



APRI

American
Prosecutors
Research Institute

The Changing Nature of Prosecution

Community Prosecution
vs. Traditional Prosecution
Approaches

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The Changing Nature of Prosecution

Community Prosecution vs. Traditional Prosecution Approaches

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EXECUTIVE SUMMARY

The advent of community prosecution raises a number of questions in the minds of prosecutors, policymakers, and academics. As it has been defined thus far, community prosecution is a proactive approach to addressing crime and quality-of-life issues that brings prosecutors together with residents to identify problems and solutions. But, is community prosecution different from traditional prosecution, and if so, how? Does community prosecution represent a philosophical change in prosecution?

The American Prosecutors Research Institute's (APRI) Office of Research and Evaluation conducted a census of prosecutors in attempt to bring greater clarity to the issue of community prosecution and its impact on the nature of prosecution. The census was designed to answer the larger questions of how community prosecution and traditional prosecution are different and whether it represents a philosophical change in prosecution by focusing on the following areas:

- Key elements of community prosecution
- Similarities and differences between offices that practice community prosecution and those that do not
- Perceptions about different prosecutorial roles and desired outcomes

The analysis of the census results show that there are statistical differences in the extent to which offices embrace certain key elements of community prosecution, variations in prosecutorial priorities, and differences in prosecutors' responses to various crime and disorder problems. In particular, APRI found that the defining elements of community prosecution are the use of partnerships with a wide variety of government agencies and community-based groups; varied prevention, intervention, and enforcement methods including problem-solving; and community involvement.

APRI also found that both community prosecutors and traditional prosecutors rank their roles in similar priority order. Both report that their primary role is to prosecute crime; punishing criminals, reducing crime, and preventing crime were also considered to be among the top priori-

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ties of the offices, although community prosecutors place a slightly greater emphasis on preventing crime. Both community and traditional prosecutors are in agreement about the ideal outcomes of their efforts, i.e., holding offenders accountable and ensuring public safety by reducing crime and preventing crime. However, community prosecutors use different strategies than traditional prosecutors to achieve these outcomes—namely partnerships, problem-solving, and community involvement. Overall, these findings suggest that community prosecution does differ from traditional prosecution in practice but that it does not necessarily represent a philosophical change.

INTRODUCTION

Many prosecutors are departing from traditional methods of prosecution and moving toward a more integrated, solutions-based approach to eradicate crime. This approach, which has become known as community prosecution, brings prosecutors together with residents to identify quality-of-life issues (such as graffiti, vandalism, trespassing, disorderly conduct, drug solicitation, prostitution, aggressive panhandling, etc.) in an attempt to develop and implement long-term strategies to address community concerns.¹ Community prosecution challenges community members and prosecutors to use tools beyond the criminal justice system, such as conflict mediation or civil sanctions, to prevent and reduce both serious and quality-of-life crimes. Problematic issues in the community are addressed through the use of proactive² problem-solving methods involving non-traditional tactics, such as the clean-up and maintenance of public areas or civil sanctions to address low-level offenses.³ What is thought to distinguish community prosecution most from traditional prosecution is the emphasis on addressing the social, environmental, and other community conditions that allow both nuisance and serious crimes to flourish.

Although there have been numerous discussions framing what community prosecution is and what it is not, many prosecutors, policymakers, and scholars are still at a loss to explain how community prosecution differs from traditional prosecution. Previous survey findings identify similarities and differences. For example, some prosecutors view community prose-

¹ For more discussion of quality of life crimes see George L. Kelling and Catherine M. Coles, *Fixing broken windows: Restoring order in American cities* (New York: Martin Kessler Books/Free Press, 1996), quoted in Catherine M. Coles, "Community prosecution, problem solving, and public accountability: The evolving strategy of the American prosecutor" Working Paper #00-02-04, Harvard University, 2002, 16.; see also Richard A. Devine. "Chicago's Approach to Community Prosecution," *The Prosecutor*, 36, no. 1 (January/February 2002): 35-36, 46.

² Proactive herein refers to the anticipation of future needs, problems, or changes.

³ See John S. Goldkamp, Cheryl Irons-Guynn, and Doris Weiland, *Community Prosecution Strategies: Measuring Impact*, Bulletin, Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, Crime and Justice Research Center, November 2002, 1. NCJ 192826; See also *Community Prosecution Implementation Manual*, Alexandria, Virginia: American Prosecutors Research Institute, n.d.

cution as a distinct and specialized program that promotes community involvement. Others consider community prosecution as a philosophy that involves proactive problem-solving for all types of criminal offenses. Still another view is that community prosecution does not represent a dramatic departure from traditional prosecution, but rather a continuous evolution in the prosecutor's role.⁴

