researchers are charged with gathering crime data and street-level knowledge, analyzing it, and reporting on what they find. They bring knowledge of crime control theory and the literature about "what works" into the strategy development and help craft an intervention to reduce the target crime problem.

The Theory Behind the Program

Strategic Approaches is testing the assumption that crime is most effectively reduced by:

1. Bringing together the various perspectives and capacities of community groups and agencies to address a major crime problem;

2. Gleaning knowledge from street-level practitioners and working hand-in-hand with researchers to determine the exact nature and

scope of a targeted crime problem and to design interventions based on the opportunities the analysis reveals; and

3. Adapting the strategy when ongoing analysis of information reveals failures or inefficiencies in specific aspects of the strategy.

Strategic Approaches builds on the lessons learned from crime analysis efforts like the New York City Police Department's CompStat unit, which emphasizes using data to solve problems, and the Weed and Seed strategy, which emphasizes coordination of resources to revitalize neighborhoods. The CompStat (computer statistics) unit of the New York City Police Department compiles and analyzes crime statistics, generates electronic pin maps, tracks crime patterns, and holds twice weekly briefings with high-level officials and precinct commanders in which the participants examine local crime patterns, devise and select tactical plans, and coordinate resources based upon the crime patterns in particular precincts. The Weed and Seed strategy aims to mobilize resources in a coordinated way. Law enforcement efforts work to remove crime, human services and neighborhood revitalization efforts work to prevent and deter further crime, and community policing efforts work to engage the community in problem solving. Most directly, Strategic Approaches is an outgrowth of Boston's highly successful Gun Project, which was responsible for dramatic reductions in youth homicides in that city. Key components of the Boston Gun Project included strong emphasis on partnerships, knowledge-driven decision making, and ongoing strategic assessment. David Kennedy, a senior researcher at Harvard's Kennedy School of Government and the chief architect of the Boston Gun Project, is providing guidance to the Strategic Approaches sites. For a full description of the Boston experience, see David Kenney, *Pulling Levers: Getting Deterrence Right*, NIJ Journal (no. 236), July 1998.

The Strategic Approaches Model Follows Five Major Steps or Stages

1. Form an interagency working group.

The U.S. Attorneys spearheading the projects are working in concert with a core group of their communities' decision makers and local research partners. Research partners include criminologists, preventive medicine and public health specialists, sociologists, psychologists, and public policy professionals. Each site has tailored its partnership to meet local needs and characteristics.

Winston-Salem's initiative to reduce juvenile violence includes the school superintendent, the local mental health director, clergy, and community members as key partners. In New Haven, with its focus on gun violence, the core team relies most heavily on law enforcement agencies. In Portland, key members of the group include the presiding judge of the State courts, State and Federal public defenders, and representatives of schools, businesses, faith-based organizations, and medical and public health providers.

One difficulty in forming these groups has been making sure that all the key players are at the table while, at the same time, keeping the group small enough to ensure efficiency and progress.

2. Gather information and data about a local crime problem.

Sources of information about a problem differ, but all sources--whether firsthand knowledge from street-level practitioners or data collected by the probation office--systematically address the where, when, what, and how of crime incidents.

All sites are going beyond examination of formal police records. Winston-Salem, for example, is analyzing specific incidents of juvenile violence and discussing them with a diverse group of police officers, school resource officers, and probation counselors. Indianapolis and New Haven brought together street-level law enforcement and criminal justice agencies to examine the factors involved in each homicide incident.

Combining data with street-level information helps paint a dynamic, real-life picture of the problem. Many police officers report that they have never before shared information with other

agencies in such detail or analyzed it so systematically.

3. Design a strategic intervention to tackle the problem.

Once the problem has been precisely defined, the teams begin designing the intervention strategies. This is perhaps the most creative part of the project: combining local data, street-level information, crime control theory, best practices, and organizational capacities to develop strategies that attack the soft, vulnerable aspects of the problem that are most susceptible to intervention. Sites use Kennedy's basic decision-making questions: How big an impact is the intervention likely to have? How long will it take before we see the impact? Do we have the capacity and resources to do it? Why do we want to use this intervention rather than another? What are the side benefits or drawbacks? Harvard's David Kennedy says, the groups should continue to explore strategic options until they find a strategy that will have the biggest impact in the shortest amount of time, using the least amount of money and state authority.

In New Haven, some gun-related cases that would have been declined in the past are now likely to be prosecuted federally because of the strategic impact a serious federal-level sentence can have on the problem. For example, police apprehended a 26-year-old suspect after he fled in a high-speed chase. Upon arrest, police found two bullets in his possession. He was identified by police as a person frequently responsible for violent crimes. He was charged in federal court with felonious possession of two rounds of ammunition, brought to trial, and convicted. He was then sentenced to incarceration for a term of 10 years. This case, and others in which similar sentences have been imposed on violence-prone felons illegally in possession of firearms, are being communicated to key groups of known offenders in the community to deter them from carrying and using guns.

4. Implement the intervention.

See "The Five Pilot Sites" for descriptions of city-specific interventions. To enhance the deterrent effects of their interventions, team

members send the message out through their criminal justice and community networks to let potential offenders and the larger community know their plans. For those who continue to break the law, the team then follows through with clear, swift, and certain consequences, as New Haven did in prosecuting the young man mentioned earlier.

Indianapolis sends its message regarding intolerance for violence through an existing network of law enforcement and community leaders. The project encourages probationers to bring someone who is important in their lives (such as a mother, grandmother, or girlfriend) to mandatory meetings at which they hear the message of intolerance for violence and receive a list of community resources that can help them make better choices, stay clean, and reduce their risk of recidivism.

When Winston-Salem's research revealed that one-fourth of the juvenile violent offenses involved young adult offenders who were "tutoring" juveniles in criminal behavior, the team began notifying 18-year-old and older suspects not only to stop their own violent acts but also to stop involving juveniles in the violence. If they persist, the older offenders are told, they will face enhanced penalties and prosecution under federal gun and drug statutes that forbid the use of juveniles in criminal activity.

5. Assess and modify the strategy as the data reveal effects.

In many ways, the Strategic Approaches team operates like mission control launching a satellite. Once it has determined the satellite's path, it observes carefully, takes measurements, makes adjustments, observes again, and makes more adjustments so the satellite's course remains sure and steady.

To accomplish this task at the Strategic Approaches sites, the teams' research partners collect and measure data and report back on how the strategy is working. If the original plan isn't having its intended effect or is having unintended consequences, the partners can make adjustments until it succeeds.

Facing the Challenges

As the Strategic Approaches partners strive to create new, effective, and lasting relationships across agencies and disciplines, they are recognizing how difficult and rewarding their pioneering efforts are and how their agencies' cultures differ.

Although local dynamics present problems and opportunities unique to each site, some common themes appear across all the sites:

1. Among the more significant challenges have been balancing the desire for quick action with the need to collect and analyze sufficient information so that the problem and best points of intervention can be defined as precisely as possible and the maximum impact and effectiveness achieved.
2. All the sites recognize how easy it is to slip back into the old ways of doing business, for example, for research partners to revert to their traditional role as neutral observer or for police to believe their job is done when they arrest a suspect.
3. Balancing the day-to-day workload and integrating the traditional way of doing business into the new and additional requirements of the Strategic Approaches program also has been a challenge.

The Five Pilot Sites

Indianapolis

Indianapolis Violence Reduction Partnership (IVRP)

Target problems: Homicide (particularly drug-related homicides) and gun violence.

Goals: To reduce homicides, bring the community into the problem-solving process, and improve communication and relationships among all agencies--federal, state, and local--operating in Indianapolis.

The IVRP team analyzed data for every homicide in 1997 and 1998 and identified four elements common to approximately 60 percent of them: young men, firearms, drug use and distribution, and groups of chronic offenders known to the police. In response, the team has

begun ordering chronic offenders who are on parole or probation to attend meetings with law enforcement, neighborhood residents, and representatives from social service agencies to inform the offenders about the city's intolerance toward violence and link them with services designed to reduce recidivism.

Although it is too soon to confirm any direct causal effect, there are promising signs that the partnership between law enforcement and community groups is having a positive effect. Indianapolis had just 51 homicides in "intervention year" 2000 (July 1999 -July 2000). While still too high, this is down 11 percent from the 1999 level and a remarkable 46 percent since 1997, when the intervention began. Gun assaults and armed robberies have also seen significant declines.

Memphis

Strategic Team Against Rape and Sexual Assaults (STARS)

Target problem: Sexual assault.

Goals: To reduce the number of vehicle-related sexual assaults and the number of sexual assaults by repeat offenders, enforce a policy of intolerance regarding sexual assaults committed by adult males against teenage girls, and increase the effectiveness of investigative methods for prosecuting offenders and services provided to victims.

According to the FBI, the five-county Memphis metropolitan area ranked first in the Nation in 1997 with 107 forcible rapes per 100,000 population. The team's research found that a significant portion of these cases involve teenage girls and older men (generally 25 years old and older) and that approximately 10 percent involve repeat offenders. They also learned that a large proportion involve women who are abducted by men in cars.

Memphis is applying different types of interventions to different types of sexual assault cases. For example, incidents involving vehicles--both forced abductions and situations in which women voluntarily get into cars with men--have occurred in specific areas and suggest

the need to combine crime prevention through environmental design techniques with community policing strategies.

The number of sexual assaults has begun to decline in the city, with a decrease of 26% between the peak year of 1997 and 1999.

New Haven

New Haven Gun Project

Target problems: Gun-related crime and community fear.

Goals: To reduce assaults and robberies with firearms, shots fired, illegal gun possession, and community fear of gun violence.

The larger drug gangs in New Haven have been dismantled through concerted law enforcement efforts, resulting in dramatic reductions in violent crime. However, fear of gun crimes remains high.

The Gun Project team is targeting offenders associated with the most violent groups of drug dealers. Other individuals are being specifically advised that they will be targeted next if violence continues. The groups are offered social services and other alternatives to crime--and possibly incentives to use them. The project's achievements will be communicated to the public as part of a broad community effort to more accurately present New Haven as a safe locale for residents, businesses, and entertainment centers.

New Haven's efforts have been enthusiastically embraced by government and community groups that do not ordinarily participate in the research and planning for anti-crime strategies led by law enforcement agencies.

Portland

Strategic Approaches to Community Safety (STACS)

Target problem: Youth gun violence, with special attention to 15 to 24-year-olds and the role of alcohol in youth-related violence.

Goals: To reduce youth gun violence; strengthen and institutionalize interagency, street-level collaborations; and ensure that strategies are

culturally relevant and have minimum disparate impacts on ethnic groups and people of color.

Portland linked its project to a standing committee, the city's 35-member Public Safety Coordinating Council. The personal and professional relationships already established through the Council have helped to formalize and institutionalize collaboration among the frontline professionals who deal with crime and street realities every day.

STACS is concentrating its efforts on a few critical issues:

--Research shows that 60 percent of the city's 400 high-risk offenders are under probation or parole supervision in three of the city's ZIP code areas. These inner-city neighborhoods are receiving special attention through joint law enforcement, parole, and probation intervention and youth outreach strategies.

--The STACS team is anticipating the release of the first wave of prison inmates and juvenile offenders serving time for "three-strikes" offenses. Many have strengthened their gang affiliations during their incarceration. Team members have targeted these youthful offenders to make sure they receive the outreach services and supervision they need to transition smoothly from incarceration back into the community.

--People of color are disproportionately represented in Portland's criminal justice system--both as victims and offenders. STACS has funded research to measure, report, and combat any disparate treatment of ethnic and racial minorities and is designing a youth outreach network to address the unique cultural conditions in Portland's ethnic communities.

Winston-Salem

Strategic Approaches to Community Safety Initiative (SACSI)

Target problem: Violent and assaultive crimes committed by youth under age 18.

Goal: In recent years, violent crime arrest rates for youth younger than 18 in Forsyth County generally have been higher than both state and national levels. Although juvenile arrest rates

decreased slightly in 1998, arrests for such crimes as robberies and weapons violations increased, as did arrests for simple assaults, which for many youth is a precursor to more violent behavior. SACSI's goal is to reduce violent and assaultive crime below state and national levels.

SACSI draws upon an extensive collaborative process already in place in Winston-Salem called Forsyth Futures, which focuses on youth violence and has helped the community build an electronic network linking youth-serving agencies.

