



Community Prosecution:
A Decade into the 21st Century

by

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PROSECUTOR'S REPORT I



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ACKNOWLEDGEMENTS

With community prosecution now dating back to the early 1990's, the Association of Prosecuting Attorneys (APA) sought to create an advisory group of national leaders to steer this Problem solving philosophy into the 21st Century. In January of 2010, APA assembled the Community Prosecution Advisory Council (CPAC) to discuss the past, present and future of community prosecution. This report documents the advisory group's discussions and provides the most comprehensive overview of community prosecution to date.

APA extends its gratitude to Susan Weinstein for authoring this report. We also would like to recognize the leadership of CPAC's co-chairmen Milwaukee County District Attorney and APA's Chairman John Chisholm and Fulton County District Attorney and APA's Vice-Chair Paul Howard. Acknowledgments must also be given to Robert Hood, Kelsey Doty and Gena Gonzales for their efforts in editing and formatting this publication.



Steven A. Jansen
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Community Prosecution:
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“A prosecutor’s core mission is to maintain the integrity of the criminal justice system. You not only have to be tough on crime but smart on crime.” John Chisholm, Milwaukee County District Attorney, June 8, 2010

I. Introduction

“The most important responsibility of government is to protect people, and our office can play a critical role in that effort through targeted, effective prosecution of those individuals and groups most responsible for driving crime rates.” Cyrus Vance, Jr., New York County District Attorney, May 21, 2010

There is little doubt that how prosecutors view their role has changed significantly from what it was even a short time ago. The dominant paradigm of that role during the last half of the 20th century was of the prosecutor as a “felony case processor” and “sanction setter.” In the early 1990s, a competing paradigm emerged, under the rubric of “community prosecution,” that of the prosecutor as a “problem solver.” Since its emergence, community prosecution has rapidly evolved. By 2001, over 68 percent of the nation’s prosecutors’ offices reported using tools other than criminal prosecution to address community problems and over 55 percent involved the community in identifying crime or problem areas.¹ Along the way, the term was defined and refined. Despite this rapid evolution, community prosecution could still be better understood by practitioners and the public alike, and has yet to reach its full potential to be institutionalized throughout prosecuting attorneys’ offices nationwide.

To advance the community prosecution philosophy, the Association of Prosecuting Attorneys (APA),² in partnership with the Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice and the Center for Court Innovation (CCI),³ assembled the Community Prosecution Advisory Council (CPAC), an advisory committee comprised of leading prosecutors and national experts, to assist the field with defining the 21st century prosecutor and

¹ Bureau of Justice Statistics, (May 2002), *Prosecutors in State Courts, 2001*, Washington, DC: Office of Justice Programs, U.S. Department of Justice. NCJ 193441.

² The APA is a not-for-profit “think tank” whose mission is to “support and enhance the effectiveness of prosecutors in their efforts to create safer communities.” For more information, visit www.APAinc.org.

³ The CCI is a not-for-profit organization that helps courts and criminal justice agencies aid victims, reduce crime and improve public trust in justice. For more information, visit www.courtinnovation.org.

further advance the principles of community prosecution. A list of CPAC members is in *Appendix A*.

With the assistance of CPAC, APA convened a meeting on January 25, 2010 in Washington, DC to discuss what it means to be a prosecutor today and how the community prosecution philosophy addresses 21st century challenges. This document was prepared to be a resource regarding the evolution of community prosecution and provide examples of community prosecution efforts which involve the community in public safety, provide community members access to justice and the criminal justice system, and create safer neighborhoods through crime prevention.

II. Background

“There is no greater trust bestowed upon the position of prosecutor than to do justice. The public demands that every prosecutor, who is charged with the enforcement of our laws, be dedicated to equal justice, honor, integrity and strength of character.” Carmen Trutanich, Los Angeles City Attorney, CPAC Focus Group Meeting, January 25, 2010

Historically, prosecutors were reactive to crime, acting as case processors and sanction setters. As case processors, prosecutors move cases along in an often overburdened system, striving to efficiently and equitably move caseloads and treat defendants alike. As sanction setters and through the use of punishment based on the strength and seriousness of a case, prosecutors “solve crime” by taking certain offenders out of the general public and by sending a message, through punishment, to others who might be thinking of committing similar crimes (Tumin, 1990, pp. 3-4).

Started in reaction to the scourge of drug-related crime of the 1980s, which led to explosive growth of the United States prison incarceration rates, “community prosecution” grew out of the efforts of a handful of innovative prosecutors who began to question the notion of merely locking up offenders. These prosecutors believed that efficiently and fairly processing their cases was not a panacea for crime reduction. Originally working under the radar and often in isolation from each other, these prosecutors began to experiment with and incorporate many of the techniques of community policing:⁴ adopting a Problem solving orientation, building broad

⁴ Community policing began in the 1980s as a transition from reactive policing (i.e., coming on the scene after a crime had been committed) to proactive policing in which problem solving and community interaction are key.

public and private partnerships, focusing on quality of life crimes and neighborhood livability, and encouraging community involvement in crime reduction and prevention efforts. Just as community policing and problem oriented policing challenged the status quo for the dominant paradigm of policing, community prosecution represented and continues to represent, a similar evolution from the traditional case processing/sanction setting paradigm of criminal prosecution.

“We felt we needed to get ahead of the curve.” Michael Schrunk,
Multnomah County District Attorney, Interview, June 8, 2010

Multnomah County (Portland) District Attorney Michael Schrunk, along with Kings County (Brooklyn) District Attorney Charles “Joe” Hynes, former Travis County (Austin) District Attorney Ronnie Earle, former Milwaukee County District Attorney Michael McCann, and a handful of others, recognized the need to reevaluate the effectiveness of the existing reactive, case-processing oriented approach to prosecuting crime. They stopped waiting for problems to be brought to them and instead made efforts to proactively address issues in the community before they resulted in crimes. Basing this proactive way of thinking on the existing philosophy of community policing, crime prevention became a new explicit goal of criminal prosecution. Consequently, community prosecution was born.

Prosecutors, like their allies in the policing profession, began to “do a better job at the front end of the criminal justice system through crime prevention.” They began to focus on engaging habitual offenders and on addressing the root causes of why offenders commit their crimes (Chisholm, personal communication, June 8, 2010). For example, the prosecutor’s office would help a drug addict receive the treatment and support necessary to beat his or her addiction, in the hope that the addict would no longer commit crimes to feed his or her habit.

This was a new trend that emerged in a number of different places at the same time. It did not take long before it gained national attention and practitioners began openly talking about what was changing in prosecution. With encouragement from BJA, a group of these trailblazers met in 1993 and again in 1995 in an attempt to define this new approach and identify its key components. That effort produced the following formal definition:

“[Community prosecution] focuses on targeted areas and involves long-term, proactive partnerships among the prosecutor’s office, law enforcement, the community and public and private

organizations, whereby the authority of the prosecutor's office is used to solve problems, improve public safety and enhance quality of life in the community" (*Community Prosecution Implementation*, 1995, p. 1).

The effort also elaborated on that definition and produced the following "nine key components of community prosecution:

1. a proactive approach;
2. a clearly defined target area;
3. Problem solving, public safety and quality of life issues;
4. the direct interaction between the prosecutor's office and the community and the incorporation of the community's input into the courtroom;
5. partnerships among prosecutors, law enforcement, public and private agencies and the community;
6. long-term strategies;
7. the commitment of policy makers;
8. varied enforcement methods;
9. continuous evaluation." (*Community Prosecution Implementation*, 1995, p. 2).

Finally, an implementation manual was produced that contained materials designed to help other jurisdictions plan and implement a community prosecution effort.⁵

Over the last decade, fueled by the availability of some federal funding for community prosecution, multiple national conferences, and BJA's technical assistance, more and more prosecutors began to learn of and embrace community prosecution. Although the original definition has remained unchanged, the nine key components were reformulated in 2008 into four key principles.⁶ Those principles are:

1. "recognizing the community's role in public safety;
2. engaging in problem solving;
3. establishing and maintaining partnerships;
4. evaluating outcomes of activities." (*Key Principles*, 2008, pp. 3-4) (The *Key Principles* is included as Appendix B).