In fact, earlier research by APRI found that at a minimum, the adoption of community prosecution occurs along a continuum—from an initial program involving one or two attorneys meeting with the community, to a strategy that incorporates more active involvement of the community and problem-solving methods, and finally to a philosophy in which the principles of community prosecution are embraced throughout the entire office's practice. Offices that had been engaged in community prosecution for five or more years appeared to be much closer to the philosophical stage compared with offices with less than five years of experience in community prosecution.⁵

In an attempt to bring clarity to the issue of community prosecution and its impact on the nature of prosecution, the American Prosecutors Research Institute (APRI) surveyed prosecutors' offices throughout the country.⁶ A total of 879 prosecutors' offices responded to the survey. Respondents were asked a broad range of questions to identify whether or not they practiced community prosecution. Based on the responses, 37.8 percent of the offices indicated that they did practice community prosecution. However, a total of 54.8 percent of prosecutors' offices indi-

⁴ See M. Elaine Nugent, *What Does It Mean to Practice Community Prosecution? Organizational, Functional, and Philosophical Changes*, Special Topics Monograph, American Prosecutors Research Institute, 2004. See also Joan Jacoby, "The Emergence of Local Prosecutors," Part II of a Series entitled, "The American Prosecutor in Historical Context," *The Prosecutor*, 31, no. 4 (July/August 1997): 25-35.

⁵ See M. Elaine Nugent, *What Does It Mean to Practice Community Prosecution? Organizational, Functional, and Philosophical Changes*, Special Topics Monograph, American Prosecutors Research Institute, 2004.

⁶ The results presented in this monograph are based on surveys completed by 879 prosecutors' offices across the country. 14.5 percent of offices serve jurisdictions of 250,000 or more; 34.9 percent serve jurisdictions of 50,001-250,000; and the remaining 50.6 percent serve population of 50,000 or less.

cated participating in community-based initiatives that correspond with a community prosecution model, providing a preliminary indication that some offices are using a community prosecution approach without attaching the community prosecution label. As described later in the monograph, many of the offices that report they do not practice community prosecution do, in fact, engage in a number of community-related activities.

These initial findings of APRI's survey raise important questions about community prosecution:

- Are there key elements that distinguish community prosecution?
- Are there similarities or differences between offices that practice community prosecution and those that do not?
- What do prosecutors mean when they claim to practice community prosecution?
- Does community prosecution represent a philosophical change in the role of prosecutors?

To answer these questions, APRI examined similarities and differences between community prosecution offices (i.e., offices reportedly practicing community prosecution or providing information highly indicative of such practices) and traditional offices (i.e., offices that report they do not practice community prosecution and the information provided supports this claim). This monograph focuses on the results of these comparisons, exploring whether or not offices adhere to a set of key elements associated with community prosecution, what prosecutors perceive their roles to be, and how prosecutors respond to crime and quality-of-life problems.

KEY ELEMENTS OF COMMUNITY PROSECUTION

Like other community justice initiatives, community prosecution practices vary from jurisdiction to jurisdiction. Although variation exists, previous work has identified community prosecution as having a number of key elements. To better understand community prosecution, APRI examined the six most commonly cited operational elements:⁷

- A focus on problem-solving, public safety, and quality-of-life issues;
- Inclusion of the community's input into the criminal justice system, including the courtroom (e.g., admission of community impact statements to be considered at sentencing);
- Partnerships with the prosecutor, law enforcement, public and private agencies, and the community;
- Varied prevention, intervention, and enforcement methods (e.g., use of tools other than criminal prosecution to address problems);
- A clearly defined focus area, which has traditionally been defined as a targeted geographic area; and
- An integrated approach involving both reactive (e.g., prosecuting crimes identified by the police) and proactive strategies (e.g., anticipatory actions aimed at addressing problems at their root cause).