Analysis has shown that juvenile violence is concentrated in four target areas and accounts for 60 percent of overall juvenile violence. Within these areas, there is evidence that older offenders are "recruiting" juveniles into criminal activity, particularly in the drug trade. A small number of repeat juvenile offenders, who are responsible for a disproportionate amount of violent crime, has been identified. As a result of SACSI analysis, Winston-Salem has put several specific strategies in place, including:

--Notifying older offenders to stop involving juveniles in their illegal activity and responding swiftly to violations through federal and state prosecution.

--Expanding the notification process to include repeat juvenile offenders and their parents and more extensive monitoring by police and probation officers.

--Enhancing collaboration among community groups to ensure that these repeat offenders receive priority for intervention services and treatment needs and developing a case-management system based on an electronic information-sharing network.

--Developing resources (such as mentors, job skills training, and after-school activities) specifically geared toward repeat offenders and others identified through SACSI analysis as emerging offenders.

Data analysis is ongoing in Winston-Salem, but a preliminary review of juvenile crime statistics since interventions began indicate a drop in violent incidents involving juveniles in targeted neighborhoods compared to the same time period

in previous years. In addition, the use of firearms by juveniles in violent crimes was down 60 percent from the same time period in previous years. In general, these declines within targeted neighborhoods were much steeper than declines elsewhere in the city.

Long-Range Outlook

The five Strategic Approaches sites have found that criminal justice agencies are not just doing business differently; they are also defining success differently. They continue to count arrests, convictions, and recidivism rates, but they also are defining success by how much crime they have deterred and by how much safer their citizens feel.

Federal support for the sites ends in December, 2000. However, Strategic Approaches programs are likely to continue beyond the length of federal funding.

In Winston-Salem, this effort has gained widespread community support and has resulted in a \$1.8 million grant from the Kate B. Reynolds Charitable Trust, and additional funding from the Governors Crime Commission, to establish the Center For Community Safety at Winston-Salem State University. The Center will continue Strategic Approaches' strategies, expand the work to develop a comprehensive plan for reentry of youthful offenders into the community and develop job training and job access programs for high-risk youth. The Center will also focus on training other communities in the problem-solving approach developed through Strategic Approaches. Much of that work is already taking place throughout the Middle District of North Carolina. For example, the City of High Point has implemented a Strategic Approaches-like strategy for reducing gun homicides and have seen significant results. Between 1997 and 1999, the total number of homicides, aggravated assaults, and robberies committed with firearms dropped from 328 to 169, a nearly 50 percent reduction. Because of High Point's tremendous success, Durham and Greensboro are now applying similar strategies based on data and information analysis.

In Memphis, critical partnerships between the University of Memphis and the community

suggest that Strategic Approaches is just the beginning of data-driven efforts in that city. To support this work, the University of Memphis created a Center for Community Criminology and Research. As part of this initiative, the University in partnership with the Memphis Shelby Crime Commission, with funding from the Assisi Foundation of Memphis, has established a Criminal Justice Information Project to work in conjunction with the Community Safety Information System (CSIS) developed by the NIJ's Crime Mapping Center. The Project provides advanced crime mapping and data analysis support to 14 criminal agencies that signed a Memorandum of Understanding to share data as part of CSIS. In addition, the University has developed a graduate program based on the Strategic Approaches model and will prepare researchers to work with communities to solve problems.

In Portland, Indianapolis, and New Haven, they are beginning to apply this approach to new problems like offender reentry and domestic violence.

It seems clear that an infrastructure is in place to continue supporting this way of working together, analyzing data, developing strategies, and fine tuning interventions so the sites can continue to apply the approach to other crime problems and the model can be replicated in other sites.

Five New Sites

In Fiscal Year 2000, the Department of Justice succeeded in bringing together sufficient resources to select five new Strategic Approaches sites. The funding comes from the Executive Office for United States Attorneys, the Office of Justice Programs, and the Office of Community-Oriented Policing Services.

The Department selected the new five sites from congressionally ear-marked gun prosecution sites that were also interested in becoming Strategic Approaches sites.

DOJ looked to expand Strategic Approaches in sites that contain strong local public safety partnerships, were interested in developing dynamic partnerships with researchers to better

understand local crime problems, were open to designing interventions that will target precisely-defined problems (including interventions that may not have been considered previously), and were eager to engage the community and faith-based organizations to reduce targeted crime. The following districts were selected: Eastern District of Missouri (St. Louis); Eastern District of Michigan (Detroit); Northern District of Georgia (Atlanta); Western District of New York (Rochester); and District of New Mexico (Albuquerque).

The new sites will use the Strategic Approaches program to reduce violent, firearms-related crime. The Department hopes to make this data-driven approach integral to all U.S. Attorneys Office crime reduction efforts.

Transferring Lessons Learned

In order to transfer lessons learned to the five new sites, and to others interested in the Strategic Approaches strategy, the Department has developed a training curriculum. Key players from the first five sites will administer the training in the five new sites, and to other interested districts. This curriculum will also soon be offered at the National Advocacy Center, as part of core training for incoming U.S. and Assistant U.S. Attorneys.

In addition, the National Institute of Justice awarded a continuation grant to the University of Chicago - Illinois to continue their national assessment of the Strategic Approaches Initiative. There are promising preliminary findings from the first five sites, which NIJ will publish within the next year.

For More Information

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ABOUT THE AUTHORS

Veronica Coleman was sworn in as United States Attorney for the Western District of Tennessee on October 18, 1993.

Ms. Coleman graduated with a B.A. Degree in Sociology from Howard University in 1966. She earned her Juris Doctor Degree from Cecil C. Humphries School of Law in 1975. She served briefly as an Assistant Public Defender for the City of Memphis and then spent a year with the Shelby County Public Defender's Office as the

first full-time female assistant on staff. Her legal career is marked by a number of firsts. She was a founding partner in the first all-woman law firm in the state of Tennessee, Coleman, Sorak and Williams in 1977. In 1980 she became the first African-American woman hired as an Assistant District Attorney General for the 30th Judicial District of Tennessee, prosecuting a variety of felony cases in Memphis and Shelby County, Tennessee.

She is also the first woman and first African-American to be appointed as a United States Attorney in the state of Tennessee. In January 1997, she was appointed by the Attorney General to serve a two-year term on the Attorney General's Advisory Committee. The AGAC addresses matters that have significant impact upon the work of the United States Attorneys and the Department of Justice.

Walter C. Holton, Jr., attended the University of North Carolina in Chapel Hill as an undergraduate and Wake Forest University School of Law, graduating in 1984.

Following graduation from law school, Mr. Holton worked as an Assistant District Attorney in Forsyth County from 1985 to 1987. Following his work as a state prosecutor, Mr. Holton engaged in private practice for approximately seven years specializing in criminal defense work in state and federal courts.

In November 1993, President Clinton nominated Mr. Holton to be the United States Attorney for the Middle District of North Carolina and he was sworn in as United States Attorney in March 1994. He currently serves as a member of the Attorney General's Advisory Committee (AGAC), is co-chair of the Office of Justice Programs AGAC Subcommittee, and is a member of the Health Care Fraud AGAC Subcommittee.

During Mr. Holton's term as U.S. Attorney, the Middle District of North Carolina has initiated five Weed and Seed sites and participates as one of the five national sites for SACSI, the Strategic Approach to Community Safety Initiative.

Kristine Olson received her law degree from Yale Law School in 1972 where she also served on the Board of Editors for Yale Review of Law and Social Action. While at Yale, she was appointed by President Nixon to the White House Conference on Youth and chaired its Legal Rights and Justice Task Force.

After clerking for the Honorable Robert C. Zampano, United States District Judge in the District of Connecticut and the Honorable James M. Burns, United States District Judge in the District of Oregon, she became an Assistant United States Attorney in Portland, Oregon. For over ten years, she litigated criminal and civil rights cases pretrial through appeal to the Ninth Circuit.

For six years, Ms. Olson taught at the Federal Law Enforcement Training Center. She conducted independent training for federal, tribal, state and local entities. She served as a legal consultant for several tribal governments concerning cultural resource protection and development of tribal courts.

From 1989 to 1994 Ms. Olson was Associate Dean and Professor of Law at Northwestern School of Law at Lewis & Clark College in Portland, Oregon. There she focused on criminal law, comparative law, cultural resource law and professionalism.

President Clinton nominated Ms. Olson in 1993 and the United States Senate confirmed her appointment as United States Attorney for the District of Oregon in March 1994.

As United States Attorney, Ms. Olson has directed new prosecution initiatives in the areas of violent crime, domestic terrorism, environmental crime, civil rights enforcement, Native American issues, health care fraud and criminal activity by illegal immigrants. She currently is a member of the Attorney General's Advisory Committee and serves on its subcommittees on Native American Issues, Environmental Law Enforcement, Civil Rights, and Domestic Terrorism.

Stephen C. Robinson graduated from Cornell Law School in 1984, and joined Alexander & Green, a corporate law firm in New York City. After two years there he briefly joined Christy & Viener, before beginning his first stint in government service as an Assistant U.S. Attorney for the Southern District of New York. While at the U.S. Attorney's Office, Mr. Robinson prosecuted narcotics cases and white collar matters. In 1991, Mr. Robinson, along with Vincent Briccetti, won the Department of Justice's Director's Award for Superior Service for the prosecution of *U.S. v. Galanis*, a four month securities and tax fraud trial.

In 1991, Mr. Robinson joined Kroll Associates, an international private investigations firm, as the Associate General Counsel and later Managing Director.

In 1993, Judge Louis Freeh, Director of the Federal Bureau of Investigation, asked Mr. Robinson to join the FBI as the Principal Deputy General Counsel. During his two years at the FBI, he participated in a wide range of matters including the revision of the hiring and promotion processes for Special Agents, the World Trade Center investigation, the formulation of counterespionage policies and investigations and the Oklahoma City Bombing investigation. In 1995, Mr. Robinson left the FBI to join Aetna, Inc., in Connecticut, first as counsel to the Compliance, Internal Audit and Investigative Services departments and then as Chief Compliance Officer at Aetna US Healthcare. On April 3, 1998, the United States Senate unanimously confirmed President Clinton's appointment of Mr. Robinson as the United States Attorney for the District of Connecticut. He is the first African-American to serve in that role.

Timothy Morrison, interim United States Attorney for the Southern District of Indiana, was appointed by United States Attorney General Janet Reno on February 14, 2000. Prior to his appointment as United States Attorney, Mr. Morrison served as First Assistant United States Attorney for the Southern District of Indiana for 12 years. A 1974 graduate of the Indiana University School of Law in Bloomington,

Indiana, Mr. Morrison served as chief deputy prosecuting attorney for Monroe County, Indiana between 1975 and 1981 and a supervising deputy prosecuting attorney in (Indianapolis) Marion County, Indiana in the 1980's. [a](#)

Community Defenders in the 21st Century: Building on a Tradition of Problem-Solving for Clients, Families and Needy Communities

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Criminal justice practitioners and policymakers around the country have shifted their thinking. They now focus on solving specific problems by working collaboratively with communities. Consider the nomenclature used to describe the most recent justice activities: community policing, community watch, community prosecution, community probation, community corrections, and community courts. Collectively, these activities constitute the community justice movement.

The community justice movement aims at increasing collaboration with community members to bolster the work of police, prosecutors, defense lawyers, and the courts. Today, many groups of criminal justice stakeholders seek community input to improve the integrity of the process, protect the innocent, and help individuals solve the underlying problems that entangled them in the criminal process in the first place. These collaborative efforts can improve justice at many levels and help restore broader public confidence in our justice system.

In the midst of community justice activities popular among police and prosecutors, there is one group who has been engaged in problem-solving for individuals and poor communities even in the midst of serious budget constraints and little political support for their role in the system. These are lawyers committed to the cause of providing counsel to the accused who cannot otherwise afford it. These community-oriented defense lawyers broadly interpret the notion of what it means to provide “counsel.” They do not measure their success in traditional terms, such as cost per case; nor do they embrace the current bare-bone standard of what constitutes effective assistance of counsel. Instead, they are concerned about the process and impact that the justice system has on their clients' lives, their families and on community life. The purpose of this article then is to raise awareness of the critical role that these defense lawyers for the poor have played – and continue to play – in communities; and to encourage other stakeholders to invite defenders to participate in community-justice policymaking sessions because they bring valuable perspectives to the table.