⁵*Community Prosecution Implementation Manual*, (1995), APRI. For a copy of the manual or for other community prosecution resources, visit APA's website at www.apainc.org/default.aspx?menuitemid=157 or NDAA's website at www.ndaa.org/publications.html.

⁶*Key Principles of Community Prosecution*, (2008), BJA/NDAA visit APA's website at www.APAinc.org.

These pared down and more flexible key principles allow for each office to implement community prosecution differently, depending on local variables, while identifying some overarching themes. These principles ensure consistency between jurisdictions despite the varying organizational forms that community prosecution may take in a given jurisdiction. They also give guidance to prosecutors, but permit them the flexibility to tailor their efforts to the unique and changing needs of the communities they serve. Community prosecution's strength is "its flexibility; it is an open-ended philosophy that encourages prosecutors to tackle any and all public safety problems that affect their communities" (Wolf, 2006, p. 7). These key principles continue to drive community prosecution today.

The common tenet of community prosecution is that prosecutors go beyond their role as case processors and forge relationships that enable them to act as problem solvers in the community. Although community prosecution has evolved since the early 1990s, the basic premise remains: prosecutors who only react to crime merely address problems in a piecemeal fashion without a clear view of a problem's "sources, contexts and possible solutions, with concern only for equity and efficiency in processing. . ." Done this way, the core problems of crime, disorder and instability will remain, putting an additional burden on the entire criminal justice system (Tumin, 1990, p. 8).

III. Recognizing the Community's Role in Public Safety

"There is no way to get that first-hand feel for what life is like in a neighborhood when you spend all day in an office or courtroom." Thomas Zugibe, Rockland County District Attorney, Interview with the Center for Court Innovation, December 2009

A. Problem Solvers, Strategic Investors and Institution Builders

Like the community policing movement before it, and in conjunction with the shift toward community justice, many leading prosecutors feel that prosecution in the 21st century should be based on the presumption that the community must get involved in the quest for public safety in order to effectively reduce crime. When citizens work in conjunction with police, prosecutors, corrections and other allied professionals, the partnership can significantly improve the criminal justice system's impact on crime. Through a reduction in crime and an increase in public safety, the criminal justice system, ultimately, is acting as an agent of change challenging the existing or traditional notion of public safety. By engaging the community in problem

solving, the various partners in the criminal justice system initiate important changes to the existing way of doing business and assist one another, as a team, in enhancing public safety. The prosecutorial focus has changed from a “cold, offense-based system to one that incorporates offender and victim-based strategies that identify who the offender is and the reason why he or she is in the criminal justice system in the first place.” Such prosecutors also help the community to solve its own problems and tailor an individualized response to a neighborhood issue (Chisholm, personal communication, June 8, 2010).

Participants at the January 2010 CPAC meeting discussed how in recent years and in virtually every aspect of the criminal justice system, there have been major operational changes, altering the notion of traditional crime fighting.⁷ The shift has been from a reactive approach, which addresses problems after they arise and without a complete picture of their sources or possible solutions, to a proactive one in which problems are addressed at their root cause in an attempt to rehabilitate those not conforming to societal laws and regulations.

Problem solving prosecutors focus on controlling crime at its source by developing an understanding of the problems and by utilizing a myriad of enforcement and regulatory strategies. They notice that many criminal acts are interrelated and introduce tangible solutions to the community’s problems in order to effectuate change. As strategic investors, prosecutors become a “major source of innovation in the criminal justice system,” often expanding their offices’ organizational boundaries. They do this because of a strong “desire to bolster the efficacy of the prosecutor’s core business,” and are major sources of innovation for the entire criminal justice system (Tumin, 1990, pp. 5-7).

In community prosecution, prosecutors continue to be case processors and sanction setters, but they also become problem solvers, strategic investors and institution builders (Tumin, 1990, pp. 5-10).

Prosecutors, as institution builders, consider the long-term interests of the community when determining what action (or inaction) to take to help in solving problems. They are focused

⁷ E.g., community policing, community prosecution, problem solving courts and community corrections.

not only on crime reduction and punishment but on rebuilding communities. Such prosecutors focus on local institutions within the community and expect that order will result when “families, schools and civic and religious institutions are fully-functioning” (Tumin, 1990, p. 9). They are “concerned to take a strategic view of the neighborhood order, to play the role of strategic investor . . . and to bring [their] authorities, resources and distinctive competencies to bear explicitly in support of key mediating institutions of community and the prospect of a just and democratic civic order” (Tumin, 1990, pp. 9-10). Moreover, a prosecutor has an obligation to keep people safe and “to go in directions that employ more effective strategies” in that quest. By being an institution builder, the prosecutor not only reduces crime and solves problems in the community but saves valuable tax dollars on what has become an enormously costly corrections system (Chisholm, Interview, June 8, 2010). This is critically important given that corrections expenses are estimated to cost in excess of \$50 billion annually, according to the National Institute of Corrections (2009).

B. A Change in the Community

The appointed U.S. Attorney for the Western District of Virginia, Tim Heaphy, stated at his swearing in ceremony that through his new community prosecution efforts, “we’re going to change communities.” (Gangloff, 2009)

The community prosecutor must be careful not to classify each citizen similarly with the entire community. Particularly in urban areas, “a community may encompass widely diverse cultures, values and concerns” (*Understanding Community Policing*, 1994, p. 14). The people within one segment of the population may have different priorities or values from those in another group and conflicting interests may arise. For this reason, the 21st century prosecutor should use his or her mediation skills when dealing with varying interests between and among all citizens.

The Kings County (Brooklyn) District Attorney’s Office stresses community with and between community members. However, with such divergent groups comprising the community in which it serves, District Attorney Charles Hynes wanted to ensure that the concerns of each member of the community was heard and that his assistants had a continuous dialog with them. He did this by “making Brooklyn smaller.” By dividing the large metropolis into five zones, the

community prosecutors became familiar with the people and institutions within each zone.⁸ The prosecutors and support staff attend community meetings, fairs, and educate students and residents on many crime related issues. They also maintain Kings County District Attorney neighborhood offices in most of these communities staffed by employees to take complaints of criminal activity and listen to concerns and to interface between residents and appropriate governmental agencies.

The Red Hook Community Justice Center,⁹ built and operated by the Kings County District Attorney's office, also has enhanced citizens' access to prosecutors. The center not only houses a court but offers numerous services to citizens on a walk-in basis. The services include GED classes, drug rehabilitation, or job skills training, to name a few. Furthermore, the center offers childcare for those who wish to utilize these services but need a safe place to leave their children.

A recent survey of Brooklyn citizens indicated a large boost in community confidence in the District Attorney's Office. As one resident stated, "the prosecutors are now partners in our community, not just people who put our friends and neighbors in jail" (Anne Swern, Kings County First Assistant District Attorney, personal communication, June 4, 2010).

Because of Brooklyn's diverse population, the prosecutor's office has had to bridge several cultural gaps between ethnic groups. For example, the community prosecutors found innovative and culturally appropriate ways to reach out to the Asian, Caribbean and Orthodox Jewish communities through partnerships with local and immigration organizations. The District Attorney's Office has very strong ties with members of the various clergies to help educate their constituent members on a host of issues of interest and respond to community concerns (Swern, personal communication, June 4, 2010).

⁸ In addition to the assistant prosecutors, Kings County also uses trained community specialists who interact with members of each of the five zones.

⁹ For more information, log on to the Kings County District Attorney's website at www.brooklynda.org or the Center for Court Innovation's website at www.courtinnovation.org.