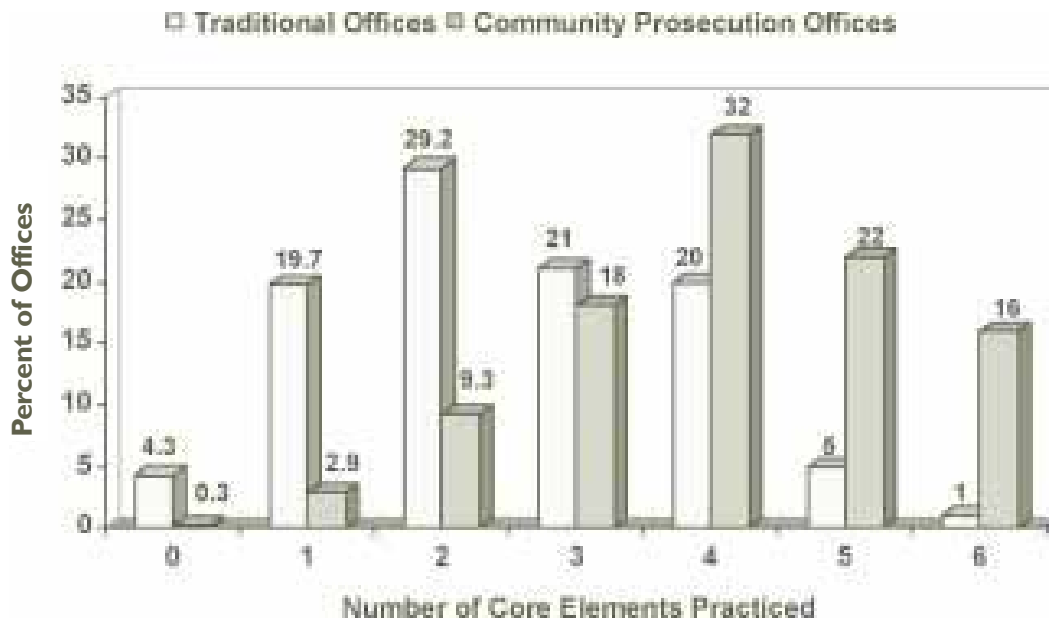
APRI analyzed prosecutors' responses on the extent to which they use the different key elements by separating the responses into two groups: 1) traditional offices that report they do not practice community prosecution and the information provided supports their claim, and 2) community prosecution offices that report they do practice community prosecution (and their responses support their claim). Overall, as shown in Exhibit 1, community prosecution offices are more likely to use multiple

⁷ The key elements were initially developed by a focus group of experienced prosecutors and published by APRI, *Community Prosecution Implementation Manual*, Alexandria, Virginia: American Prosecutors Research Institute, 1995. Additional elements not measured by APRI in the current survey due to methodological issues include: use of long-term strategies, the commitment of policy makers, and continuous process and outcome evaluation. APRI is currently in the process of revising the *Community Prosecution Implementation Manual*; publication is expected early 2004.

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key elements, with most reporting the use of four or five of the key elements. The four elements used most frequently by community prosecution offices include partnerships (98%), varied enforcement methods (91%), community involvement (82%), and problem-solving strategies (82%). In addition, more community prosecutors report having a clearly defined focus area (35%) and an integrated approach (25%) than traditional prosecutors do (13% and 1% respectively).

Exhibit I
Key Elements of Community Prosecution



Traditional offices, on the other hand, were more likely to use two or fewer of the key elements. A closer examination of the elements reveals that traditional offices are most likely to report using partnerships and varied enforcement methods (87% and 46% respectively). Interestingly, traditional offices are most likely to form partnerships with local law enforcement agencies rather than with community groups or other government agencies (as shown in Exhibit 2).

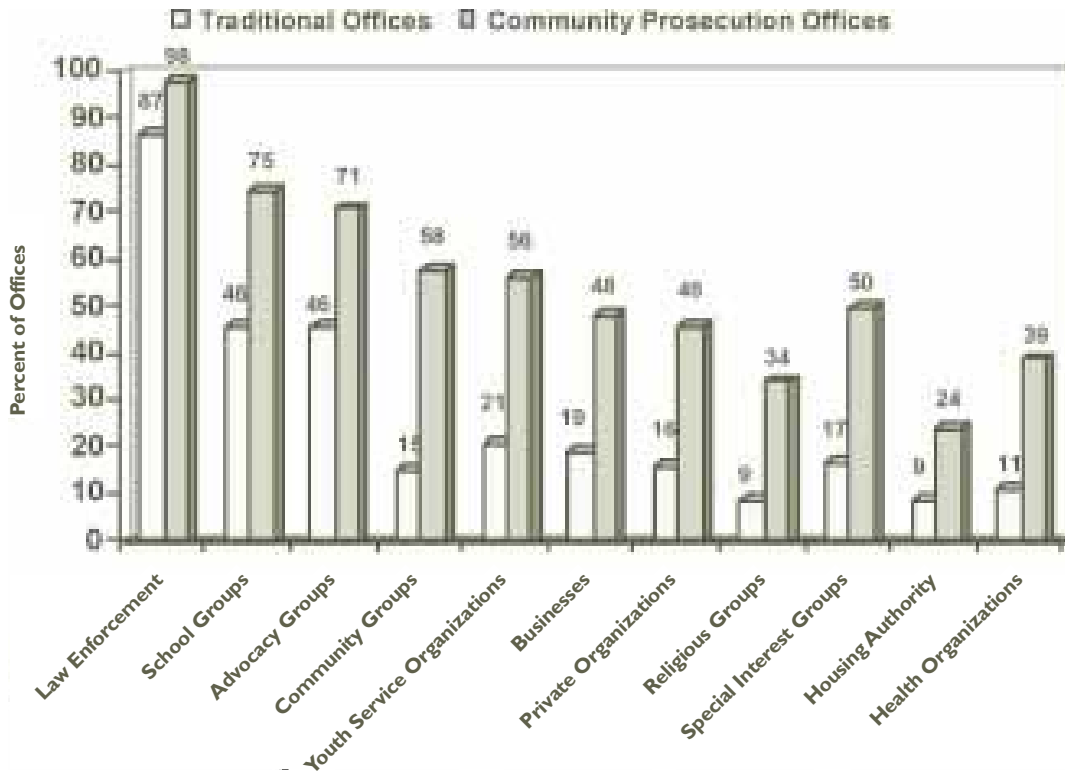
These findings suggest that of the six elements generally associated with community prosecution, three of the features that most differentiate offices actively engaging in community prosecution from traditional