Too often the work of defense lawyers in community justice activities has gone unrecognized. Indeed, defenders are rarely invited to criminal justice policymaking meetings at the

local, state, or national level even though defenders of the indigent have quietly initiated many community-oriented justice activities since the 1970s. During the past decade, however, a noticeable change has taken place at the national level. Attorney General Janet Reno deserves much praise for formally recognizing the critical role that defense lawyers play in achieving equal justice for all. She has taken a strong leadership role by setting high standards within the U.S. Department of Justice by acknowledging that the Department must take responsibility for protecting the defense function as well as the prosecution function.

Unlike most of her predecessors, Attorney General Reno has taken courageous steps to include the defense function in several Department of Justice policymaking discussions. The Attorney General has encouraged and supported the formation of the American Council of Chief Defenders (ACCD). The ACCD is the first national leadership body for public defense counsel, which provides the defender community with a platform equal to that of national groups of chiefs of police, prosecutors, and chief justices. Leaders within the Department of Justice have taken affirmative steps to educate and encourage other criminal justice stakeholders to include defenders in policymaking, legislative debates, in problem solving in poor communities, and trying to ensure parity for Federal grant awards. This administration has ensured channels of access at the highest levels for ACCD and others deeply concerned about the quality of defense representation throughout our justice system. Most significantly, Attorney General Reno has constantly encouraged greater collaboration between defenders and police, prosecutors, judges, and corrections officials. Indeed, she was the motivating force behind two historic National Symposiums on Indigent Defense organized by the Department of Justice that furthered collaborative programming nationwide.

In February of 1999, the U.S. Department of Justice held its first National Symposium on Indigent Defense entitled "Improving Criminal Justice Systems Through Expanded Strategies and Innovative Collaborations." Attorney General Janet Reno stated that

never before in the history of the U.S. Department of Justice (DOJ) has there been a meeting like this historic national symposium on indigent defense. . . . Indigent defense is an equally essential element of the criminal justice process, one which should be appropriately structured and funded and operating with effective standards. . . . Our system of justice will only work, and will only inspire complete confidence and trust of the people, if we have strong prosecutors, an impartial judiciary, and a strong system of indigent criminal defense.¹

Those who attended this first conference recognized that indigent defense services providers are an invaluable component of a fair criminal justice system. They also recognized that much more collaborative work must be accomplished to make *Gideon* a reality for all. The second national symposium on indigent defense, "Redefining Leadership for Equal Justice," was held in June of 2000 in Washington, D.C. Over five-hundred participants arrived in teams representing all fifty states. This second symposium revisited themes from the first symposium and raised new challenges facing indigent defense service providers.² The challenge, then, is to explore the real meaning of "collaboration" in order to avoid use of empty rhetoric, and to try to identify tangible benefits of this community justice movement.

A. Collaboration is the Crux of Community Justice

Whether police, prosecutors, or court administrators herald these community justice initiatives, each one is grounded in the idea of increasing collaboration with members of a specific community. A common problem in all of these efforts is the ability to identify the voice and legitimate concerns of a community. How does one identify the community's concerns? Who speaks for a community? Should stakeholders listen to only the most vocal community voices (i.e., the squeaky wheels)? Or, is it better to seek out many voices including customarily 'silent' community voices? Some of these questions have been raised by policymakers, lawyers, and activists as community justice initiatives spread.

There are no easy answers. To be consistent, however, with democratic principles that underscore our justice system, the best community justice innovators seek out many voices and solicit alternate views before deciding what is best for a community. The defense voice, therefore, can be a source of alternate ideas and provide valuable perspectives on community problems.

Public defense lawyers hold a unique vantage point in the criminal justice system. Particularly in poor communities, public defenders work closely with individual clients, talk to families regularly, and interact with community leaders to seek solutions to problems that impact their client's lives. Defenders have access to singular communication links inside communities that may not be available to police and prosecutors. Any information that defenders provide at the community justice policy-making meetings is subject to attorney-client privilege and ethical constraints.

Nevertheless, defenders' broader and often more creative perspectives on community problems can be invaluable. As prosecutors and police evolve their community justice policies, it is imperative that a public defense representative be invited to collaborate. Building trust among all stakeholders is key to the long-term success of any new justice initiative.

At the very least, the defense voice should be sought-out for early comment upon new strategies or programs. Early inclusion of the public defense voice can prevent costly legal or political challenges down the line. For example, the most successful drug courts were created through system-wide collaborative efforts where public defense lawyers were invited to participate fully (i.e., not asked to rubber-stamp predetermined procedures). In the growing number of specialized courts, defender buy-in is important from the inception; otherwise, collectively, defenders could circumvent these innovations by moving their cases only into traditional justice avenues. Defenders are more prone to counsel their clients to enter a problem-solving court if the defense community has participated fully in the creation and implementation of the institution. Many defenders want to participate in any legitimate

initiative that aims to help individuals, promote safety, and ensure fair justice for those living in socio-economically deprived communities.

B. What is Community Justice Collaboration?

Collaboration means building consensus among groups or individuals who occupy different roles in the criminal justice system and larger society. Consensus building, however, does not mean reaching complete agreement. Rather, it means identifying a problem, agreeing to seek a collective solution to that problem, and coming to terms with differences by respecting the varying roles each party should protect. In successful collaborative efforts, each party makes a commitment to pursue a long-term plan of action to achieve a stated goal or set of goals. This means each party holds the other accountable over the long haul.

Sustained, collaborative teamwork is the most effective strategy to confront difficult social problems plaguing socio-economically deprived communities where the justice system is both needed and mistrusted. Among the most complex issues facing criminal justice stakeholders are racial profiling, sentencing disparities, police brutality, and the disproportionate impact of laws and constant barrage of legal regulations impacting the lives of poor and minority groups. A defense perspective can provide early warnings about deeper systemic problems, which may not be readily apparent to prosecutors, police, or criminal justice administrators.

Specifically, defenders can help prosecutors and judges become aware of biased practices or identify the few 'rotten-apples' before they evolve into full-blown scandals. The defense voice, therefore, should be taken seriously because this perspective provides unique insight into complex issues especially when law enforcement groups convene to fix system-wide problems.

Flexibility is another necessary element of successful collaborations. Solutions to problems often shift over time as conditions change and people learn more about the problems. Some of the most creative collaborations have aligned disparate groups to achieve a common mission. Building networks with traditional allies as well

as unlikely allies at the local, state, and national levels opens the door for more creative problem-solving in communities. Successful collaborations draw parties together from many different groups who work in creative ways to pursue all types of activities such as public education programs, lobbying for funding, changing inequitable laws and enforcement procedures, or simply making space for community members to raise their concerns about fairness in the justice system.

Collaboration requires openness to creative solutions and allowing people to expand beyond their traditional roles. Defense lawyers, criminal justice stakeholders, and non-profit organizations are becoming much more creative in their collaborative efforts to improve justice. Public defenders and assigned counsel have found unlikely partners to align with on particular issues to achieve legislative and media successes. In local coalition-building efforts, defenders have found that faith-based communities and religious leaders carry considerable influence, and are willing to help develop and implement programs to help their communities. Although each collaborative effort must be tailored to meet the needs of a specific locality, there is shared understanding that different people within the criminal justice system can help to improve access to other services and work together to correct well-known problems that typically envelop a criminal case such as mental illness, addiction, housing or employment problems. A fair and efficient criminal justice system integrates an array of social service operations into both prosecution and defense services.

C. Examples of Community Defenders: Building on a Tradition of Problem-Solving for the Accused

Like their counterparts in the system, public defense service providers have initiated a wide array of community justice activities and community collaborations. These include services that supplement traditional legal representation approaches or extra-legal services. For the past 35 years, public defense lawyers have initiated an array of community education programs, organized community meetings around pressing issues, and tried to build trust by reaching out to

individuals and families in the communities where they work. Although already overburdened by large caseloads and inadequate resources compared to prosecutors, much of this defender activity is initiated by defender volunteers or by defender managers who triage their limited resources because they perceive the long-time benefits (such as reduced recidivism) of providing extra-legal services to their client community.

Some track the community defense movement's beginning to the 1970s with defender support for social service collaboration and community activism. Professor Randy Stone, the director of University of Chicago's Legal Aid Clinic, reminds defenders of past efforts to further community justice and problem-solving initiatives.

The idea then and now is to expand the concept of lawyering to include solving the clients' specific legal problem while also addressing, for example, social service issues and/or community issues such as police brutality, crime prevention through alternatives to incarceration and public education. The idea, in late 80s vernacular, is that the public defender defends the public.³

Community defenders engage in traditional legal representation along with social-service support, policymaking and lobbying efforts, and community education or other outreach programs. Defense lawyers who do this work are generally not compensated for these extra-legal services, but engage in it because they know that community collaboration positively impacts individual clients' lives by opening doors, and holding them open, so clients can access services directly aimed at solving problems rarely addressed through traditional case representation. Community engagement provides defenders with access to community resources and updated information.

Public defense lawyers can collaborate without sacrificing their core role as diligent advocates. In fact, community collaboration often enhances the options a lawyer may zealously advocate. Community connections can help attorneys locate diversion alternatives or provide alternative dispositions to advocate before judges. Strong community partnerships can expand

sentencing options, help steer clients and their families into effective programs, and build stronger support networks to help social service agencies that are under siege in needy communities.

Today, public defense lawyers are thinking even more creatively about their role in the system and expanding the meaning of effective public defense. They forge new partnerships, share information, and strategize about how to engage in multidisciplinary practices (e.g., hiring staff social workers or partnering with health experts). Some have initiated joint projects with police, prosecutors, and corrections officials to address specific problems facing communities such as mental illness or domestic violence. The remainder of this article highlights three different dimensions of community defenders' activities that are integral to today's community justice movement.

D. Community Defenders Today

Community defenders realize that for many of their clients the criminal case is often the least of their problems. Consequently, community defenders take a broad view of what it means to provide legal counsel. The *Strickland v. Washington*⁴ standard that sets the lowest baseline for what constitutes effective assistance of counsel is insulting to many community defenders who regularly engage in zealous advocacy and problem-solving for clients. In addition to traditional case litigation, community defense work can be placed into three general categories of activities: 1) whole client advocacy; 2) policymaking and political lobbying on criminal justice issues; and 3) community outreach and community education. Each dimension of community defense is discussed in turn.

1. Whole-Client Representation or Holistic Advocacy

For community defenders, providing counsel means much more than investigation, trial preparation, or plea-bargaining. In today's legal climate and limited judicial discretion, effective counsel demands more than presenting case facts in court. The 'whole client' condition is central to effective case resolution, particularly because

most cases never proceed to trial so that sentencing arguments are often the central focus of advocacy work. Thus, many defenders embrace a multi-disciplinary practice where they work regularly with trained social workers who assist in problem solving for the defense at all stages from initial client interviews to securing appropriate sentencing alternatives. A community defender appropriately views a case in the context of a client's life, family situation, and sometimes in terms of community problems. In contemporary idiom, this approach to lawyering is sometimes called holistic advocacy or holistic representation.⁵

Holistic advocacy means that defense lawyers inform prosecutors and judges about the larger context of a case in terms of a client's life, a family, and the surrounding community. Individual representation takes on a new meaning because the emphasis is on the person not the case file. The goal of such contextual advocacy is to use the trauma of a criminal arrest to improve an accused's life conditions and thereby reduce recidivism. A whole-client defense strategy is to first examine the client's internal problems such as personality disorders, mental illness, addiction, learning disabilities or anger management issues. A holistic approach next considers the offender's family situation and tries to identify sources of these problems with the help of other trained professionals. These whole-client counselors address these problems, including abuse and other family dysfunction, to try to prevent future breaches of the law and to smooth the integration back into the community. Ideally, community defenders try to find resources to stabilize a client's life such as effective counseling services, assisting with educational or employment needs, and possibly helping an eligible family access government assistance and community programs.

Successful whole-client counseling programs often rely on community participation, which reinforces the links that legal service providers have to communities. For example, James Henning, Executive Director of the Metropolitan Public Defenders Office in Portland, Oregon, has consistently relied on the services of people in his community to support Portland public defenders in trial preparation, plea negotiations, and at

sentencing hearings. Liaisons between trial lawyers and social work programs are critical. Non-lawyers in the public defender office identify programs that are effective and build contacts with people in other disciplines. Portland public defenders hire Legal Assistants and Outreach Coordinators from the community to help expand the scope of services and find alternatives in providing defense representation. Mr. Henning states their community-centric philosophy in the following way:

We think that everyone can be a Legal Assistant with the right training and support. We have had newspaper reporters, nuns, bartenders, college professors, high school dropouts and homemakers work in our office as Legal Assistants. . . . We find mentors from local churches to work with our clients, which judges and court administrators find appealing.⁶

Whole client or holistic advocacy only works if community social services and treatment programs are integrated into case representation and long-term, problem-solving strategies.

a. Defenders Anti-Violence Initiatives and Anger Management Programs

Innovative indigent defense service providers are thinking strategically about ways to improve public safety by reducing recidivism and community victimization. The Miami-Dade County, Florida Public Defenders' Office, for example, began an anti-violence initiative (AVI) with defender-community collaborations designed to help clients lead law-abiding lives. The initiative develops diversion programs and sentencing options and expands access to effective treatment. AVI improves public safety and reduces the number of victims by expanding the role of public defenders. The Dade County program is based on a public health model that incorporates social services and treatment programs into client representation. Such an approach restores balance and improves the decision making of an accused and their families.