IV. Innovative Problem Solvers

A. Community Prosecution Enhances and Expands the Efforts of Traditional Prosecution

“Even if you’re wedded to the old way, the prosecutor as gunslinger whose only contact with the community is the case . . . community prosecution helps you. We have better information, can respond more quickly and build better cases. From a purely law enforcement standpoint, it makes sense.” (Lessons from the Field, 2004, p. 14)

Participants in the January 2010 CPAC meeting agreed that community prosecution “just makes sense.” Within the last few years, prosecutors have won elections in major jurisdictions such as Chicago, Manhattan and Philadelphia with the promise of implementing the principles of community prosecution. Community members (i.e., voters) are eager to be informed regarding how the district attorney’s office will prioritize community concerns.

Within the last few years, prosecutors have won elections in major jurisdictions such as Cook County (Chicago), Manhattan and Philadelphia with the promise of implementing the principles of community prosecution.

It can be argued that the first and foremost responsibility of a prosecutor is to prosecute crimes that ensure that justice is served. In the 21st century, prosecutor’s office case processing and sanction setting continue to take place, but the prosecutorial function is enhanced by involving non-traditional initiatives and legal solutions that pursue the priorities of the community while ensuring that justice is served.

When looking for long-term, systemic solutions to the root causes of crime, “[p]rosecutors who deploy the Problem solving techniques of community prosecution need to integrate them with conventional approaches,” states Multnomah County (Portland) District Attorney Michael Schrunk (*Community Prosecution and Serious Crime*, 2010, p. 10). Participants in the January 2010 CPAC meeting agreed that community prosecution is enhancing and advancing the prosecutorial function.

B. Providing More Tools for the Prosecutor’s Crime Reduction Tool Box

“While prosecutors are responsible for holding offenders accountable for their crimes, our larger role in the community requires us to look beyond the courtroom or the jails in order to keep the community safe.” Michael F. McAuliffe, Palm Beach County State Attorney, Interview, June 8, 2010

Participants concurred that innovative prosecutors enhance the core functions of their offices through the use of both conventional initiatives and pioneering strategies in the quest for justice. A panoply of devices can be brought to bear to manage, reduce and solve crime problems through direct citizen engagement. These encompass a number of civil remedies that include nuisance abatement, health and safety enforcement, conflict mediation, liquor control processes and a host of other tactics (Coles, 2002, p. 5).¹⁰

For example, the Fulton County (Atlanta) District Attorney’s Office developed a program called Court Watchers, which among other things promotes neighborhood unity. The program encourages members of the community in which a crime occurred or in which the defendant resides to attend all of the offender’s court appearances. The community members all wear special Court Watchers T-shirts as a reminder to the offender that there is a unified front against him or her and other offenders who make their community unsafe. These Court Watchers also have strong relationships with the community prosecutor assigned to their area, informing him or her about who is causing the problems in their neighborhoods. This program has not only unified various areas of the county but has enhanced the prosecutors’ abilities to gather intelligence and create stronger cases for prosecution as more community members come forth with information and are willing to testify in court (LaDawn Blackett-Jones, Fulton County (Atlanta) Assistant District Attorney, telephone communication, June 4, 2010).

The Milwaukee County District Attorney’s Office operates its Major Violators Program (MVP), which involves partnerships with the city attorney’s office, the department of neighborhood services, and block watch groups. This program brings major stakeholders together to identify the priorities of each neighborhood and to direct attention and resources to the top ten offenders who are causing a majority of the crime. The program partners identify these individuals and arrive at a well-planned response to these chronic lawbreakers and the problems that they create. Since the program began, certain crimes like graffiti have reduced to

¹⁰For additional strategies, see *Lessons from the Field: Ten Community Prosecution Leadership Profiles*.

an all-time low (Jeffrey Altenburg, Milwaukee County Assistant District Attorney, telephone communication, June 8, 2010).

Every attorney in the Kings County (Brooklyn), District Attorney's Office has contact with the community, not just the community prosecutors. The philosophy is woven throughout every division in the office. For example, assistants in the vehicular crimes unit not only prosecute DUIs and vehicular manslaughter cases in the courtroom, they regularly speak to students in local high schools on the perils of drunk driving. The attorneys from the predatory lending division regularly speak to local bank personnel and senior citizens about dishonest and unfair lending practices and of what to be aware, while the assistants in the cybercrime unit lecture local parent/teacher associations on the dangers awaiting children on the Internet and how to promote using the Web safely and responsibly. Every attorney within every unit interacts with community members in their area of expertise, even if they are not formally dubbed "community prosecutors" (Swern, personal communication, June 4, 2010).

C. Addressing More than Quality of Life Crimes

Community prosecution once only addressed low-level, quality of life crimes, but most offices now use it to address all types of crime, including violent felonies such as firearm and gang-related crimes, robberies, assaults and homicides. The Wayne County (Detroit) Prosecuting Attorney's Office has launched a community prosecution initiative to address non-fatal shootings. At the U.S. Attorney's Office in Washington, DC, community prosecution is used to address shootings, robberies and serious assaults, while in the Palm Beach County State's Attorney's Office, community prosecution is used to address homicides, robberies and firearm-related offenses.¹¹ These and other jurisdictions have been able to significantly reduce serious crime through data-driven decision making. In essence, "the trust and goodwill that community prosecutors cultivate with the public can help cultivate cooperation from the community when prosecutors investigate shootings, robberies, homicides and gang networks" (*Community Prosecution*, 2010, p. 6).

¹¹ For more examples and additional information, see *Community Prosecution and Serious Crime: A Guide for Prosecutors*, (January 2010), BJA/NDAA. See also, *Community Prosecution Techniques to Reduce Drug-related Gang Activity*, (November 2007), BJA/NDAA.

Meanwhile, the Los Angeles City Attorney's Office, in partnership with the Los Angeles Police Department, has been able to reduce drug and drug-related crime in MacArthur Park. For decades, the park and its surrounding neighborhood had been plagued with crime and social disorder. However, through the establishment of a zero tolerance policy toward crime and the leveraging of existing public, private and community resources, the partnership has been successful in targeting and enforcing serious criminal offenses in and around the park. As a result of this initiative, violent and property crimes have decreased significantly, and the park has been reclaimed by families. New businesses have been established in the neighborhood, and property values have increased around the park.¹²

D. Case Management

"When our office gets a case, an assistant district attorney handles it from arraignment through disposition." Cyrus Vance Jr., New York County District Attorney, *New York Times*, May 24, 2010

Community prosecutors not only reduce crime by solving problems in any given neighborhood, but also solve problems through court-based strategies, such as vertical prosecution, geographic case assignment and specialized crimes prosecution. Moreover, through the citizens in the community, prosecutors have better access to information about criminal activity and better cooperating witnesses. Prosecutors engaging in the above activities build stronger cases and ensure offenders are held accountable.

Vertical prosecution enables an attorney to follow a case through indictment, arraignment, trial and sentencing. This ensures that key information is not lost, and the prosecutor who already has a relationship with the residents of that community has contact with witnesses from the outset, knowing the strengths and weaknesses of the case. Under a community prosecution philosophy, these prosecutors are often able to follow cases vertically, even through offender reintegration back into the community. This additional focus allows the 21st century prosecutor to reduce offender recidivism and assist in slowing down or stopping the revolving doors of our criminal justice system. For more information regarding innovative reentry programs, see section F below.

¹² Website of the Los Angeles City Attorney, Neighborhood Prosecutor Program, www.atty.lacity.org.

Geographic case assignment allows prosecutors to immerse themselves in a specific neighborhood, gaining the trust of the residents who are the eyes and ears of the community. These community members, in turn, are more likely to help the trusted prosecutor and law enforcement ensure that offenders are held accountable through courtroom testimony, community impact statements or general information about the perpetrators and the offenders' habits. In addition, citizens who feel more comfortable with and trust the prosecutor's office are more willing to testify in court against defendants. Consequently, geographically assigned prosecutors report better case outcomes than their traditional counterparts. One leading office assigning cases in such a manner is the Kings County (Brooklyn) District Attorney's Office.¹³

E. Intelligence-Led Prosecution

“Community prosecution can use modern technology and modern techniques to synchronize prosecution strategies within an office.” Cyrus Vance, Jr., New York County District Attorney, *New York Times*, May 24, 2010

The 21st century prosecutor uses the principles behind community prosecution as an intelligence-led approach to public safety. Many district attorneys have not only made community prosecution a guiding principle of their office, but as the examples above illustrate have run for office using community prosecution or “intelligence-led public safety” as their major focus. Rockland County (New City, NY) District Attorney Thomas Zugibe, Milwaukee County District Attorney John Chisholm, and New York County (Manhattan) District Attorney Cyrus Vance, Jr. are just three such prosecutors.