prosecution are partnerships, varied enforcement methods including the use of problem-solving, and community involvement. Naturally, the question arises, “Are the partnerships, enforcement methods, and community involvement used by community prosecutors qualitatively different than those used by traditional prosecutors?”

Partnerships and Varied Enforcement Methods

Examining the partnerships formed by local prosecutors, as well as the enforcement methods used, shows distinct differences between traditional offices and community prosecution offices. As shown in Exhibit 2, community prosecution offices report forming partnerships with a greater variety of entities than traditional offices.

**Exhibit 2
Differences in Types of Partnerships**

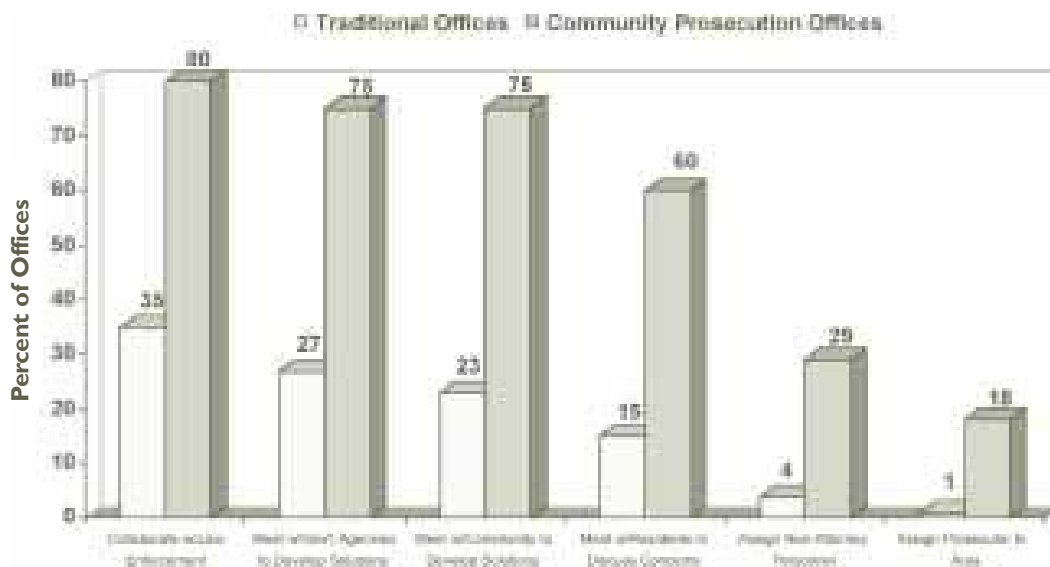


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Both traditional and community prosecution offices are most likely to report forming collaborative partnerships with law enforcement agencies, schools, health organizations, and advocacy groups. However, key statistical differences exist between traditional offices and community prosecution offices in terms of partnerships with community groups, youth service organizations, business groups, private organizations, religious groups, and special interest groups. Statistically, community prosecution offices are much more likely to forge partnerships with these other entities than traditional offices.

Both types of offices also share varied methods of addressing crime, such as working with law enforcement and other government agencies. However, offices that report practicing community prosecution are more likely to identify additional community-based relationships and strategies to address crime problems in their respective communities, as shown in Exhibit 3.