Anger management courses are increasingly popular in court dispositions. For example, the San Diego Public Defender's office works closely

with St. Vincent de Paul's life skills program to implement alternative sentencing programs that include anger management classes. Anger management and impulse control programs can also be effective for mentally disturbed clients. Working with forensic social workers who conduct basic mental status exams and non-official multi-axial assessments, defenders are able to counsel mentally ill clients more effectively and to find alternative treatment dispositions. They can also help identify potentially violent clients who may harm themselves or others due to the lack of adequate treatment, monitoring, and drug therapy. A client who receives substantial help addressing the core of his or her problems is less likely to be a repeat offender or to commit a more serious offense.

b. Employment Assistance as a Part of Community Defense

Perhaps the most notable aspect of community defender work is the willingness on the part of defenders to seek the counsel of other professionals to improve the chances of restoring a client to membership in the community. Many public defender offices have improved the employment prospects for their clients by developing and building on their community contacts. The Washington State Defenders, for example, in collaboration with other government representatives, developed a plan to prevent vehicles from being impounded in proceedings where drivers were charged with driving without a license, so that most could eventually earn back their drivers license in order to preserve jobs or seek employment opportunities. At first glance, this may seem like a problem affecting only a few people, but the impoundment issue was disproportionately affecting members of poor communities⁷. With collaborative efforts organized by the public defender's office, the Seattle coalition proposed viable alternatives for defendants, such as diverting cases to community service plans, rather than fining people unable to pay court fines. The program has been quite successful and is receiving national recognition.

Another example of whole client representation occurs when defenders assist clients in dealing with criminal records for minor

offenses that prevent them from seeking job opportunities. A common problem among thousands of unemployed individuals with prior convictions is that they fear seeking job interviews, or are technically barred from pursuing certain opportunities. In California, the Sonoma County Public Defender office offers the service of defense lawyers to expunge criminal records of former misdemeanants. Public defense lawyers file successful petitions for expungement of prior convictions, which allows clients to check the "no" box on employment applications that inquire about prior convictions. The program has been received well by judges, court administrators, and community members. To date, the Sonoma County Public Defenders have completed over 600 expungement petitions, and a high percentage of these clients have returned to work.

In light of the success of this defender program, the Human Services Department has awarded a grant to assist the program and the Welfare-to-Work program officials have endorsed it. Volunteer public defenders also run a program to help welfare recipients expunge their criminal records or apply for a certificate of rehabilitation to qualify for jobs. These are just a few of the community-based, problem-solving strategies that benefit communities by returning offenders, who have fulfilled their debt to society, as productive members of their communities.

2. Defender Collaborations: Public Policy Making and Lobbying on Justice Issues

A second dimension of community defense is proactive policymaking and lobbying on substantive criminal justice issues. Traditionally, prosecutors have been far more active in lobbying and policy making on criminal justice issues than public defenders. Over the past two decades, however, public defenders and assigned counsel have recognized that the defense perspective needs to be more visible in policy making. Defense service providers increasingly see a role for themselves, particularly in light of past legislative reforms, that have impacted the discretion of judges at sentencing, including mandatory minimums for non-violent offenders,

three-strikes laws, and other policies that have significantly raised incarceration rates nationwide.

Community defenders see it as a matter of parity that legislators and criminal justice policymakers recognize both the defense and prosecution perspective. Increasingly, defenders are testifying at legislative hearings at both state and national levels. In some states, defense lawyers have become valued participants in policy making and public education because they often add different perspectives to justice debates due to their close contact with clients and their families. Defenders often highlight potential procedural or constitutional pitfalls of new laws or policies. Unfortunately, in some legislative arenas the defense perspective is still not valued or even silenced, in the deliberative process.

As state and federal legislation has impacted defenders' clients and case outcomes, more defenders acknowledge that to be effective advocates they need to become proactive speakers and leaders in the political process. The San Diego Public Defender, for example, serves on the Domestic Violence Council and as chair of Council's "Treatment, Evaluation, and Monitoring" committee, a group that has oversight over court-ordered, mandatory domestic violence programs. The San Diego Public Defender's office leads this collaborative effort to evaluate and monitor the success of these community programs. Defense lawyers from the San Diego Public Defender's office also helped draft and implement a new law that provides for GED or equivalency training as part of probation for their clients.

Other defender operations are building local and national networks to share information and to collaborate to monitor policies, laws, and other political activities. The Vera Institute of Justice's National Defender Leadership Project (NDLP) has created a national network of defender managers and academics interested in improving management, communication, and leadership skills in the defender community. The Boston Youth Advocacy Project (YAP) defenders have teamed up with the Children's Law Center of Massachusetts to create the AEdLaw Project to work more closely with parents, youth workers,

and other lawyers to improve schools and educational advocacy in Boston. YAP has recently been the catalyst for the founding of the Roxbury Network, which is a network of youth and community development agencies in Roxbury designed to promote issues and monitor legal developments. The YAP staff has coordinated the creation of an educational advocacy coalition, consisting of all of the major educational advocates and trainers of advocates in the Boston area. In short, community defenders see their lawyering role as one that should assist policy makers and law makers directly to improve the criminal system at every level.

3. Examples of Defender Activities in the Community

The third dimension of community defender activities is focused directly on services and programs for their client communities. Public defense lawyers see their role as one that furthers community welfare in a variety of ways. Service activities and education programs are the most popular approaches.

a. Community Education

Community defenders engage in a wide array of community education programs that can last anywhere from a day to a year-long program. Defenders are teaching in public schools, community centers, senior citizen centers, jails, and local colleges. The San Diego Public Defender's office initiated a community-oriented effort called the Literacy Project that teaches community members how to read. Another form of community education program run by defenders focuses on local college students and professionals from other disciplines who encounter the defenders=clients in the regular course of their profession. In California, for example, the Sonoma County Public Defenders conduct in-house training sessions for the medical staff of a local acute care mental health facility. They instruct on the rights of the mentally ill and proper legal procedures governing involuntary patients. At the same time, other Sonoma Public Defenders volunteer to teach classes in the Administration of Justice Departments at Santa Rosa Junior College or Sonoma State College. These defenders try to bridge the gap between

academic discourse among colleagues and criminal justice in practice. Across the nation, an increasing number of public defenders commit hours of volunteer time teaching courses such as "Street Law" or other law-related education courses in grade schools, high schools, community centers, and senior centers. Many defenders and social workers have enlarged their circle of support by building professional relationships with existing education programs and community employment agencies. Although empirical data measuring the effectiveness of these programs has not been collected, community members and education professionals have responded positively to these defense lawyer initiatives. Both defenders and prosecutors who teach in communities know they will need legislative and financial support to institutionalize these worthwhile educational and employment training programs.

b. Community Outreach

In community outreach programs, defenders address particularly volatile issues, such as race and class in society and disparities in the criminal justice system. Washington State Defenders, for example, work closely with lawmakers and public policy experts to counter socio-economic disparities and improve race relations through their Racial Disparity Project, instituted by Robert C. Boruchowitz. In 1999, the Defender Association secured a Bureau of Justice Assistance grant to implement recommendations of the Minority and Justice Commission to modify laws, legal practices and policies that may disadvantage some racial groups in their community. The work includes education, both within and outside the defender community, and assistance to defense attorneys on motions that may implicate racial issues, such as profiling. The project has sought input from community groups, judges, prosecutors, police, and private practitioners as well as from defender staff and board members. This defender team is also working closely with the Seattle police and the King County Sheriff to develop data concerning stops and arrests so that the dialogue about race, class, and police relations can be grounded in accurate information. This is one example of defenders who are working for larger systemic

improvements. Similarly, in a New Orleans housing project, the St. Thomas Community Law Center, lawyers and public defenders work with community members to protect the rights of each resident. They try to improve justice from an anti-racism and community self-determination perspective. Collaborative work with civil and criminal lawyers operating within a network of other community-based service organizations is the key, building relationships of trust between a community and justice system officials who were previously distant or inaccessible. Innovative community prosecutors and community defenders understand that even the poorest communities have many assets and human resources that can help build collaborative programs and improve relations with criminal justice stakeholders.

Community outreach initiated in good faith, that values trust and is consistent over time can impact positively many members of a community and the lives of criminal justice officials. Community defenders report that they find their jobs much more rewarding when they can represent a client in a legal case and also collaborate with other professionals to solve the deeper problems in a client's life or the life of a community.

Conclusion: Defenders Want to Collaborate in Community Justice Initiatives

Community defender offices are like community prosecution offices in that they both seek to collaborate with community spokespeople to improve justice and the quality of life for community members; but there are significant differences. In the defender world, a client's expressed interests come first. Unlike prosecutors, individual clients are assigned to defense lawyers who will serve as their legal representative in many capacities from bail hearings through post-conviction hearings or record expungement. Public defender relationships with clients, families and the broader community can be long-term and quite complex. Defenders often hear from clients or their families long after the case files have been stored away and prosecutors or judges have moved on to hundreds of other cases. These long term connections in the surrounding community can add stability to a needy community. Defense

lawyers, such as those who work at the Neighborhood Defender Service of Harlem, explain that over the years community members have begun to see the community defender office as a safe-haven where anyone can seek advice or simply express concerns about police conduct, treatment of the mentally ill, fairness in the justice system or voice other community concerns. Defense lawyers who represent those unable to afford counsel have developed special connections to clients, their families, religious leaders, and community members whose voices are often not heard. These connections and intimate knowledge of community problems that cycle through needy communities are important to bring to the community justice policymaking tables. Prosecutors and police alone cannot develop a full sense of a community without trying to understand the other sides' perspective.

Defense counsel who see their role broadly want to collaborate in more community justice initiatives and are capable of finding creative solutions to solve existing problems. As support builds for community prosecution and community policing, community defender initiatives also need support, especially in each of the three categories: whole client representation; policymaking and lobbying on justice issues; and, community education programs. Providing support for each of these three dimensions of community defense is the best way to acknowledge the vital role that zealous defenders play in ensuring fairness at every level of our justice system. In this decade, it has been extraordinary for public defense leaders to be acknowledged formally and to have their collaborative efforts supported at the highest levels of the U.S. Department of Justice.

When the new administration takes office, defenders are hopeful that more collaboration will be encouraged, that defenders will have a leadership role in the community justice movement given their history, and that defenders will be invited to participate fully in criminal justice policymaking with the endorsement of Department of Justice officials. As our system and laws change and new problem-solving courts are created nationwide, it is critical that defenders participate in the deliberative process because a legitimate democratic criminal justice system

embraces alternative perspectives during times of change, particularly when the goal is to further community justice for the poor.

1. Message from the U.S. Attorney General, Report of the National Symposium on Indigent Defense, "Improving Criminal Justice Systems Through Expanded Strategies and Innovative Collaborations," Feb. 1999, at xiii.
2. National Symposium on Indigent Defense 2000 "Redefining Leadership for Equal Justice," June 29-30, 2000, Washington, D.C. (published conference report forthcoming).
3. Professor Randy Stone, Director of the F. Mandel Legal Aid Clinic at the University of Chicago (quoting remarks at the Executive Session on Public Defense, March 23, 2000, John F. Kennedy School of Government, Cambridge, MA).
4. 466 U.S. 668 (1984).
5. See e.g., Bennett H. Brummer, *Community Partnerships, Holistic Advocacy through a Public Defender Anti-Violence Initiative*, 3 Indigent Defense 1 (National Legal Aid & Defender Association Newsletter), May/June 1999.
6. Telephone Interview with James Henning, Executive Director, Metropolitan Public Defender Office, Portland, Oregon (April 10, 2000).
7. Final Report of the National Symposium on Indigent Defense Systems 2000 "Redefining Leadership for Equal Justice," June 29, 2000 Washington D.C. (*Workshop I: Criminalization of Poverty: Collaborative Strategies to Respond*).