Loosely based on the New York Police Department's “Compstat” program, the “Compros” program developed by the Rockland County District Attorney's Office focuses on information sharing between and among criminal justice partners. District Attorney Zugibe divided the county into five areas and assigned an assistant to each. Each week, Compros sessions are held in each area and are used to identify crime trends and develop strategies to deal with these trends. Follow up from these sessions occurs through Compros' Code 6 Program, which focuses on the small number of criminals who commit a majority of the crime and create

¹³ For technical assistance with geographical or zone prosecution please contact APA at info@apainc.org.

the most problems in a community.¹⁴ All of the police agencies in the county are required to make a list of their top 20 offenders, and this data is entered into the Rockland County Intelligence Center's database, which compiles a computerized list of "the worst offenders" that is distributed to all prosecutors and law enforcement officers in the county. This cross-jurisdictional flow of information can alert a police officer from one locality to the fact that an arrestee is a problem in another locality, thereby allowing the District Attorney's Office to pursue a more serious sentence against this troublesome criminal. District Attorney Zugibe asserts this program has had a major effect on dispositions in the office (Personal communication, June 4, 2010).

New York County District Attorney, Cyrus Vance, Jr. also campaigned and won office with community prosecution as a platform issue, vowing to synchronize the work of the police and prosecutor's offices. Immediately upon being elected, District Attorney Vance formed the Crime Strategies Unit, loosely based on the existing Compstat program. The unit was set up to detect, analyze and track crime trends in Manhattan and "allows prosecutors to draw parallels among cases, unearth crime patterns in particular areas and make more informed decisions on how to handle defendants" (Eligon, 2010). Through shared intelligence, the prosecutor's office can understand how each individual case "fits into a bigger pattern" (Walder, 2010).

The New York County District Attorney's Office divided Manhattan into five areas, based on police precincts, and assigned a prosecutor, as part of a team of allied criminal justice professionals and members of the community, including representatives from block associations, community coalitions, disenfranchised citizen groups and local businesses to each area. Through a multi-layered crime fighting strategy that includes programs that address violent crimes, reentry challenges, human trafficking and narcotics violations to name a few, the teams arrive at a plan to target prevalent problems and focus on priority offenders in the different neighborhoods (Chauncey Parker, New York County Executive Assistant District Attorney for Crime Prevention Strategies, and Lillian Llambelis, New York County Special Assistant District Attorney, personal communication, May 23, 2010).

¹⁴ The research of Marvin Wolfgang indicates that six percent of offenders commit 52 percent of all crime and 74 percent of violent crime (Rockland County District Attorney Zugibe, personal communication, June 4 2010).

At the January 2010 CPAC meeting, participants agreed that focus groups needed to be convened to fully discuss current trends and identify lessons learned so that intelligence-led prosecution may advance. The APA, in partnership with BJA and CCI, will host a series of roundtable discussions to assist with definition and the development of these prosecutorial strategies which are allowing prosecutors to make data-driven decisions.

F. Offender Reentry

“Reentry support programs are true crime prevention efforts and make self-evident sense because there is a known population of individuals who are either going to slide back into old, bad behavior or make a fresh start in a better direction.” Terry J. McAuliffe, Palm Beach (FL) County State Attorney, Interview, June 8, 2010

According to the U.S. Department of Justice, each year almost 650,000 inmates are released from state and federal prisons, while an even larger number reenter society from local jails. The Bureau of Justice Statistics estimates that over 50 percent of those released from incarceration will experience some form of legal trouble within three years.¹⁵ Furthermore, it is projected that 20 percent of all offenders who are reentering the community have no post-release supervision (Travis, 2000). With little or no existing system of reintegration, 21st century prosecutors can assist with promoting the accountability of offenders as they reenter their neighborhoods.

In Palm Beach County, Project Welcome Home has been a model for reentry initiatives. Project Welcome Home began in just one neighborhood and within four years has expanded to include several municipalities. The project provides resources and guidance to, and oversight and accountability of, those recently released from incarceration. Within one week from the time an offender is released from prison, representatives from the prosecutor’s office and other stakeholders (e.g., social services organizations) visit the offender to ensure that he or she is living at the address given and talks with him or her and family members. They alert the offender to a list of service providers that help in areas including education, vocation, finance, housing, healthcare assistance and provide general information on issues including obtaining a driver’s license, Medicaid or social security benefits. They schedule a follow-up appointment to conduct a needs assessment of the offender, connect him or her with the appropriate service providers and

¹⁵ Website of the Office of Justice Programs, U.S. Department of Justice, www.ojp.usdoj.gov.

remind the offender of those certain actions (e.g., carrying a gun) that can put him or her back into prison. Ultimately, the offender must take personal responsibility for his or her own life, but a support network, overseen by the prosecutor's office, is there to assist in this initial endeavor. The success of this program has been overwhelming, and the Florida Department of Corrections is using the Welcome Home Project as a model for its statewide reentry initiative (McAuliffe, Palm Beach County State Attorney and Uriel Neto, Palm Beach County Assistant State Attorney, Interview, June 8, 2010).

Dallas City Attorney Tom Perkins began a reentry court for gang members reentering the communities of North Oak Cliff, South Dallas (Fair Park) and Pleasant Grove after having been incarcerated. The court operates once a week out of the South Dallas Community Court.¹⁶ The overall goals of the program are to reduce recidivism and assist offenders in obtaining a valid Texas identification card, employment or school enrollment. The offenders come to the court immediately upon being released from incarceration and cannot graduate from the program unless and until they adhere to strict guidelines.¹⁷

V. System Partners

A. Lessons Learned from Community Policing

"All who share a concern for the welfare of the neighborhood should bear responsibility for safeguarding that welfare." (Office of Community Oriented Policing Services, 1994, p. 4)

Similar to community prosecution, community policing has evolved from a type of program that targeted low-level crimes to a philosophical way to enforce the laws. In existence

¹⁶ Orientation is where the offender meets the staff, reviews the handbook, talks to a hearing officer and signs the reentry court program agreement. Phase I is a minimum of six weeks, and the offender must not have any new offenses; begins the reentry plan; maintains a drug- and alcohol-free lifestyle; obtains a birth certificate, social security card and government-issued ID; completes the initial work on employment information; and completes 24 hours of required community service. Phase II is a minimum of 60 days, and the offender must not have any new offenses; continues to work the reentry plan; maintains a drug- and alcohol-free lifestyle; begins a mentoring relationship with a social service agency and begins a DVD series entitled, "Gangs: It's Your Life" or "Resources for Change;" completes a work history form, resume, sample cover letter and sample thank you letter; shows proof of a job search or educational enrollment; completes 50 percent of the required community service; and maintains a checking or savings account. Phase III is a minimum of 60 days, and the offender must not have any new offenses; fulfills the reentry goals; is employed or attends school full-time; completes a GED, if assigned. Graduation can be attained only if the offender does not have any new offenses; completes an application requesting graduation from the program; receives a recommendation of graduation from his or her parole officer and case manager; receives a final decision of approval for graduation from the hearing officer.

¹⁷ Amy Allen, Dallas (TX) Assistant City Attorney, Telephone Interview, April 13, 2010. For more information, contact Amy Allen at amy.allen@dallascityhall.com.

for more than 30 years, community oriented policing is a law enforcement philosophy that “promotes organizational strategies and supports the systematic use of partnerships and Problem solving techniques to proactively address immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime” (COPS Office, 1994, p. 4). Like community prosecution, there is not a precise set of rules or a specific checklist for what constitutes community policing. Rather, “the philosophy requires citizens and police to collaborate to proactively increase public safety within the community” (International Association of Chiefs of Police (IACP), 2009, p. 13). The philosophy, also like community prosecution, has overarching key components that have been altered over the years and are meant to guide community policing depending on the needs of each community (IACP, 2009, p. 13). Like conventional case processing and sanction setting prosecutors, traditionally, police had enforced laws, “leaving crime prevention to others” (Weinstein, 1998, p. 20).