Exhibit 3
Differences in Types of Enforcement Methods



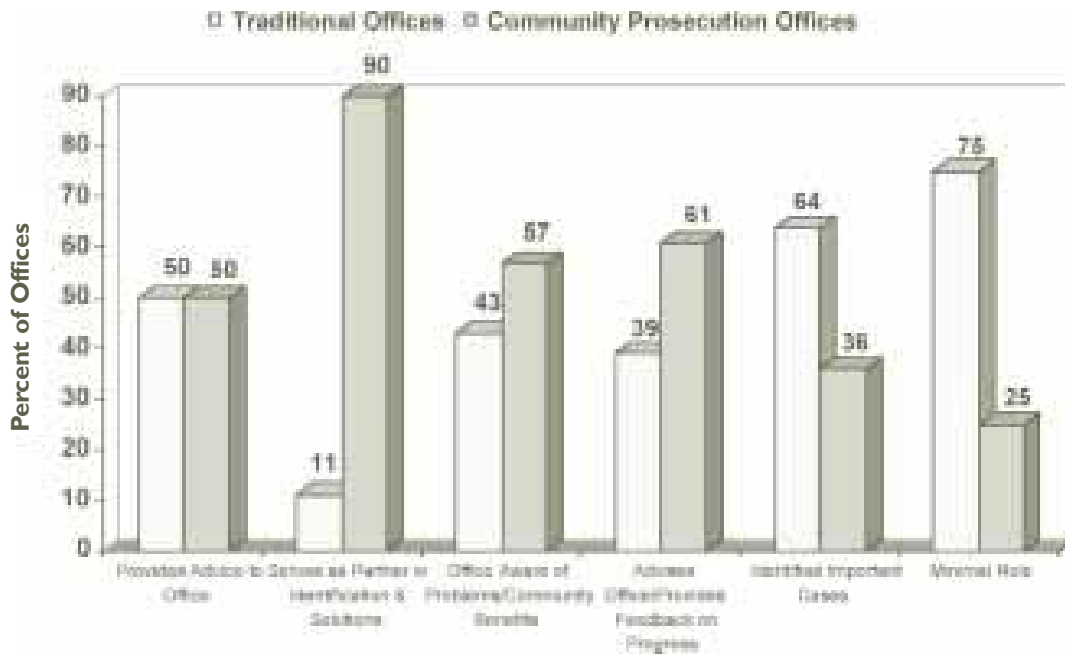
When addressing problems in the community, more than 75 percent of community prosecution offices report collaborating with law enforcement and meeting with government agencies and community residents to develop solutions, as compared with less than half of traditional offices.

More than half of the community prosecution offices also meet with residents to discuss their specific crime and quality-of-life concerns as compared with 15 percent of traditional offices.

Community Involvement

Researchers have identified varying levels of community involvement in prosecution: as recipients of prosecution services, as advisors, as stakeholders in the community, and as partners in the implementation and development of solutions.⁸ As such, one might expect that community prosecutors would be more likely than traditional prosecutors to view the community as a partner in resolving crime and disorder problems, which was indeed the case based on survey responses (see Exhibit 4).

Exhibit 4
Differences in Opinions on the Role of the Community



⁸ See John S. Goldkamp, Cheryl Irons-Guynn, and Doris Weiland, *Community Prosecution Strategies: Measuring Impact*, Bulletin, Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, Crime and Justice Research Center, November 2002, 4-6. NCJ 192826; See also *Community Prosecution Implementation Manual*, Alexandria, Virginia: American Prosecutors Research Institute, n.d.

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The majority of traditional offices (75%) report that the community has a minimal role to play in prosecution. Of those traditional offices that do feel there is a need for community involvement, most are significantly more likely to view community involvement in an advisory capacity, helping to identify cases of importance and providing advice to the prosecutor's office. Conversely, community prosecutors are far more likely than traditional prosecutors are to view the community as partners (90% vs. 11%), working with the prosecutor's office to identify concerns in the community and to develop appropriate solutions.

One unanticipated finding was the view of both traditional and community prosecution offices as being aware of the problems in the community without community input and the opinion that the community is the beneficiary of prosecution services. Historically, community-based initiatives have promulgated the notion that the community knows more about the conditions that cause crimes in the area than government agencies like law enforcement and prosecutors' offices. As such, the community's input is critical to the success of the initiative. Although both types of offices appear to hold the more traditional view that government knows best and the community benefits, the observed differences in responses (57% of traditional offices and 43% of community prosecution offices) are statistically significant, and many of the community prosecution offices that report being aware of the problems also report engaging the community as active partners whereas traditional offices do not.

The results of APRI's analysis of the six community prosecution elements provide some insight as to how community prosecution may differ from traditional prosecution in practice. Although both traditional and community prosecution offices share the development of partnerships with other organizations, law enforcement, and community members as well as the use of varied prevention, intervention, and enforcement methods, key differences exist. First, community prosecution offices report embracing an average of four to five key elements compared with traditional offices, which report an average of two to three. The defining elements of community prosecution appear to lie in community involvement and the use of problem-solving techniques to address community concerns. Second, community prosecutors and traditional prosecutors view their

relationships with their communities differently, with community prosecutors and residents working together to identify problems and solutions compared with the traditional prosecutors' view that the community has a minimal role in prosecution or one that is limited to identifying important criminal cases.

The findings do, however, raise an additional question of whether or not there are major differences in how traditional prosecutors and community prosecutors view their roles. If community prosecutors view their role as being qualitatively different from the role of traditional prosecutors, there may be associated implications for conducting their business, which in turn may indicate that community prosecution does, indeed, represent a philosophical change.