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Ms. Clarke completed her S.J.D. degree at Harvard Law School in the spring of 1998 after spending six months of field research in the South African criminal courts. Prior to arriving at Harvard, she was an Associate Professor of Law at Loyola University School of Law in New Orleans where she taught Criminal Law, Criminal Procedure, and Constitutional Law. While at Loyola, she founded and directed the Loyola Law School Street Law program (a community-based legal literacy program taught by law students in inner-city public schools and in a local prison) and the Louisiana Center for Law-Related Education.

Ms. Clarke has practiced and taught law abroad in various capacities over the past ten years. She studied at Tokyo University and worked in a Japanese law firm. Later, she taught criminal law and constitutional law in Cuernavaca, Mexico; Moscow, Russia; and, Budapest, Hungary.

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Federal – Local Partnerships: A Win for the Community

Michael D. Schrunk
District Attorney for Multnomah County

Kris Olson and the men and women of the United States Attorney's Office for the District of Oregon have been strong allies with local law enforcement and justice professionals in a number of projects. The real beneficiary of these targeted efforts has been the local community. The United States Attorney's Office in Portland, Oregon has fostered a cooperative approach to local public safety problems and has been instrumental in plugging in resources where they can do the most good. As a result, those of us in the criminal justice system, as well as community members are seeing positive results in our neighborhoods. From creating two Weed and Seed sites in the Portland metropolitan area, to combating mid to high level drug distribution networks through the Regional Organized Crime/Narcotics Task Force, to working on reducing youth gun violence, to promoting data driven planning and decision-making, Oregon's United States Attorney and staff have been working shoulder-to-shoulder with local law enforcement, criminal justice professionals and citizens to improve the health and safety of the community.

Portland is the major population center in the region. It serves as a hub for air, sea, and land transportation, and has all of the crime problems associated with large cities. Though we are seeing reductions in crime rates, we continue to face problems involving the manufacture, sales, and distribution of illegal drugs. In an effort to combat this, several local, state, and federal law enforcement and prosecution agencies have banded together to ensure that investigative and prosecution resources are used effectively and target major drug traffickers. This collaboration and information-sharing network is the Regional Organized Narcotics/Crime Task Force (ROCN). It has served as a national model for multi-jurisdictional task forces and has a solid track

record of effective interdiction. The United States Attorney is at the table with the locally elected prosecutors and sheriffs, the police chiefs and officers, and agents from ATF, FBI, and DEA. Local prosecutors are cross-designated to work in federal court on specific cases. The results have been impressive. From 1995 to March 2000, ROCN attorneys have prosecuted 98 cases in federal court and 188 in state court. ROCN has a 100% conviction rate in federal court and a 98% conviction rate in state court.

Attention to hard core crime is not the only area where the presence of the U. S. Attorney has had a local impact. In September 1996, Portland was named an official Weed and Seed site. The Weed and Seed plan, developed under the auspices of the U. S. Attorney's Office, emphasized multi-agency collaboration to achieve broad public safety, economic, and social goals. One of the immediate benefits of the Weed and Seed designation was the opportunity to apply for a community justice initiative grant, which eventually led to the implementation of the Northeast Community Court Project.

The Northeast Community Court was the second community court in the country to open its doors. It officially began on March 4, 1998. Modeled on the successful MidTown Community Court in New York, it focuses on holding defendants accountable for their actions. Those charged with misdemeanors and "quality of life" offenses, such as shoplifting, prostitution, furnishing alcohol to minors and criminal trespass, must complete court-ordered sanctions, but they also have an opportunity to pay back the community through community service projects. In some cases, defendants are required to work with social service agencies to help minimize or eliminate the circumstances and behavior that led to the arrest. Drug and alcohol treatment services, employment and housing services, food stamps and health care are some of the services available through the Community Court. Since the opening

of the NE Community Court in 1998 and its sister community court in the SE Portland Weed and Seed target area in February 2000, Portlanders have seen 1,769 cases on Community Court dockets with 74% of the sentenced offenders successfully completing their community service sanction. This amounts to a contribution of over \$54,400 in labor to the community. In addition, 358 people cleared warrants through the Community Court, saving at least \$37,088 in jail booking and administrative resources.

Another community justice initiative that has made its mark in the Portland community is the Youth Gun Anti-Violence Task Force (YGAT). Following a wave of drive-by shootings and youth homicides in Portland's inner city neighborhoods during 1997, Portland's Mayor Vera Katz convened a "gun group" with United States Attorney Kris Olson as the chair. The gun group included both local and federal law enforcement agencies. Through the first half of 1998, the group met regularly to oversee joint efforts to eliminate youth gun violence. The plan they developed included aggressive gun interdiction and enforcement efforts, but went a step further by coordinating state and federal gun prosecutions. There was immediate support for the project goals. Local, state, and federal law enforcement agencies were quick to commit personnel to the effort. The Multnomah County Sheriff's Office, the Department of Community Justice (parole and probation), the Portland Police Bureau, the Oregon State Police, the Oregon Youth Authority, the District Attorney's and United States Attorney's Offices, the FBI and ATF Officers committed staff to the task force. YGAT focuses on the community's immediate and long-term concerns regarding drive-by shootings and youth homicides in Portland by aggressive follow-up on reported gun incidents; directed search warrants targeting particular gun offenders; and interdiction of the supply of firearms to these individuals. In the short life of the project, the YGAT unit has made 267 arrests, filed 577 charges, executed 71 search warrants, seized 360 guns, and seized money and property with a combined value of \$211,110.

In addition to aggressive gun interdiction and prosecution through YGAT, the United States

Attorney has promoted other efforts to coordinate a broader, community-wide response to youth violence and delinquency prevention. The opportunity to pursue this direction came from the February 1998 announcement by United States Attorney General Janet Reno. AG Reno had selected Portland, along with four other cities in the country, to participate in an innovative new partnership with the Department of Justice. This initiative is known nationally and locally as STACS. Portland's selection as a site was based partially on the history of innovation in interagency and community-based crime reduction strategies, which included community policing, drug court and community courts, and the YGAT project.

The STACS team approach to community safety places heavy emphasis on data analysis and implementation of crime fighting strategies by combining a research team of senior faculty and researchers from Reed College and Portland State University with front line justice professionals and community partners in analyzing crime trends and justice data. The plans generated by the STACS Initiative focuses on three separate but complementary efforts to reduce gun violence.

Three unique teams have been developed. An Operational Team consists of representatives from local agencies, justice professionals and citizen volunteers who specialize in law enforcement, parole and probation supervision, youth outreach, and private social service providers and members of community organizations. All parties involved have the same goal - a safe and healthy community with opportunities for youth to lead productive lives. By drawing together educators, law enforcement, youth development professionals, representatives of the faith community, business executives, public health professionals, and community members, a forum has been created that will allow all of the stakeholders to develop local, long-term strategies to reduce gun violence.

The second piece of the STACS Initiative is the Community-Based Strategies Team. This group, composed of agency and community groups, is targeting economic opportunities by identifying training and job placement options for

STACS target population. They are also working on removing barriers to training and employment opportunities. Free tattoo removal services and clearing an offender's drivers license record can go a long way in giving target youth access to job opportunities.

The third key element in Portland's STACS Initiative is the Strategic Intervention Team (SIT). This is a smaller group of front line professionals, again drawn from enforcement, supervision, and outreach agencies who regularly meet with the STACS research team, to review crime trends in data and develop and refine street level gun violence reduction strategies. The STACS mission is an ambitious one. It is designed to eliminate youth gun violence through coordinated interagency and community-based strategies that combine aggressive law enforcement, innovative parole and probation supervision and programs, and integrated youth and community outreach services.

In addition to these four major community justice initiatives, Weed and Seed, the Community Court, YGAT, and STACS, we have seen other impacts from the United States Attorney's Office. The annual sponsorship of the Forfeiture Conference has been a real plus for local law enforcement and prosecutors. The United States Attorney's Office brings together officers and attorneys who focus on forfeiture cases. By providing them with up-to-date information, advanced investigative techniques, and an on-going information sharing network, the conference participants learn techniques and strategies that can help them serve their communities better. By promoting interaction between the local and the federal system, the United States Attorney's Office is keeping local jurisdictions better informed and helping them become more expert in their role. This training, along with the cross-designation of attorneys in the ROCN Task Force and YGAT, has led to closer working relationships between local and federal prosecutors and law enforcement officers. By working together, by sharing information and providing technical assistance, and by providing a variety of training opportunities, local criminal justice professionals are better equipped to serve their communities.

These kinds of interactions, along with the four major community justice initiatives previously described, have affected this community in a positive way. By bringing together different groups with sometimes dramatically differing views, the United States Attorney's Office is promoting a way of doing business that demonstrates the importance of local jurisdictions taking care of local problems. Integrating law enforcement activities with social service programs, educational reforms, parole and probation services, and community programs, is an approach that will benefit our local community in the long term. In Portland, we are finding that the road to reach that long-term goal is not always smooth but we think the potential results justify the effort. Local, state and federal cooperation and collaboration have brought in additional resources to this community, pulled together diverse groups to work on problems of mutual interest, and engendered a heightened sense of responsibility that we all share in making Portland a safer, healthier environment for everyone. By all accounts, Kris Olson and the men and women of the United States Attorney's Office for the District of Oregon have garnered a strong win for the local community.

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Community Courts: A Brief Primer

*John Feinblatt and Greg Berman
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Over the past two decades, problems like drug addiction, domestic violence and quality-of-life crime have threatened to overwhelm the criminal justice system. New York is a case in point. Since 1980, New York has seen a five-fold surge in the number of drug arrests. In New York City over the last decade, the number of misdemeanor arrests has gone up by 85%. Similar stories could be told about cases involving domestic violence, mental illness and other types of problems. As a result, there is a staggering increase in the number of cases going through the criminal justice system in New York, and other states, on a daily basis. It is not just the volume of cases that is the problem – it is the type of cases. As New York State Chief Judge Judith S. Kaye has said:

The numbers of cases in the state courts are huge. Then there is the nature of the cases – there are not only more of them, but they’ve changed. We’ve witnessed the breakdown of the family and of other traditional safety nets ...we get a lot of repeat business. We’re recycling the same people through the system. And things get worse. We know from experience that a drug possession or an assault today could be something considerably worse tomorrow.

What is a Traditional Judge Anyway?: Problem Solving in the State Courts, Vol 84, #2 Judicature at 80 (Greg Berman, ed. Sept-Oct 2000).

The realities that Chief Judge Kaye describes can be seen throughout the criminal justice system. It can be seen in the widespread overcrowding in our nation’s correctional facilities. It can be seen in the resources that police and prosecutors have had to dedicate to new enforcement initiatives. It can be seen in the state courts, where the large majority of cases today are settled by plea in an effort to dispose of the maximum number of cases in the minimum amount of time. Finally, it can be seen in the

flagging morale of those who staff the criminal justice system and in the diminished confidence of the citizens whom the system is designed to serve.

However, the news is not all bad. Out of this sense of crisis has come the impetus for change. Judges, prosecutors and others across the country have begun to examine the results that they are achieving and ask, “Isn’t there a better way to do this?” The result has been a wave of criminal justice innovation. This has taken many forms, including experiments in community-oriented lawyering, community prosecution, specialized drug courts, domestic violence courts and others. What all of these initiatives share is a problem-solving approach to the business of “doing justice.”

What are the hallmarks of this approach? At the most basic level, problem-solving means changing the orientation of the system, from an emphasis on simply processing cases to an emphasis on achieving tangible outcomes for victims, defendants and communities (e.g. safer streets, reductions in recidivism and fewer probation violations). It also means moving from a focus on the narrow legal issues presented by individual cases and individual defendants to a broader understanding of the individual and community contexts in which crime occurs. In one way or another, problem-solving initiatives all seek to use the authority of the criminal justice system to address underlying problems (whether they be individual problems like addiction or mental illness or community problems like graffiti and disorder) that may have led to crime in the first place. In the process, these initiatives typically promote new collaborations, both among criminal justice agencies and with partners outside of the system, as well as increased community participation in the justice process.

One of the most ambitious examples of problem-solving innovation has been the rise of community courts, which seek to bring communities and courts together to solve neighborhood problems. What is a community

court? What results have they achieved? What are the implications of this reform effort for practitioners and the general public? These are the questions that we seek to answer in this article. In doing so, we draw upon nearly a decade of experience with community courts as planners, operators and technical assistance providers. This includes our work with two community courts currently up and running in New York – the Midtown Community Court and the Red Hook Community Justice Center.