Also like prosecutors, the in-house culture of police officers created obstacles when community policing first came on the scene. At the onset, there was confusion about what community policing was. Many in the profession thought it to be an intangible concept that was difficult to understand and execute (Tumin, 1990, p. 14).

Today, most knowledgeable adults would be hard pressed to be unaware of the existence of community policing and what it entails. Only when community policing began to brand itself did it take hold and become a way of life for law enforcement and the citizens that it served. Initially, many experienced police officers found it difficult to alter their existing practices and procedures. Yet, for community policing to work, it is essential that the entire police organization adopts its principles (*Understanding Community Policing*, 1994, p. 17). Furthermore, “it is imperative that the chief of police demonstrates a steadfast commitment to the way of thinking” and “incorporates it into the department’s overall mission and way of doing business” (IACP, 2009, p. 14). Community policing values must be “ingrained in the very culture of the organization and must be reflected in its objectives, in its policies and in the actions of its personnel” (*Understanding Community Policing*, 1994, p. 24). Community outreach and officer training were the most important components in institutionalizing the philosophy.

Similarly, citizens were leery of police officers who got out of their cars, talked to individuals and solicited their input. Only through constant police interaction did the citizens fears and suspicions about the police dissipate, allowing for an effective partnership. Furthermore, police organizations promoted, and continue to promote, community policing through the media.

Community policing was not without its growing pains. However, after more than 30 years, the philosophy is largely institutionalized and well ingrained in the American lexicon. Sometimes re-branded as “intelligence-led policing,” the newer title accurately reflects the philosophy of the endeavor; that is, using community information and relationships to help reduce crime in neighborhoods and increase quality of life for residents.

Based on intelligence-led policing, the Rockland County District Attorney’s Office uses an intelligence-led approach to community safety as its guiding philosophy. When District Attorney Thomas Zugibe took office in 2008, he noted that community policing was successful because it was based on trust and knowledge by and between the police and community residents. What he noted, however, was that all of the valuable information obtained by intelligence-led policing “stopped at the prosecutor’s door.” He found that the police had valuable information that did not transfer to the assistants who prosecuted the cases. He felt that if the prosecutors also developed and maintained relationships with community members, they too could gather important intelligence for not only prosecuting crimes, but also in helping to solve the problems that may plague a specific neighborhood. Zugibe joined the concept of community policing with that of community prosecution to arrive at an intelligence-led approach to community safety as “a means of gaining knowledge and developing actionable intelligence that allows for smarter policing and prosecution and maximizes the effectiveness of the entire criminal justice profession” (Zugibe, personal communication, June 4, 2010).

B. Lessons Learned from Drug Courts

Like community prosecution and community policing, drug courts have also evolved from a concept implemented by a few individuals to an institutionalized way of addressing drug and drug-related crime. Traditionally, drug addicts who were arrested for possession or other non-violent, drug-related crimes (e.g., prostitution) were prosecuted no differently than other

offenders. However, in response to the crack epidemic in the 1980s and after realizing that incarceration without any form of treatment was causing a revolving door into and out of the community, a small group of prosecutors, judges and treatment providers developed a non-traditional way to address drug abuse and its related crime.¹⁸ Through collaborative efforts, a team comprised of prosecutors, police, defense attorneys, judges, treatment providers and others, will place an offender into an intensely supervised treatment program with incentives for compliance and court-imposed sanctions for failure to comply with the agreed upon regimen.

Drug court professionals developed a definition and ten key components of an effective drug court program (See Office of Justice Programs, *Defining Drug Courts: The 10 Key Components*, (1999)). These key components are meant to guide the drug court and do not set forth definitive edicts on how to plan, implement or operate a drug court.

Initially, drug courts were viewed by police and prosecutors as “soft on crime;” by defense attorneys as too harsh; and by judges as “touchy feely.” However, with special training for drug court professionals, research demonstrating a drug court’s effectiveness in reducing crime, curtailing illegal drug use and yielding cost savings to the criminal justice system, internal buy-in soon followed.

Additionally, offenders were leery of a criminal justice system that was trying to “help” them; citizens were suspicious of a program in which offenders were placed back into their communities; and the general public was skeptical of a program that they thought would cost them extra tax dollars because of the intense supervision. Once again, through continuous contact with the community, effective use of the media and overall positive outcomes, drug courts are now widely accepted by law enforcement, citizens and lawmakers as an effective response to the scourge of drug and drug-related crimes. Today, drug courts are institutionalized throughout the nation and are being used as models for other Problem solving courts.¹⁹

¹⁸ Sixty to eighty percent of drug abusers commit a crime upon release from incarceration, and approximately 95 percent return to abusing drugs upon release from imprisonment. (Langan and Levin, (2002), *Recidivism of Prisoners released in 1994*, Bureau of Justice Statistics, Washington, DC: Office of Justice Programs, U.S. Department of Justice)

¹⁹ Other problem solving courts include community courts (which use a combination of social service and community restitution mandates to increase public safety in the neighborhoods they serve); mental health courts (which reduce recidivism by providing mental health services to offenders); veterans courts (which reduce recidivism for veterans who are drug addicted, or who have serious mental illnesses or co-occurring disorders,

VI. Research and Outcomes

Support for the effectiveness of community prosecution has been provided largely by anecdotal evidence. This is true, in part, because crime averted, fears assuaged, communities empowered and neighborhoods revitalized are difficult to quantify using more rigorous research methodologies (Coles, 2002, p. 7). Even if one can quantify these elusive measures of success, different offices may define success differently. One office may find its efforts successful by evicting drug dealers from a certain abandoned house, while another may define success as cleaning up graffiti in a neighborhood, or a rising number of formal complaints of hitherto unreported domestic abuse as trust in the justice system grows. Thus far, there has not been a definition of success nor delineated benchmarks to achieve that success. As of this writing, the APA and the CCI are in the process of writing a research document that will help the community prosecution field in measuring the outcomes of the various initiatives nationwide. This publication is expected to be available later in 2011.

In the meantime, there have been a handful of studies conducted and surveys taken on community prosecution. A 2001 survey taken by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, stated 95 percent of large prosecutorial offices, 80 percent of mid-sized offices and 72 percent of small offices used some form of non-traditional prosecution to address community problems (Bureau of Justice Statistics, 2002).²⁰ By 2005, 99 percent of all of the offices surveyed indicated some relationship with law enforcement, while 80 percent had some relationship with other governmental agencies, 70 percent had relationships with community associations and 56 percent had relationships with private organizations. Approximately 60 percent of the offices surveyed regularly met with school and advocacy groups. A third of the respondent offices reported that their community prosecutors were located in the communities in which they serve, including in places such as a police department or “storefront” office. Community prosecutors in 75 percent of the offices carried full caseloads

through a coordinated response from the criminal justice and health communities); and reentry courts (which reduce recidivism for those who are paroled from prison through frequent court appearances and participation in various treatment and other programs). For more information about these and other problem solving courts, visit www.courtinnovation.org.

²⁰ A large office was categorized as one that serves a population of more than one million people; a medium one serves between 250,000 and 999,000; and a small one serves fewer than 250,000. (Bureau of Justice Statistics, (May 2002), *Prosecutors in State Courts, 2001*, Office of Justice Programs, U.S. Department of Justice, p. 2).

with 81 percent of them handling drug crimes, 77 percent handling violent crimes and 53 percent handling juvenile crimes (Bureau of Justice Statistics, 2006, p. 9).