ROLE DEFINITION

The roles and responsibilities of prosecutors have generally been linked to the cultures and leadership found in particular prosecutors' offices. For many prosecutors, the traditional views of prosecution include processing cases and enforcing laws by holding offenders accountable. However, in response to community initiatives and activities involving other criminal justice agencies, increased emphasis on levels of crime, and interest among residents in contributing to efforts aimed at addressing disorder in the community, many prosecutors have adopted a more proactive community-based approach to prosecution.

Some researchers have questioned the appropriateness of the expanded prosecutors' roles.⁹ Clearly the prosecutor's central position, power, and authority in the criminal justice system makes him or her a key actor capable of facilitating meaningful change and creating innovation in the justice system. Without a deeper understanding of what community prosecution represents in terms of prosecutorial roles, it is nearly impossible to determine its appropriateness.

Experts in the field have convened to discuss the state of prosecution and to better define prosecutorial roles. Most notable were a series of meetings between 1986 and 1990 entitled the Executive Session for State and Local Prosecutors, held by the Program in Criminal Justice Policy and Management of the Kennedy School of Government at Harvard University. Still grappling with this issue ten years later, the Committee on Law and Justice, Commission on Behavioral and Social Sciences and Education at the National Academy of Sciences held a series of discussions and produced a report entitled, *What's Changing in Prosecution?*¹⁰ The underlying theme of both efforts was the increased roles and responsibilities of prosecutors, reflecting a shift towards a more strategic, proactive, and community-based approach to crime.

⁹ See Brian Forst, "Prosecutors Discover the Community," *Judicature*, 84 no. 3 (November/December 2000): 135-141.

¹⁰ The present and future roles are based on discussions from the report by the National Research Council. Please see National Research Council, *What's Changing in Prosecution?*, ed. Philip Heymann and Carol Petrie (Washington, DC: National Academy Press, 2001).

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To help further intensive examination of community prosecution, APRI developed a typology of traditional, current, and future roles of prosecutors based on the report of the Committee on Law and Justice. See Exhibit 5.

Exhibit 5 Evolving Roles and Responsibilities of the Prosecutor

Traditional Roles	Current Roles <i>(in addition to Traditional Roles)</i>	Future Roles
<ul style="list-style-type: none"> • Representing the state in criminal matters • Seeking justice • Holding offenders accountable • Imposing the appropriate penal sanctions • Reducing crime • Ensuring social control • Deterring future crime • Rehabilitating offenders 	<ul style="list-style-type: none"> • Increasing the use of non-traditional civil remedies¹¹ • Introducing specialized units¹² • Adopting innovative approaches to prosecution • Increasing investigative powers¹³ • Expanding discretionary powers¹⁴ • Implementing technological and scientific advances¹⁵ 	<ul style="list-style-type: none"> • Serving as a community leader¹⁶ • Implementing more systematic review and management of prosecutors¹⁷ • Becoming a policy maker¹⁸ • Embracing innovative ideas • Continuing to embrace technology to solve crimes • Continuing to expand prosecutors' knowledge on current issues

¹¹ “Civil remedies” include such measures as injunction relief, asset forfeiture, and civil abatement procedures. (Heymann, Petrie, 18–21.); See also Ronald Goldstock, “The Prosecutor as Problem Solver,” *Criminal Justice*, 7, no. 3 (Fall 1992): 4–7.

¹² Prosecutors have been able to respond to community problems by establishing units that specifically deal with such crimes, i.e. gun violence, family violence, drunk driving, and illicit drug use. (Heymann, Petrie, 17.)

¹³ Increasing investigative powers grants prosecutors more influence over the criminal trial, i.e. wiretaps, compelling testimony, and undercover operations. *Ibid.*, 8–9.

¹⁴ Discretionary powers have been expanded in terms of their impact on case outcomes and juvenile waivers. *Ibid.*, 14–15.

¹⁵ Advances in office computers and software systems enable better tracking of cases, recording of fingerprints, and case files. Also broad level surveillance in banks, retail stores, and larger venues provide a mechanism for capturing crimes on film. DNA profiling has also been a major advance in establishing guilt, but also in exonerating a wrongfully accused suspect. *Ibid.*, 12–14.

¹⁶ Scholars at this workshop discussed the increased acceptance of the prosecutor as an active problem solver in the community, identifying structural patterns of offenders, and forming partnerships with the private/public sectors of the community. *Ibid.*, 24–28.

¹⁷ Management of prosecutors may make prosecutors more accountable for use of discretion and performance assessment, including a systematic way for recording data. *Ibid.*, 22–24.

¹⁸ Prosecutors increasingly help to create policies that reflect community concerns for reducing crime. *Ibid.*, 24–26.