What Is A Community Court?

Community courts are neighborhood-based courts that attempt to harness the power of the justice system to address local problems. Working closely with community groups, government agencies and social service providers, community courts test the idea that courts can play an active role in building stronger and safer neighborhoods.

The nation's first community court opened in Midtown Manhattan in 1993, serving Times Square and surrounding neighborhoods. The Midtown Community Court arraigns misdemeanants arrested for quality-of-life crimes such as prostitution, illegal vending, graffiti, shoplifting, farebeating and vandalism. Midtown combines punishment and help, sentencing offenders to perform community service and linking them to a range of on-site social services, including drug treatment, health care and job training. In performing this work, the Midtown Court has sought to expand traditional notions about the role of courts and to test their ability to serve as a catalyst for social change.

The Midtown Community Court, and other community courts like it, is guided by four basic principles: restoring the community; bridging the gap between communities and courts; building partnerships; and solving problems.

Restoring the Community: Midtown acknowledges that neighborhoods can be victims of quality-of-life crimes just like people. It also recognizes that chronic low-level offending can create an atmosphere where more serious crime can flourish. In response, the Court “pays back” the community through visible community restitution projects, sentencing offenders to paint

over graffiti, sweep the streets, and clean local parks.

Bridging the Gap Between Communities and Courts: Midtown seeks to engage neighborhood residents in the justice process in unprecedented ways. Neighborhood residents sit on an advisory board which reviews ongoing Court operations, and participate in community impact panels, in which they meet face-to-face with perpetrators of low-level crime to talk about its impact on the neighborhood's quality-of-life. In addition, by sentencing offenders to work in neighborhood settings, and opening the courthouse doors to community members who want to see justice in action, Midtown tries to make justice more visible and accessible to residents.

Building Partnerships: Midtown recognizes that courts cannot solve complicated social, legal and individual problems by themselves. As a result, it seeks to take advantage of its symbolic authority to build new partnerships with criminal justice agencies and with community groups. In the process, the Court knits together a fractured criminal justice system, improving inter-agency communication and promoting greater accountability. One important tool in this effort is technology, which helps the judge make informed decisions about individual cases rapidly and analytically, and communicate those decisions to the staff and agencies charged with their implementation.

Solving Problems: The Midtown Court recognizes that low-level offenders often lead complicated lives, grappling with problems ranging from mental illness to drug addiction to homelessness to AIDS. In an effort to help address these problems, the Court uses its coercive power to link offenders to on-site services, including drug treatment, employment training and health care. These services, which are provided by a range of government and non-profit partners, are made available on both a mandatory and a voluntary basis. Compliance with mandatory services is closely monitored by the judge. In addition to providing services to offenders, the Court also performs street outreach to street addicts, prostitutes and the homeless in an effort to provide individuals in need with

assistance before they get into trouble with the law.

Results and Replication

Does it work? What kinds of impact has the Midtown Community Court achieved? Midtown has been independently evaluated by researchers from the National Center for State Courts who looked at the first three years of the Court's operations. They found that Midtown's compliance rate of 75 percent for community service was the highest in the city. Offenders performing community service contributed more than \$175,000 worth of labor to the community each year. In conjunction with aggressive law enforcement and economic development efforts, the Court reduced neighborhood crime: in the court's target area, prostitution arrests dropped 63 percent and illegal vending was down 24 percent. What's more, preliminary research found that annual arrest rates fell by over half for both prostitutes and for addicted offenders who completed over 90 days of court-ordered treatment.

More recent research has looked at the project's impact on community attitudes. Preliminary findings from a random phone survey with local residents indicate that 64 percent of Midtown respondents would be willing to pay additional taxes to support a community court – a result that is all the more significant given the tax burden in New York.

Results like these have encouraged other jurisdictions across the country to experiment with community justice. Since the opening of the Midtown Court in 1993, ten additional courts have opened in Connecticut, Florida, Georgia, Minnesota, Oregon, Tennessee and Texas. Another thirteen are in the planning stages. This replication has taken place in jurisdictions big and small, rich and poor. It has been driven by a variety of different players, including judges, community advocates and business leaders. Local prosecutors have been a particularly visible and active constituency for community courts. Michael Schrunk, the district attorney in Multnomah County, Oregon, has expressed the feelings of many of his colleagues:

When I was first elected DA, I thought I knew best. I went out to the neighborhoods and I just knew that murders, rapes and armed robberies were the most important thing to residents. They handed me my lunch. They talked about quality-of-life crimes. I think that's what led me to push ...for community courts – a desire to get out there and re-establish the rule of law in the community...I strongly believe we've got to work on public credibility, because a lot of citizens, quite frankly, don't think judges are relevant.

What is a Traditional Judge Anyway?: Problem Solving in the State Courts, Vol 84, #2 Judicature at 80 (Greg Berman, ed. Sept-Oct 2000).

Red Hook Community Justice Center

As community courts have proliferated, so too have community court models. The next generation of community court innovators has not been content to simply replicate the Midtown Community Court. Rather, they have sought to push the model in new directions – handling different types of cases and solving different kinds of neighborhood problems. This includes Portland, Oregon, which has created community courts throughout the city, in many instances holding court sessions at local community centers. It also includes Memphis, Tennessee, which, in addition to quality-of-life crime, is targeting problems related to neglected and abandoned property.

Another example is the Red Hook Community Justice Center, which formally opened in June of 2000 in a low-income neighborhood in southwest Brooklyn. Red Hook is the nation's first multi-jurisdictional community court. Operating out of a refurbished Catholic school, the Justice Center seeks to solve neighborhood problems like drugs, crime, domestic violence and landlord-tenant disputes. At Red Hook, a single judge hears neighborhood cases that under ordinary circumstances would go to three different courts – Civil, Family and Criminal. The goal is to offer a coordinated, rather than piecemeal, approach to the problems of families and communities. The Red Hook judge

has an array of sanctions and services at his disposal, including community restitution projects, on-site job training, drug treatment and mental health counseling – all rigorously monitored to ensure accountability and drive home notions of individual responsibility.

The Red Hook story goes far beyond what happens in the courtroom. The courthouse is the hub for an array of unconventional programs that engage local residents in “doing justice.” These include mediation, community service projects that put local volunteers to work repairing conditions of disorder and a “youth court” where teenagers resolve actual cases involving their peers. The concept is to engage communities in aggressive crime prevention. This strategy works in two ways - it solves local problems before they even come to court and it helps knit together the fabric of the neighborhood.

At the end of the day, the Red Hook Community Justice Center is an effort to change how courts measure their effectiveness – from simply disposing of all of the cases on the calendar each day to actually making a difference in a crime-ridden community. As Assistant U. S. Attorney Liz Glazer and others have pointed out, this shift in orientation has profound implications for how courts operate and how judges and lawyers are trained.

Questions

The rapid growth of community courts raises some interesting questions. Do community courts widen the net of governmental control? Do they threaten core judicial values? Are they soft on crime? What follows is a look at just a few of these hot-button issues.

Widening the Net: Community Courts like the Midtown Community Court respond to a fundamental problem: that many low-level offenders walk away from state courts without any meaningful response at all. Faced with overwhelming caseloads, many state courts find it difficult to hand out sentences that demonstrate that all crime has consequences. When these courts release offenders with no sanction or conditions -- when the process becomes the punishment -- they send the wrong message to

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

At community courts, many defendants who might have escaped sanctions in a traditional court, find themselves ordered to paint over graffiti or participate in drug treatment. Does this amount to net widening? The answer, for many judges and attorneys, is that community courts are an effort to repair a broken net. In doing so, they must exercise great care. By being sensitive to local legal culture (including the “going rates” for specific offenses) and by emphasizing the value of proportionality, community courts can ensure that a punishment truly fits the crime.

Judicial Values: While community courts encourage judges to become more sensitive to community needs and concerns, they must take pains not to compromise the independence of the judiciary. This can be a delicate balancing act. For example, at the Midtown Community Court, it is clear that the judge’s job is not to manage community relations; instead the Court has a community ombudsperson and an administrative staff charged with this responsibility. Nonetheless, the Court’s decision to create a community advisory board – and have the sitting judge attend its meetings – made some local judges uneasy. Would the advisory board seek to second-guess judicial decisions or exert undue influence on court proceedings? This has not been the case. The members of the advisory board have never tried to lobby the judge about individual cases. Rather, they have been a valuable resource for the judge, helping to think through community service options and plan new programs, such as a job training program for ex-offenders. However, at Midtown and elsewhere, judges must struggle to identify which forms of interaction with community residents are acceptable and which are not – and clearly communicate their expectations to the local community. They must also think hard about what types of information regarding community problems or concerns should be taken into consideration in deciding individual cases.

Many observers have questioned whether community courts represent a threat to the

adversarial system. Like drug courts, many community courts employ a “team approach” in which judges, defenders and prosecutors work together to promote offenders’ success in fulfilling court mandates. This does not, however, mean that adversarialism is not alive and well in community courts. On the contrary, throughout the adjudicatory process – up until a defendant decides, by virtue of pleading to the charges, to accept the judge’s sentence (of drug treatment or community service, for example) – prosecutors and defenders relate to one another (and the judge) much as they always have: as adversaries. Much of what is “new” about community courts takes place after disposition.

Soft on Crime: It is difficult to characterize community courts as either “soft” or “tough” on crime. Prior to the opening of the Midtown Community Court, judges in New York often characterized their options in quality-of-life cases as “band-aids or brain surgery” – they could either do nothing (typically, a sentence of “time served”) or sentence a low-level offender to short-term jail (by statute, up to a year - in practice, typically a few days). In contrast, community courts offer judges an array of intermediate sanctions including community restitution and social service mandates. In effect, these courts send a double message: all offenders must be held accountable for their crime, no matter how small; and a court can use its coercive power to move offenders towards rehabilitation. In sending this message, community courts are realistic about both the need to protect public safety and about what it takes to halt the revolving door of drugs and crime.

The Midtown Community Court experience has shown that this approach has many supporters among community residents. When given options – and the assurance that compliance will be closely watched – community residents generally support constructive sanctions like community restitution and social services. For example, residents were among the first to suggest that the Midtown Court provide health services to prostitutes. This suggestion did not necessarily grow out of altruism, but rather residents were justifiably concerned about public health risks. However, it does show that community residents

have more on their minds than just “throwing the book” at low-level offenders.

Conclusion

While the community court story is still being written, these experiments in problem-solving justice have already made several valuable contributions to the national conversation about courts, crime and communities. Community courts acknowledge the damage that crime can do to both individuals and communities. They look beyond the legal issues presented in any given case to address the underlying problems of individuals and communities. They articulate new standards of success for courts, including impacts on community disorder, addiction and criminal recidivism. They also test new ways of doing business, including new structures, technology and partnerships with community groups and government agencies. In testing these ideas, community courts demonstrate that the criminal justice system can help repair injured neighborhoods and that our courts warrant public confidence and respect.

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Greg Berman is the deputy director of the Center for Court Innovation. The recipient of an Innovations in American Government Award from the Ford Foundation and Harvard University’s John F. Kennedy School of Government, the Center for Court Innovation is a unique public-private partnership that works to improve public confidence in justice, both locally and nationally. In New York, the Center functions as the Unified Court System’s independent research and development arm, investigating chronic problems and formulating new programs in response. Over the past several years, the Center’s demonstration projects include community courts in Midtown, Red Hook, and Harlem, domestic violence courts in Brooklyn and the Bronx, youth courts in Red Hook and Harlem, a family treatment court in Manhattan, a drug court in Brooklyn and a mediation center in

Crown Heights. On the national front, the Center seeks to participate in the national conversation about justice, encouraging courts to become more problem-solving and consumer-oriented. In recent months, the Center has entered a new line of national business: convening round table discussions about topics of criminal justice reform, engaging in rigorous reflection and disseminating the results through op-ed pieces, law review articles and white papers. The authors would like to thank Aubrey Fox, senior consultant at the Center, for his assistance in putting this article together. [a](#)

Community Prosecution in the Office of The United States Attorney for the District of Columbia

Wilma A. Lewis
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The Office of the United States Attorney for the District of Columbia is unique among the 94 United States Attorney's Offices across the nation by virtue of its size and its varied responsibilities. It is the largest United States Attorney's Office in the country with over 350 Assistant United States Attorneys ("Assistants") and a total staff of more than 700 employees. The size of the Office is the result of the breadth of our responsibility for criminal law enforcement and our location in the nation's Capital. We are responsible not only for the prosecution of all federal crimes, but also for the prosecution of all serious local crimes committed by adults in the District of Columbia. In addition, we represent the United States and its departments and agencies in civil proceedings filed in the federal court in the District of Columbia.