A 2004 study of the Drug Treatment Alternative to Prison Program (DTAP), begun as a community prosecution solution to the problem of drug and drug-related crime in an area served by the Kings County (Brooklyn) District Attorney's Office, was conducted by the National Center on Addiction and Substance Abuse at Columbia University and funded by the National Institute on Drug Abuse. Overall, the evaluation found that graduates of DTAP had a 33 percent lower re-arrest rate and a 45 percent lower reconviction rate than non-DTAP graduates. It also found that 87 percent were less likely to return to prison two or more years after graduating from DTAP. Finally, the study found that the DTAP program cost approximately one-half of the cost of incarceration (The National Center on Addiction and Substance Abuse at Columbia University, 2003). Now in its third decade, DTAP is an excellent example of how a prosecutor's office can take the lead in helping to solve the problems of a community and how criminal justice and other professionals working together can benefit that community. Through DTAP, not only has the district attorney's office helped to reduce drug and drug-related crime, but it also has helped to quell the spread of AIDS and HIV in the community.

Research is critical to the work of the 21st century prosecutor. "Institutionalizing" innovative crime prevention and reduction philosophies, especially to government stakeholders, are much easier when one can prove that an initiative is successful. Particularly in these difficult fiscal times, it is important to be able to demonstrate cost savings. BJA's Center for Program Evaluation and Performance Measurement has partnered with the Justice Research and Statistics Association to provide guidance on how to conduct an effective community prosecution evaluation.²¹ This BJA website delineates how to prepare for and implement an evaluation. It also sets forth the various challenges in evaluating the effectiveness of community prosecution such as, a lack of performance measures and strategic adaptations made over time, to an endeavor based on community input. The site states that although there is growing evidence that community prosecution is effective, it notes that many important questions remain unanswered, including what approaches are more successful than others, the impact of community

²¹ For details, go to: www.ojp.usdoj.gov/BJA/evaluation/program-adjudication/comm-prosecution-index.htm.

prosecution on individual offenders and the impact of community prosecution alongside other community-based efforts.²²

A. Anecdotal Evidence of Success

Under a community prosecution philosophy, many residents in crime-plagued communities report feeling “reconnected” to the criminal justice system by accepting “greater responsibility for managing crime and safety issues” (Coles, 2002, p. 1). Offices report success of innovative community prosecution initiatives in a number of ways. The Hennepin (Minneapolis) County Attorney’s Office found that its community prosecutors were getting cases to court more quickly, obtaining better resolutions and offender accountability, and receiving positive feedback from victims and other community members (Wolf, 2006, p. 3). Also, the Hennepin County Attorney’s Office reported that once it joined forces to prevent crime with the Minneapolis Police Department, police and prosecutors now have a better understanding of each other’s roles in bringing a case to trial, therefore, rejecting fewer cases brought by the Minneapolis police (*Lessons from the field*, 2004, p. 28).

The Dallas City Attorney’s office uses community prosecution to solve a host of problems plaguing the city. It has reduced gun crime in several of its 14 targeted neighborhoods through prevention, education, community outreach and other techniques. Thus far, gun crime has continued to decline in the Dallas areas targeted by community prosecution (*Lessons from the field*, 2004, pp. 1-7).

The Fulton County (Atlanta) District Attorney’s Office has found that it has reduced crime significantly through its aggressive targeting of repeat offenders. Through its Repeat Offender Program, the community prosecutors list and disseminate the neighborhood’s ten most serious offenders to the community. The community prosecution unit has reported an increase in the number of witnesses that have come forward to report a crime. The community members often go to the community prosecutors, not the police, when they want to report a crime. Citizens have the cell phone numbers of their community prosecutors and now feel comfortable

²² Website of the Center for Program Evaluation and Performance Measurement, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 2010, www.ojp.usdoj.gov/BJA/evaluation/program-adjudication/comm-prosecution-index.htm

enough to contact them confidentially at any time. (Blackett-Jones, personal communication, June 4, 2010).

The Marion County (Indianapolis) Prosecutor's Office often aggressively handles nuisance properties (i.e., houses where drug-dealing, prostitution or several code violations occur) through 21st century strategies. Through partnerships with the health and zoning departments, the office has been able to shut down a number of these properties (*Lessons from the field*, 2004, pp. 48-49). Similarly, through its TAG (Take Away Graffiti) effort, adult probationers who have been assigned community service hours help beautify the county. Under the supervision of a probation officer, probationers paint over graffiti and gang symbols in neighborhoods.²³

Lastly, by asking citizens to help clean up areas of a wooded area which had become a hideout for transient people who continuously committed petty crimes, the Multnomah County (Portland) District Attorney's Office has not only reduced crime in the area, but has been able to save the city of Portland approximately \$40,000 per year in cleanup costs (*Lessons from the field*, pp. 53-54).

B. Budget Cuts: Proving Community Prosecution's Worth

In light of the current financial crises facing both the public and private sectors, it is critical that the chief prosecutor and his or her staff view community prosecution as an office wide philosophy. With each prosecutor using a community-based, Problem solving approach to crime, every office can work within their regular budgets, and most will save money in the long-run (Wolf, 2006, p. 2). Of course, it takes time to build an initiative to the point where funding authorities deem it indispensable, but if offices reprioritize issues and work smarter, the funding authority ultimately will realize that "long-term solutions will reduce costs" (*Community Prosecution Implementation*, 2003, p. 6). By seeing patterns and identifying crime factors, 21st century prosecutors deal with crime at its source. Thus, they can realize "savings over time as Problem solving efforts lead to safer, stronger neighborhoods" (Wolf, 2006, pp. 18-19). Community prosecution also reduces the amount of prosecutorial resources repeatedly expended for recurring problems, therefore, stopping the revolving door of justice. For example, the U.S.

²³ Website of the Marion County (Indianapolis) Prosecutor's Office, www.indygov.org.

Attorney's Office for the District of Columbia conducted a cost-benefit analysis of its nuisance abatement community prosecution initiative. Based on a sample of nine properties that had been abated, it gathered information on each before and after abatement. The evaluation demonstrated that the properties cost the city an average of \$35,000 prior to abatement and a mere \$583 after the abatement. The results demonstrated a large cost savings to the city.²⁴

Most important to any prosecution endeavor are successful research and evaluation of its effectiveness. Through studies that demonstrate crime reduction and cost savings, community prosecution will continue to flourish in any office. Paul Howard, Jr., the Fulton County (Atlanta) District Attorney, was able to maintain funding for community prosecution because he linked it to trial conviction rates. Before he instituted community prosecution, the conviction rates hovered at around 52 percent. However, after the community began to trust the prosecutor's office as a result of community prosecution, the conviction rates rose to, and have been maintained at, approximately 88 percent. Had community prosecution not been introduced in the office, the conviction rates likely would have remained low, while crime rates would have remained high (Blackett-Jones, personal communication, June 4, 2010).

The San Diego City Attorney's Office began its community prosecution initiative with grant funding. When that money was expended, City Attorney Jan Goldsmith included the community prosecution division in his general operating budget. Recently, the city council made sweeping budget cuts throughout the city, but the community prosecution unit of the City Attorney's Office remained unscathed. In all likelihood it is because the city council is an important community prosecution partner, and its members have firsthand knowledge of its positive effect on the community. For example, the Prostitution Impact Panel targets "johns" who have been convicted of soliciting a prostitute. By entering the program, the offender is able to reduce his sentence from a prostitution charge to a misdemeanor charge of disturbing the peace. Since 2002, 571 offenders entered the program with only 13 of them having reoffended; a three percent rate of recidivism. The unit collects this type of important data to demonstrate

²⁴ For details of the analysis, see BJA/NDAA (February 2007), *Just Look What You've Done*, pp. 19-22.

successful use of resources (Regan Savalla, San Diego Deputy City Attorney, personal communication, April 10, 2010).²⁵

Some prosecutors' offices not only work within their existing budgets to sustain their community prosecution efforts but also create innovative strategies to help find funding. For example, in Milwaukee County, the salaries of two community prosecutors are federally funded by the Department of Education (to help prevent crime in schools and by school-age children) and another part-time prosecutor is funded by the Department of Health (in order to assist citizens with health and immunization issues). Two positions in Multnomah County, Oregon are funded from outside of the county's general fund. One deputy district attorney is funded by the county's local Tri-County Metropolitan Transit District, which provides bus and light rail public transit throughout the three counties that comprise the Portland Metropolitan area.²⁶ That deputy works on cases and strategies that relate directly to improving public safety on the public transit system. The other position, a senior deputy, is funded by a local Business Improvement District (BID).²⁷ That community prosecutor works on improving public safety and livability issues within the geographic boundaries of the BID.