APRI also convened an expert panel of prosecutors, policymakers, economists, and academics in 2003, to develop an initial framework for examining prosecution, designed to help address the many questions about prosecutorial roles, responsibilities, and the outcomes of their work. The *Prosecution in the 21st Century* Study recognized the changes in the field with regard to community prosecution and incorporated the most basic elements of community prosecution into an articulation of goals and objectives.¹⁹ In particular, the *Prosecution in the 21st Century* framework sets forth three overall goals for prosecutors:

- To promote the fair, impartial, and expeditious pursuit of justice;
- To ensure safer communities; and
- To promote integrity in the prosecution profession and coordination in the criminal justice system.

Each of these goals has a number of objectives and performance measures associated with it. The objectives represent both traditional and community-oriented outcomes that can be used in conducting research on prosecution.

Using the community prosecution typology and the *Prosecutors in the 21st Century* framework, APRI examined the extent to which a shift in role definition is occurring. An overwhelming majority of prosecutors (69%) reported that their responsibilities include implementing crime prevention efforts and addressing quality-of-life concerns that directly affect public safety. Many prosecutors agreed that dedication to community-based efforts is a valuable tool in reducing and preventing crime within a community. Overall, prosecutors recognized the importance of identifying low-level offenses in order to prevent more serious crimes in the future. In addition, they reported that low-level offenses are most effectively addressed through the use of non-traditional methods. In fact, many offices that do *not* report practicing community prosecution (69%) expressed an openness to the use of non-traditional methods. Still, community prosecutors place greater emphasis on less traditional roles in

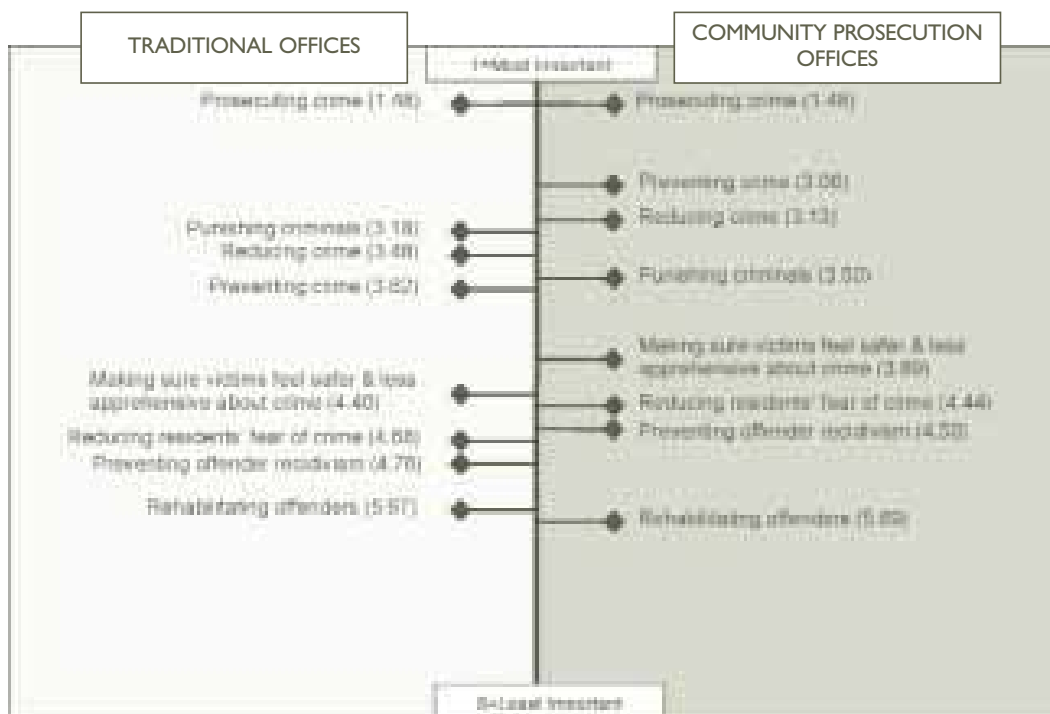
¹⁹ Steve Dillingham, M. Elaine Nugent, and Debra Whitcomb, *Prosecution in the 21st Century: Goals, Objectives, and Performance Measures*. American Prosecutors Research Institute: Alexandria, Virginia, 2004.

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identifying low-level offenses and using non-traditional methods to address community crimes and related problems.

As the roles and responsibilities of prosecutors change, so too will prosecutors' priorities. To determine the priorities of prosecutors' offices, APRI asked prosecutors to rate the importance of a variety of prosecutorial functions and responsibilities. Exhibit 6 lists the functions in average rank order (with a value of 1 representing the most important function to a value of 8 representing the least important function).