The Office is divided into four major divisions. Approximately 60% of the Office's attorneys are assigned to the Superior Court Division, prosecuting local felonies and misdemeanors committed by adults in the District of Columbia. The work of attorneys assigned to Superior Court is similar to that of attorneys in a large District Attorney's office.

The Criminal Division of the Office prosecutes federal crimes in U.S. District Court, including matters involving public corruption, economic crimes, major narcotics conspiracies, and international terrorism. The Appellate Division handles criminal appeals in the local and federal appellate courts. The Civil Division is responsible for affirmative and defensive civil matters on behalf of the United States in the federal system.

The City, the Prosecutors, and Violent Crime

The U.S. Attorney's Office officially began community prosecution in June 1996 with the Fifth District Community Prosecution pilot project. The genesis of this initiative, though,

began almost a decade earlier as office executives and senior trial attorneys began to implement changes in traditional office operations to address the violence that followed the introduction of “crack” cocaine in the mid-1980's.

The early stages of Washington, D.C.'s crack epidemic followed a pattern similar to that observed in other large east coast cities. The arrival of crack cocaine in 1985 resulted in an immediate explosion of street dealing along with a sharp rise in violence, as exemplified by the rise in homicides. Having fluctuated around 200 per year from 1970 to 1987, homicides in the District of Columbia jumped to 369 in 1988, and in 1989 rose again to over 400. This was more than a doubling of the homicide rate from an average of 30 per 100,000 residents in the 1970s and early 1980s to over 70 per 100,000 residents for the next eight years. (Metropolitan Police Department Crime Analysis Unit)

At that time, the U.S. Attorney's Office in the District of Columbia was structured like many District Attorneys' Offices with separate sections handling misdemeanor, felony, and homicide cases. Virtually all of the felony cases were indicted by prosecutors in the Grand Jury Section and then transferred to trial attorneys in other sections. However, the Office also had a Chronic Offender Unit which handled crimes committed by individuals who were “repeat offenders”. The cases in this Unit were handled “vertically” by the prosecutors, which meant that one prosecutor had the case from arrest to trial.

When the violence associated with crack cocaine erupted, we began to notice that many of the serious cases coming into the Office were shifting from traditional chronic offender type offenses (active offenders who commit burglaries, robberies, and other primarily property crimes) to increasingly complex cases involving violence. The chronic offenders who dominated the street crime problem in the 1960s and 1970s were receding, while younger offenders went into drug trafficking and were increasingly becoming participants in the accompanying violence. This shift within the criminal population to perpetrators of violent crime and the complexities involved in prosecuting these offenses led to the dismantling

of the Chronic Offender Unit and the creation of the Violent Crime Section in 1991.

The new Violent Crime Section changed the way in which cases were handled in the Office. Within a matter of months, the Section was organized “geographically” to correspond to the seven police districts in the city. As a result, groups of prosecutors were assigned to each of the seven districts and handled the cases arising from that particular district. Moreover, the Chief of the Section screened all cases prior to attorney assignment and made assignments within each district based upon apparent interconnections between offenses, offenders, and victims.

The geographic organization allowed prosecutors to gain better information on the underlying drug trafficking schemes, rivalries, turf battles and personalities which fueled the increase in violent crime. It also enabled the prosecutors to work regularly with the same police officers who knew the streets, and to utilize the information obtained from other related cases being prosecuted in the Office. The Homicide Section in the Office was subsequently organized along the same geographic lines. This geographic organization became necessary in light of the increasing difficulty in prosecuting these cases in the climate of fear and intimidation which characterized the escalating violence.

In a letter to the Washington Post shortly after leaving office, former U.S. Attorney Jay B. Stephens described the changes in the environment that had accompanied the dramatic increase in killings:

The investigation and prosecution of most homicides in the District today bear little resemblance to the process of 10 years ago. Rarely can police now make an arrest and prosecutors secure a grand jury indictment by obtaining statements and testimony from two or three eyewitnesses corroborated by a straight-forward autopsy report. Crack-house shootings, drive-by executions, senseless revenge killings and gang violence usually are not witnessed by cooperative, reliable, uninvolved citizens.

To make these cases, police and prosecutors must: win the confidence of a terrorized witness and stash an entire family in witness protection for months; spend weeks cajoling and building rapport with a crack head witness who may have heard something about the case on the street; develop and analyze complex forensic evidence; "flip" a culpable insider from a gang or carload of thugs; develop a chronological pattern of gang violence; sort out the responsibility of several persons involved; build a convincing case against an accomplice, convict him and use his "tainted" cooperation against a shooter; and untangle a web of difficult investigative issues.

..... And finally, unless the defendant pleads because the case against him is strong, the prosecutor must try a difficult case involving impeachable and frightened witnesses, a process that now takes on average three weeks instead of only one week a few years ago.

United States Attorney Jay B. Stephens,
Washington Post, Letter to the Editor, November 9, 1993.

The Transition to Community Oriented Prosecution

In October 1993, Eric H. Holder Jr., a District of Columbia Superior Court judge and former federal prosecutor, became the United States Attorney for the District of Columbia, bringing yet another perspective to the District's crime problem. As a Superior Court judge from 1988 to 1993, he had observed the difficulties many of the prosecutors faced in trying cases in Superior Court. He was particularly struck by the number of Superior Court juries that returned verdicts unrelated to the evidence presented at trial. Too many Washington citizens, in his view, perceived local law enforcement in particular, and the criminal justice system, in general, as alien forces. As U.S. Attorney, he wanted the Office to get connected to the community. He wanted prosecutors to open up channels of communication so people would tell them what was going on. He did not want the Office to be remote from the citizens it was supposed to serve and he thought citizens should have an

opportunity to influence the priorities of the office. He emphasized that this was not merely a public relations exercise.

The Office's priority was, and remains, to do its part to reduce the city's high level of crime and the very serious problem of violence. The Office's community-oriented prosecution experiment was going to be an attempt at a new approach to accomplish these traditional goals. Accordingly, in his October 1995 address to the Office, Mr. Holder announced that the U.S. Attorney's Office would institute a community prosecution initiative and, in June 1996, he announced publicly the formation and implementation of the Fifth District Community Prosecution Section.

The United States Attorney's Office [would] no longer be just a big concrete and glass building down on Fourth Street, Northwest, where people only go after they've been victimized. Our prosecutors will now have names and faces and phone numbers; they will be working right in the community they serve; and they will be teaming up with citizens to deter crime before it occurs.

U.S. Attorney Eric H. Holder, Jr., public announcement of Community Prosecution Section, June 3, 1996.

The creation of the Pilot program initiated a philosophical change in the *role* of the prosecutor. Prosecutors would be expected to be in the community listening to the concerns that citizens have and doing whatever needed to be done to address those concerns. They would be "proactive"; they would identify problems and become "problem solvers"; and they would seek to make the streets safer.

The prosecutors would become part of a team consisting of other law enforcement agencies and city, federal, and private agencies that, along with the citizens of the District of Columbia, would seek to improve the quality of life of those citizens. Then U.S. Attorney Eric Holder's statement to the community was clear: "From this day forward, the U.S. Attorney's Office is here, in your community, to serve you."

The Community Prosecution Pilot Program

The Fifth District Community Prosecution Pilot Project was made up of a team of fifteen prosecutors who shared responsibility for the prosecution of most of the serious crimes committed within the Fifth District. Unlike the other sections of the Office that specialized in a certain type of crime or category of offense, the Community Prosecution Section ("CP Section") was organized geographically. In addition to being assigned to a designated police district, each of the prosecutors was assigned to a particular neighborhood within that district. These neighborhoods corresponded to the Patrol Service Areas ("PSAs") which compose each district, and thus mirrored the approach of the Metropolitan Police Department's Community Policing efforts. Accordingly, each prosecutor was not only assigned to a particular neighborhood, but the PSA system ensured that each prosecutor was working with a team of police officers (a patrol sergeant, a detective, and patrol officers) also assigned to a particular PSA. Each attorney handled a range of cases arising in his or her PSA, from drug arrests or investigations to robberies, burglaries, and murders.

Rather than processing criminal cases in an "assembly-line" fashion, virtually all of the arrests made in the Fifth District (approximately 4,500 per year) were reviewed by a CP Section prosecutor, giving each case the attention it appropriately deserved in light of the needs of the community. If it was determined that the offense or the offender was of some significance to the Section's work within the community, the case would be taken because the emphasis became one of trying to help solve the problems within a particular community regardless of the nature of the problem. For example, a charge of "destruction of property" typically might not have been lodged against a first offender involved in an act of graffiti. However, if such acts were a problem in the community the prosecutor might charge a person who engaged in this kind of "tagging" in order to send the appropriate message to both the residents and other potential "taggers" that such conduct would not be tolerated. With the community prosecution approach, we were able to more effectively focus on the offense and the offender in the context of particular community

crime problems. The ability to prosecute "smarter" was one of the goals we had been seeking to achieve, and the CP approach took a big step in that direction.

It was anticipated that many new investigations would be initiated as a result of the increased cooperation among the community, the police, and the prosecutors. Prior to the initiation of the pilot program, related criminal offenses, for example, drug dealing, that came to light during a separate investigation, such as a homicide, would often be bypassed because of the prosecutor's focus on the homicide itself. When handled by the CP Team, however, such related offenses were the responsibility of the same prosecutor, resulting in more effective prosecutive efforts. In addition, prosecutors were given the authority to prosecute cases in either the local court or the federal court, depending on the nature of the investigation. This proved to be especially beneficial in the handling of prosecutions involving gang or gang-related criminal activity.

Two of the Assistants in the Section were designated as Community Prosecutors. Having been relieved of active trial caseloads, the two prosecutors and a support person staffed a satellite U.S. Attorney's Office located in the Fifth District Police Station. The Community Prosecutors shared responsibility for screening the Fifth District arrests at court each day and coordinating with the attorney in the Community Prosecution Section assigned to the case. They also served as community liaisons, attending community meetings and acting as a clearinghouse for citizen complaints. The support staff person fielded calls from citizens and coordinated the efforts of city agencies to provide help to particular neighborhoods. For example, when citizens informed the Office that drug dealers were using abandoned houses or cars to facilitate narcotics trafficking, the support person would relay this information to appropriate city agencies whose responsibilities included addressing abandoned property. The sharing of information and improved communication with citizens and city agencies were valuable tools in aid of law enforcement.

The Community Prosecution Section staff was also instrumental in forging a better working relationship with the police officers of the Fifth District. They did this by attending roll call, doing in-service training, providing advice on investigations, assisting in the preparation of warrants, and otherwise making themselves available to assist the officers in performing their jobs more effectively.

Nuisance Properties and Problem Offenders

One of the more significant tasks of the Community Prosecutors was dealing with the large number of complaints received about nuisance properties located within the District. One of our initial programs was the distribution of "Public Nuisance Survey Forms" which were designed to elicit from citizens those problem areas that needed immediate attention. Many of the properties identified had been in a state of disrepair for years and citizens' complaints to city agencies had often gone unheeded. The CP prosecutors found that the properties complained of were often those used in drug trafficking offenses or which otherwise posed health or other safety hazards to nearby residents. Once received, drug-related complaints were forwarded to the appropriate law enforcement agency for follow-up investigation in coordination with our Office, and other complaints were referred to the appropriate city agency for action. The CP Section also worked closely with the D.C. Bar Association's "Operation Crackdown", a program which provides *pro bono* lawyers to residents seeking to rid neighborhoods of crack houses or other nuisance properties. As a result of these various efforts, within four months, the worst of the properties within the Fifth District were actually abated.

Combating Nuisance Properties: The Story of 1421 12th Street

An apartment building located at 1421 12th Street, Northwest, in the Logan Circle area of Washington, D.C., had been the source of numerous complaints, arrests and criminal activity. The complaint filed by the United States Attorney's Office, in April 1999, outlined that the police had been called to the area of the property on more than 100 occasions since 1992 to respond

to crimes including assaults, armed robberies, homicides, rapes and burglaries.