There are other ways to obtain funding for innovative prosecutorial strategies through federal, state and local grants. Because community prosecution "is an open-ended philosophy that encourages prosecutors to tackle any and all public safety problems . . . [they] can and should be flexible when they seek financial support" (Wolf, 2006, p. 7). Criminal justice agencies should not be considered as sole funding sources. Departments of housing, education and health are just three non-traditional sources. Moreover, initiatives that generate their own income should be used. For example, the Fulton County (Atlanta) District Attorney's Office uses its state's asset forfeiture law to seize and renovate crack houses, while the Jackson County (Kansas City) District Attorney's Office fought for and won a citizen-backed referendum that raised a one-quarter cent sales tax to help fund its community prosecution drug initiative (Wolf, 2006, pp. 9-10).

²⁵ For more information about the San Diego City Attorney's Office's Community Prosecution Unit, contact Regan Savalla at rsavalla@sandiego.gov.

²⁶ For more information, contact Multnomah County Deputy District Attorney, Wayne Pearson, at wayne.pearson@mcda.us.

²⁷ The BID technically is a geographic district that can vote with the City to tax itself and use the tax funds to improve the district.

Finally, corporations and foundations are often ripe sources of funding. Although competition for the money can be stiff, showing how the individual organization or foundation can benefit from community prosecution is important. For example, the Target Foundation and Honeywell Corporation are two institutions that have partnered with the Hennepin County (Minneapolis) Attorney's Office to combat the violent crime that plagues Minneapolis. The relationship began when an article in the *New York Times* reported that the murder rate in Minneapolis was almost 70 percent higher than the rate in New York City. The corporations formed a foundation that focused on reducing violent crime and improving quality of life issues in the city (Wolf, 2006, pp. 15-16). However, the bottom line is that even without corporate or foundation funding, if community prosecution is fully integrated into an office, it will receive thoughtful budgetary considerations from a number of sources.

VII. Challenges and Next Steps

“A prosecutor’s central position, power and authority in the criminal justice system make him or her a key actor capable of facilitating meaningful change and creating innovation in the justice system.” (Changing Nature, 2004, p.15)

A. Institutionalization

Through full integration of community prosecution philosophy office wide, and evaluation of community prosecution successes, prosecutors can appropriately and effectively direct their resources to decrease crime and increase public safety. Offices throughout the country must institutionalize community prosecution, much as community policing has been, in order to fully realize its potential to stop the revolving door in and out of our nation's prisons and jails. A logical extension of the traditional work of a prosecutor, community prosecutors have an impact not only on one case or one crime victim, but on entire caseloads, families and communities (Tumin, 1990, p. 9). Through an educated staff and effective branding, citizens throughout the United States will demand that all prosecutors' offices embrace this 21st century prosecution philosophy.

In order to institutionalize the philosophy of community prosecution, it is important for the CPAC and other national leading prosecutors to reconvene in order to: (1) formulate a working document that addresses the changing role of the prosecuting attorney in the 21st century. This core concept will provide prosecutors with the tools necessary to develop

innovative and intelligence-led prosecutorial strategies; (2) outline the overarching goals and objectives of community prosecution and the strategies necessary for an office to attain them; and (3) set forth performance indicators for meaningful research to be conducted on the proactive crime prevention initiatives, which are creating safer communities. The small amount of research that does exist measures different outcomes, therefore making it difficult to compare existing programs and what makes them (or does not make them) successful. Is it crime reduction? Is it an increase in the number of crimes reported? Is it an increase in property values?

APA, in partnership with CCI, is currently working on a community prosecution research publication that will be released in 2011. Based on the work of the CPAC and on other community prosecution projects, this document will unveil an evaluation tool, based on standardized, qualitative and quantitative strategies on community prosecution. Once standardized, a comprehensive evaluation should be conducted on a sampling of offices that practice community prosecution. This evaluation should include a cost/benefit analysis of community prosecution. It would determine whether, as suspected, putting funding into crime prevention ultimately saves money in court, incarceration and other costs.

Lastly, the institutionalization of community prosecution relies on the field to promote an awareness of the philosophy not only to other prosecutors' offices, but to judges, the defense bar, allied professionals, lawmakers and the general public. This can be achieved through various forms of outreach, including (1) a community prosecution manual and trainings for prosecutors; (2) development and dissemination of community prosecution literature (e.g., pamphlets and other types of handouts) and presentations at conferences and symposia of potential community prosecution partners; and (3) media outreach (i.e., programs soliciting the media to cover their efforts).

B. Branding and Buy-in

“When you try to effect change, you invariably encounter resistance.” Thomas Zugibe, Rockland County (NY) District Attorney, Interview with the Center for Court Innovation, December 2009

i. Internal Branding and Buy-in

Possibly the greatest hurdle to a community prosecution effort is altering the in-house culture of the prosecutor’s office. Many lawyers who chose careers as prosecutors do so to “lock up the bad guys,” and may view community prosecution as “soft on crime.” The key to getting internal buy-in is to demonstrate that crime prevention is not a synonym for “soft on crime.” The chief prosecutor must ingrain a community prosecution philosophy throughout his or her office through mission statements, policies and actions (See BJA, *Understanding Community Policing*, 1994, p. 24).

For successful integration of community prosecution to occur in an office, appropriate staff must be selected to be community liaisons. In addition to being strong advocates and communicators, community prosecutors should be seasoned employees who are self-motivated, team players and can adapt to the ever-changing needs of the community and the criminal justice system. Moreover, the chief prosecutor must rethink the way in which he or she evaluates staff performance. He or she can no longer only assess the number of cases processed and convictions obtained, but now also must look at a decrease in the crime rate and the community’s perception of public safety (*What Does it Mean*, February 2004, p. 18).

Lastly, when recruiting new attorneys, management should look for lawyers who may have been introduced to community prosecution in law school or who are creative problem solvers and passionate about working in the community (*Community Prosecution Techniques*, 2007, p. 9) Educating new staff in addition to providing in-house training about the community prosecution philosophy and intelligence-led prosecutorial strategies for existing lawyers will contribute to the overall internal buy-in.²⁸

ii. External Branding and Buy-in

²⁸APA provides training and technical assistance on community prosecution. To learn about our site-visit training or technical assistance, visit APA’s website at www.APAInc.org or contact at 202-861-2480.

“When the community sees us addressing their concerns and that our approach to criminal justice is very, very different, they respond with renewed confidence in the criminal justice system.” Charles J. Hynes, Kings County (Brooklyn) District Attorney, (*Lessons from the Field*, 2004, p. 43)

In order for the public to embrace community prosecution, it needs to be made aware of and understand what it is. Community prosecution must be promoted continuously. This can be done in several ways through public relations and the media. The innovative prosecutor should attend community events, such as community and neighborhood watch meetings or use print, radio, the Web and television to help promote awareness not only to the citizens directly impacted but to the general public and their elected officials.

Of course, gaining public trust of those who are often wary of law enforcement is difficult. The 21st century prosecutor needs to convey to citizens that they will take steps not only to prosecute crime after it occurs but are willing to act jointly with the community to prevent crime before it happens.

VIII. Conclusion

Participants in the January 2010 CPAC discussion felt that community prosecution must be promoted continuously. Innovative prosecutors should attend community events, such as community and neighborhood watch meetings or use print, radio, the Web and television to help promote awareness not only to the citizens directly impacted but to the general public and their elected officials. In short, prosecutors need to convey to citizens that they will take steps not only to prosecute crime after it occurs, but are willing to act jointly with the community to prevent crime before it happens.

To assist with the advancement of the community prosecution philosophy and intelligence-led prosecutorial strategies, CPAC will continue to convene meetings in furtherance of a national dialogue regarding this philosophy. APA, in partnership with BJA and CCI, will work to develop and document these national discussions in publications and resource materials to provide prosecutors with the necessary skills and knowledge to implement such strategies. The initiatives highlighted in this document provide national examples of prosecutorial strategies

that have involved the community in public safety, provided community members' access to justice and the criminal justice system, and created safer neighborhoods through crime prevention. For further information regarding these featured initiatives or assistance with implementation, contact APA at <http://www.APAInc.org> for technical assistance.

As the role of the prosecuting attorney continues to evolve throughout the 21st century, more offices are considering how the principles behind community prosecution can advance their mission. However, despite this evolution, community prosecution has not yet reached the point at which its philosophy is well-known by the public or institutionalized in every prosecuting attorney's office in the country. It is necessary to take advanced steps in order not only to institutionalize community prosecution nationwide, but to ensure that all Americans are aware of its existence so that it continues to be part of the public safety philosophy for generations to come.

Appendix A

Association of Prosecuting Attorneys (2010) *Community Prosecution Advisory Council*.
<http://www.apainc.org/html/CPAC.pdf>

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Appendix B

National District Attorneys Association/Bureau of Justice Assistance. (2008). *Key Principles of Community Prosecution*.
http://www.apainc.org/html/final_key_principles_updated_jan_2009.pdf

Community prosecution provides prosecutors with additional tools to pursue justice. By strengthening links to the community, promoting partnerships, and encouraging the development of Problem solving strategies, community prosecution helps prosecutors achieve their most important goals: ensuring that the guilty are held accountable, the innocent are protected from unwarranted harm, and the rights of victims are respected.

The origins of community prosecution are often traced back to the efforts of Multnomah County District Attorney Michael Schrunk and Kings County District Attorney Charles J. Hynes²⁹. In the early 1990s, only a handful of offices were practicing a form of prosecution that would be later defined as community prosecution. In 1993, the U.S. Department of Justice's Bureau of Justice Assistance and the American Prosecutors Research Institute (APRI) convened an advisory group at the National Advocacy Center in Columbia, South Carolina to define community prosecution. The final definition agreed upon was that community prosecution focuses on targeted areas and involves a long-term, proactive partnership among the prosecutor's office, law enforcement, the community and public and private organizations, whereby the authority of the prosecutor's office is used to solve problems, improve public safety, and enhance the quality of life in the community.³⁰

In 2003, through a national survey, APRI estimated that nearly half of all prosecutors' offices engage in some activity defined as community prosecution.³¹ Given the amount of time that has passed since the 1993 meeting, National Center for Community Prosecution (NCCP) has consulted with a group of national experts to develop a consensus on how community prosecution is defined today.

According to Webster's *New World Dictionary of the American Language*, a principle is a "fundamental truth, law, doctrine, or motivating force upon which others are based. A principle is also considered an essential element or constituent of a process. Thus, principles of a process are key characteristics that separate the process from other approaches."

This document seeks to establish the key principles currently driving community prosecution, taking into account lessons learned over the years.

²⁹ www.ncjrs.gov/html/bja/commpros/bja1.html.

³⁰ While perspectives varied between jurisdictions, the following final definition was formulated in February 1995.
www.ndaa.org/pdf/guide.pdf.

³¹ To date, nearly half (49 percent) of all prosecutors' offices surveyed report that they practice community prosecution, which means, generalizing to the universe of local prosecutors, that as many as 1,372 offices may engage in some form of community prosecution (Nugent and Rainville, 2001).
www.ndaa.org/pdf/what_does_mean_practice_cp.pdf.

Key Principles of Community Prosecution

1. Recognizing the Community’s Role in Public Safety

Rather than dictating to the public how to handle all crime and safety issues, community prosecutors invite community stakeholders to express their safety concerns, identify neighborhood problems, brainstorm appropriate responses, and help the prosecutor’s office establish priorities. Community prosecutors do this in many ways, including: assigning prosecutors to neighborhoods to focus on local crime and safety issues; creating volunteer opportunities in the justice system for community stakeholders; and opening regular channels of communication with community stakeholders by attending community meetings, publishing newsletters, maintaining a user-friendly website, and creating advisory councils, special committees and task forces.

“Problem solving prosecutors must work with and through their constituents in the community while, at the same time, seeking to achieve their primary objective of reducing crime and the perception of crime. In the words of Abraham Lincoln, ‘With public sentiment, nothing can fail; without it, nothing can succeed.’”

—Mike Kuykendall, Former Director, National Center for Community Prosecution (2000–2005).

2. Engaging in Problem Solving

Community prosecutors are problem-solvers who focus not merely on individual crimes once committed, but on such acts within a context. They view individual acts as having a history, potentially a future, and as part of a problem or set of problems within a community. In addressing problems rather than dealing with only individual cases, the ultimate goal for prosecutors is to prevent the next crime. As such, they rely on a wide range of tools—both traditional and non-traditional—to address safety and crime problems. When appropriate, they look outside the criminal justice system. For instance, they may use mediation to resolve an argument between neighbors and prevent it from escalating into a crime, or they may seek civil sanctions to remediate a poorly maintained property that has become a magnet for low-level criminal behavior. Rather than focus on crimes only “after” they occur, they also look at “before” and “during,” analyzing factors that contribute to crime. By addressing such factors, community prosecutors attempt to prevent crime before it occurs.

“Community prosecutors are more than just reactive case processors. We use proactive problem solving to attack crime at its source with a goal of preventing cases from happening in the first place. Given that orientation, we use every tool available, and if we don’t have one, we fashion a new one.”

—Thomas A. Carr, Seattle City Attorney

3. Establishing and Maintaining Partnerships

The criminal justice system is an interlocking network of agencies and departments that depend on each other to operate effectively. Community prosecutors build on these natural connections, encouraging greater communication, improved coordination, and stronger partnerships.

Prosecutors also understand that private citizens and private agencies are potential, and often necessary, partners in Problem solving efforts. Crime prevention and reduction efforts that prosecutors craft or participate in with other partners are generally more comprehensive and can have a greater impact in the community. For example, community prosecutors convene meetings whereby the authority of the office creates a forum for information and resource sharing. By inviting different agencies and disciplines to the table to discuss a holistic approach to crime prevention, personal relationships are developed creating stronger partnerships that can be formalized through memoranda of understanding.

“Prosecutors across the country are redefining their role in helping solve the complex issues that result in over-reliance on the criminal justice system. Prosecutors must acknowledge and embrace the leadership role they have in Problem solving, and work with others in the community to develop long-term, community-based solutions to public safety issues. Our partners in the medical community remind us that public safety and public health share a common model based on prevention, wise intervention and sparing suppression. Community prosecutors are at the forefront of merging the public health model and the public safety model, and the possibilities for effective, substantive change are unlimited.”

—John Chisholm, Milwaukee County District Attorney

4. Evaluating Outcomes of Activities

The continuous collection and analysis of data assists any prosecutor in determining the effectiveness of an initiative. For community prosecutors, evaluating effectiveness cannot be solely decided upon a conviction rate. Community prosecutors must evaluate their activities and impact on neighborhoods, continuously adapting to the community’s needs. To evaluate the activities of community prosecutors, one should look to outcomes such as the reduction of crime or calls for service in a particular area, the perception of safety in the neighborhood, or the increase in community participation through neighborhood meetings, school presentations, or other vehicles to engage the public in public safety. Community prosecutors no longer can look solely at a conviction rate to determine their effectiveness; the exchange of information with the rest of their office and the public regarding crime prevention efforts truly allows one to evaluate a community prosecutor’s activities.

“As problem-solvers, we need to show what impact we’re having: Are we involving the community in our work? Are we taking into account the community’s priorities? Are we addressing the problems that fuel crime? Are we capitalizing on partnerships? By quantifying our answers to these important questions, we’re not only holding ourselves accountable but we’re strengthening our ability to pursue justice.”

—Greg Berman, Director, Center for Court Innovation

Appendix C

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