The complaint further alleged that, since acquiring the property in 1995, the owner, Blue White, Ltd., had failed to curb these unlawful activities despite efforts by law enforcement agencies to abate these dangerous conditions. It was further alleged that these conditions were aggravated by the property being allowed to remain poorly lit, and inadequately supervised, managed, secured, and cleaned. In addition, the complaint stated that the owner had entered into a Settlement Agreement with the local neighborhood association to improve the property and surrounding conditions, but had failed to live up to the terms of that agreement. The property owner received approximately \$32,000 per month in rental assistance payments from the U.S. Department of Housing and Urban Development.

In April 1999, I authorized the Civil Division to file an action against the owner of the building based upon local drug-related nuisance and federal asset forfeiture laws. The civil action sought an injunction to force the owner to abate the nuisance of drug sales and related activity at the property under the District of Columbia Drug-Related Nuisance Act of 1998. The action also sought money damages from the owner of the property for failing to provide decent, safe, and sanitary housing to the residents of the building under federal law.

The innovative use of a civil action utilizing both federal and local laws filed in the United States District Court for the District of Columbia was a success. Just over one month later, a consent decree was entered into by the United States Attorney's Office, the Logan Circle Community Association, and the owner. The consent decree obligated the owner of the apartment building to hire a security firm and guards for the property and to install an intercom system and security cameras. It also required the owner to increase the maintenance of the property, install flood lights, tow illegally parked cars from the premises, and commence proceedings to evict any tenants who engage in illegal activity, especially drug-related offenses.

This use of a consent decree was the first of its kind in the District of Columbia and represented the commitment and collaborative effort of the United States Attorney's Office and other stakeholders, including the Metropolitan Police Department and the Logan Circle Neighborhood Association, to help improve the quality of life for the residents of this community.

This use of the Civil Division is one more example of employing available resources to solve the problems which impact the quality of life of the citizens served by the Office.

The Results: Reduction in Crime, Increased Flow of Information, Establishment of Partnerships for Better Neighborhoods

One of the goals of the CP Section was, of course, to reduce crime within the Fifth District. The success of the pilot program in this regard can be measured by comparing the occurrence of Part I crimes (Murder, Forcible Rape, Aggravated Assault, Burglary, Robbery, Theft and Stolen Automobiles) in the Fifth District with that in other police districts in the city.

Between 1994 and 1998, reported Part I crimes in the Fifth District decreased from 10,036 in 1994 to 6,535 in 1998. The decline in Part I crimes in the Fifth District is consistent with the decline in such crimes throughout the seven police districts in the city, as well as throughout the country as a whole. However, the Fifth District recorded a dramatic decrease in Part I crimes during the time of the pilot project as compared with other districts which did not have a CP Section. For 1996, the Fifth District reported the second highest number of Part I crimes among the seven police districts. In 1997, the Fifth District dropped to fourth place in reported crimes and it eventually fell to fifth place in 1999.

Moreover, the traditional measurements used by prosecutors demonstrate that the pilot project was successful. In its 1998 Report to Congress, the Office reported that the CP Section's trial conviction rate from its inception was 90%. The CP Section's conviction rate for homicide trials from June 1977 to June 1998 was also 90% as compared to a 73% conviction rate for the Office's Homicide Section. Additionally, the

overall conviction rate was higher in the CP Section than in either the Office's Homicide or Violent Crime Sections.

The success of the pilot project, however, went far beyond statistics. Prosecutors, police officers and criminal justice participants found that there was greater cooperation, increased communication, and a more focused approach to law enforcement. Prosecutorial decisions were made based on more and better information and thus more closely approximated what was best for the particular neighborhood. Prosecutors and police began to understand that they could tailor resources to fit particular problems in specific neighborhoods. For example, while some communities faced the challenges of violent crime, others were plagued by property crimes. Accordingly, law enforcement officials were able to channel prosecutorial and patrol resources to solve the particular problems.

Citizens and community leaders also recognized the benefits of having their law enforcement officers becoming more responsive to the community's needs. In July 1998, three members of the District of Columbia City Council introduced a resolution recognizing the success of the Community Prosecution Pilot Project and advocating the expansion of the project to every police district in the city.

Community Prosecution Expands City-Wide

Following a comprehensive review of the CP Pilot Program and a careful analysis of the possibilities for expansion, I announced on August 3, 1999, that Community Prosecution would be expanded city-wide, to each of the remaining six police districts. On that day I committed to the citizens of the District that:

By getting out of our offices and into the community we will be a visible partner in our fight against crime We have witnessed the inspirational work of many citizens who for years struggled to keep their neighborhoods together while they wrestled against those who chose disorder over tranquility and fear over peaceful coexistence. Community Prosecution gave all of us the

chance to work together and we are all the better for it.

Formal announcement of the District-wide expansion of Community Prosecution, August 3, 1999.

The challenge was to formulate a model which incorporated the philosophy of community prosecution while maintaining an office structure which efficiently and effectively managed the high volume of arrest generated cases. To this end, the Violent Crime Section was abolished, the Homicide Section was reduced in size, and the Community Prosecution Major Crimes (CPMC) Section was created.

The CPMC Section serves as the focal point of the community prosecution effort in the Office and is complimented by other sections in the mission to increase public safety. It is composed of six units corresponding to the seven geographical police districts. Each of these six units is headed by a District Chief who has a team of senior prosecutors assigned to specific areas within their police district. These prosecutors handle the major crimes (such as homicides, serious violent crimes, and other complex investigations) within their assigned areas, as well as other crimes which have a major impact within their geographic area of responsibility.

In addition to the CPMC Section, the Grand Jury/Intake Section of the Office serves an important role in the CP mission. The Grand Jury/Intake Section is the “front line” for cases which come to the Office. The Section is typically the first stop for police officers and agents who bring arrest generated cases for prosecution. The prosecutors in this section who “screen” these cases for sufficiency of evidence and make initial charging decisions consistent with our community prosecution philosophy. Further, Senior Grand Jury prosecutors ensure that the prosecutors in the CPMC Section are aware of all the cases that are presented, and that information developed during interrogations or briefings is forwarded to the CPMC prosecutors.

The Grand Jury/Intake Section has been divided into teams of prosecutors who are assigned to police districts. Each team, headed by

a Senior Grand Jury prosecutor, compliments the work of the CPMC prosecutors by conducting the grand jury investigations for the routine felonies occurring within their assigned district. Each Senior Grand Jury prosecutor is also responsible for spending time at the district police station and in the community working directly with police officers and residents.

In addition to these sections, the Misdemeanor Section and the Narcotics Section of the Office also have designated prosecutors to work within specific police districts. They are, in effect, additional members of that district’s Community Prosecution Team. The need to effectively address quality of life crimes and drug offenses makes inclusion of these sections within the CP program critical.

While this coordinated prosecutive effort is extremely beneficial in promoting complete, more effective and better managed investigations and prosecutions, it does not address the other non-traditional problems about which citizens so often complain. To that end, my Office has created seven Community Outreach Specialists (“COS”) positions under the supervision of a supervisory COS. One outreach specialist is assigned to each of the seven police districts and is physically located at the police station. The COS is our liaison with the police department as well as the community, taking complaints and making referrals to appropriate agencies in an effort to get them resolved.

In addition to both the prosecutors handling criminal cases and the Community Outreach Specialists handling the traditional complaints, the Office’s Civil Division has assumed an important role in ensuring public safety. The Civil Division is working closely with the Asset Forfeiture Unit in the Narcotics Section and with law enforcement generally in identifying drug-related nuisance properties that could be subject to abatement and/or seizure. The presence of illegal drug and other criminal activity which is often associated with otherwise vacant and abandoned properties, significantly reduces the quality of life for all residents of the neighborhood. When such properties serve as the breeding ground for drug activities, prostitution, public intoxication, public

urination, and loud noise, the properties become serious nuisances to the citizens who live nearby.

As part of the Office's city-wide expansion of Community Prosecution, we have also created the Drug-Related Nuisance Abatement Task Force ("Task Force") to help address drug-related nuisances in the city. The Task Force is a team of civil and criminal Assistant U.S. Attorneys and COS, led by the Chief of the Civil Division. The task force assists District of Columbia communities in abating and eliminating drug-related nuisances. A drug-related nuisance is any real property, in whole or in part, that is used or intended to be used to facilitate the use or sale of controlled substances. In coordination with our law enforcement partners, the Task Force determines whether the nuisance complained of is best addressed through the use of criminal or civil remedies and then takes appropriate action. The Task Force also utilizes its contacts with the City's Nuisance Property Task Force and local agencies to refer appropriate matters for their attention. The goal is to help ensure that there is a well-coordinated effort, both within the U.S. Attorney's Office and between the U.S. Attorney's Office and other entities, to help eradicate the drug-related nuisances that plague our neighborhoods.

Community Prosecution: Its Benefits

The benefits of expanding community prosecution are twofold. First, the expansion extends the benefits of community prosecution throughout the city. By concentrating on a particular geographic area, the prosecutors, over time, will gain knowledge as to crime patterns, chronic offenders, community problems, and community resources in each of the districts. As experienced in the Fifth District pilot project, this will not only benefit a particular criminal case, but will provide building blocks for more efficient and effective law enforcement in the future.

Second, the expansion of Community Prosecution integrated the various sections of the U.S. Attorney's Office. This made the Office's entire arsenal of investigatory, civil, and criminal tools available to solve community-based problems. As a result of the expansion, Assistant United States Attorneys and COS are not only

attending and speaking at community meetings in all the districts but are actively being sought out by civic associations to assist the community in solving identified problems in their neighborhoods. Problems identified throughout the city range from crack houses, to drug dealing, to prostitution, to shootings, to trespassing. Assistants in the Office are reaching out to licensing boards to educate citizens on how to deal with crime-ridden business establishments, to the schools to set up educational curriculum which would place Assistants in the classroom to teach students about the criminal justice system, to religious institutions, and to colleges.

In grappling with community issues, Assistant United States Attorneys and COS are working closely with agencies responsible for city regulations, licensing, and public works. Community prosecution has also enabled Assistants to join forces with the attorneys for the city who are responsible for juvenile prosecutions and civil enforcement. This coordination results in a more efficient and effective response to problems within the community because this interaction brings the resources and expertise of each agency to the table. The focus is on problem-solving, rather than mere case processing. Assistants from all sections of the Office are attending police roll calls, exchanging information at the time that it is relevant and can be acted upon. They are also providing training to officers on a wide range of issues. Employees of the Office are actively involved in internal police department meetings, discussing enforcement priorities, sharing case information, and offering on-the-spot legal and strategic advice. By doing this they gain insight into distinct crime problems, patterns or specific individuals plaguing a particular neighborhood. This kind of communication promotes more effective law enforcement.

Community Prosecution: Why it Works

Community Prosecution works because it focuses the prosecutors on the neighborhoods and citizens they serve and improves the quality of life within the community. Accordingly, the perspective moves from a "case processing" theory to the larger picture of community safety.

The shift in focus necessitates a change in the tools used to accomplish these goals. As a result, the Office is actively engaged in proposing legislation and working with city agencies to improve the delivery of city services. The Office has a dynamic and productive relationship with the Office of the Mayor, the City Council, and other city leaders who share the goal of improving our neighborhoods.

Conclusion

The United States Attorney's Office for the District of Columbia is one of many jurisdictions using community prosecution as a tool to build better neighborhoods. We have recognized that prosecutors can become partners to make a difference.

ABOUT THE AUTHOR

Wilma A. Lewis, a native of St. Thomas, U.S. Virgin Islands, is the first Presidentially appointed female, and second African American, to serve as the United States Attorney for the District of Columbia. She assumed that position in an acting capacity on January 12, 1998, following her recommendation for the position by Congresswoman Eleanor Holmes Norton and her nomination by President Clinton. She was confirmed by the United States Senate on June 12, 1998.

Ms. Lewis, who earned a Bachelor of Arts degree with distinction from Swarthmore College in 1978, where she was elected to Phi Beta Kappa, and a Juris Doctor degree from Harvard Law School in 1981, began her professional career with the Washington, D.C. law firm of Steptoe & Johnson in October 1981. In 1986, Ms. Lewis joined the Civil Division of the United States Attorney's Office in Washington, D.C., as an Assistant United States Attorney. During her 7½ year tenure with that office, she served as a line Assistant United States Attorney, as well as in the supervisory capacity of Assistant Chief, and subsequently, Deputy Chief of the Civil Division. In 1993, Ms. Lewis joined the Office of the Solicitor of the United States Department of Interior as the Associate Solicitor for the Division of General Law until her appointment and Senate confirmation as Inspector General of the U.S. Department of the Interior in 1995, a position she held until becoming the United States Attorney in January, 1998. **a**

NOTES

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