Exhibit 6
Priorities in Prosecutors' Offices



As expected, both traditional and community prosecution offices feel the primary function of their office is to prosecute crimes. However, preventing crime and making sure victims feel safe and are less apprehensive about future crime were ranked more highly by community prosecutors as compared with traditional prosecutors. In addition, key statistical differences existed in how community prosecutors relate to community res-

idents. For example, community prosecutors report greater concern about enhancing community relations, public safety, and overall quality of life for residents than their more traditional counterparts.

APRI's findings indicate that a shift may be occurring in prosecutors' perceived roles and responsibilities. Still, traditional and community prosecution offices are remarkably similar when defining their roles and setting priorities, with most of the differences arising from the relative importance of differing roles and community involvement. To further understand if community prosecution represents a philosophical change in prosecution, APRI examined whether or not traditional and community prosecutors adhere to these self-defined roles and responsibilities in practice.

RESPONDING TO CRIME PROBLEMS

Applying community prosecution principles (i.e., the six key elements) in response to crime and quality-of-life problems provides another measure for examining the impact of a community prosecution orientation on actual prosecutorial practices. In other words, do prosecutors adhere to their self-defined roles in practice, and do community prosecutors respond to various situations differently than prosecutors who do not embrace or practice community prosecution? To answer these questions, APRI asked prosecutors' offices to report how their offices would likely respond to various crime and quality-of-life problems.

Scenario #1: Problems with Youth Loitering, Fighting, and Drinking

In the first scenario, prosecutors were asked which types of activities they would undertake to address problems with youth loitering, fighting and drinking near a local restaurant; who they might enlist as partners; what the prosecutors' role would be in the partnership; and which factors would have the greatest influence on how their office would respond.

Scenario #1: Problems with Youth Loitering, Fighting, and Drinking

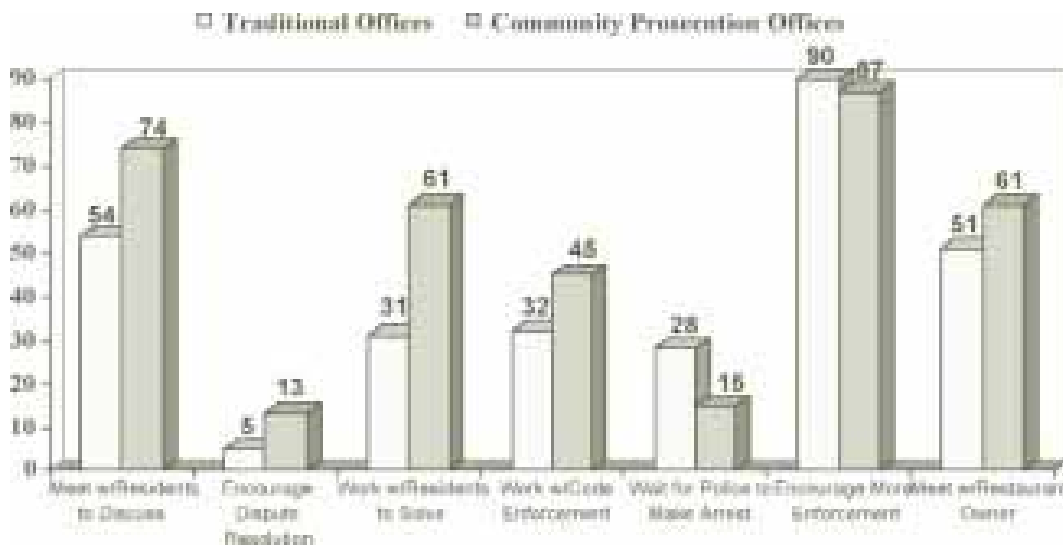
Residents have complained about a large number of juveniles playing loud music and loitering in front of a local restaurant during day and nighttime hours. Residents have witnessed several fights in the parking lot and also suspect underage drinking. In addition, the teenagers are blocking the entrance and preventing access to the restaurant. As a result, residents report feeling intimidated; they fear for their safety and are thus reluctant to enter the restaurant. Residents have voiced their concerns about their personal safety and the safety of their property, cleanliness of the area, and the impact these teens have on the overall livability of their neighborhood.

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Both traditional and community prosecutors are almost equally likely to encourage more enforcement, although community prosecutors are slightly less likely than traditional offices to do so, as shown in Exhibit 7. In keeping with the self-reported roles and responsibilities, traditional prosecution offices are more likely than community prosecutors to use a reactive approach by waiting for the police to make arrests before becoming involved. Community prosecution offices are much more likely to meet with residents as the first step and to work with residents to address the problems. Community prosecution offices are also more likely than traditional offices to employ a variety of strategies, such as:

- Assigning non-attorney personnel to focus on the area;
- Handling the situation through a community court;
- Encouraging dispute resolution;
- Establishing a community accountability board; and
- Assigning a prosecutor to work in the area.²⁰

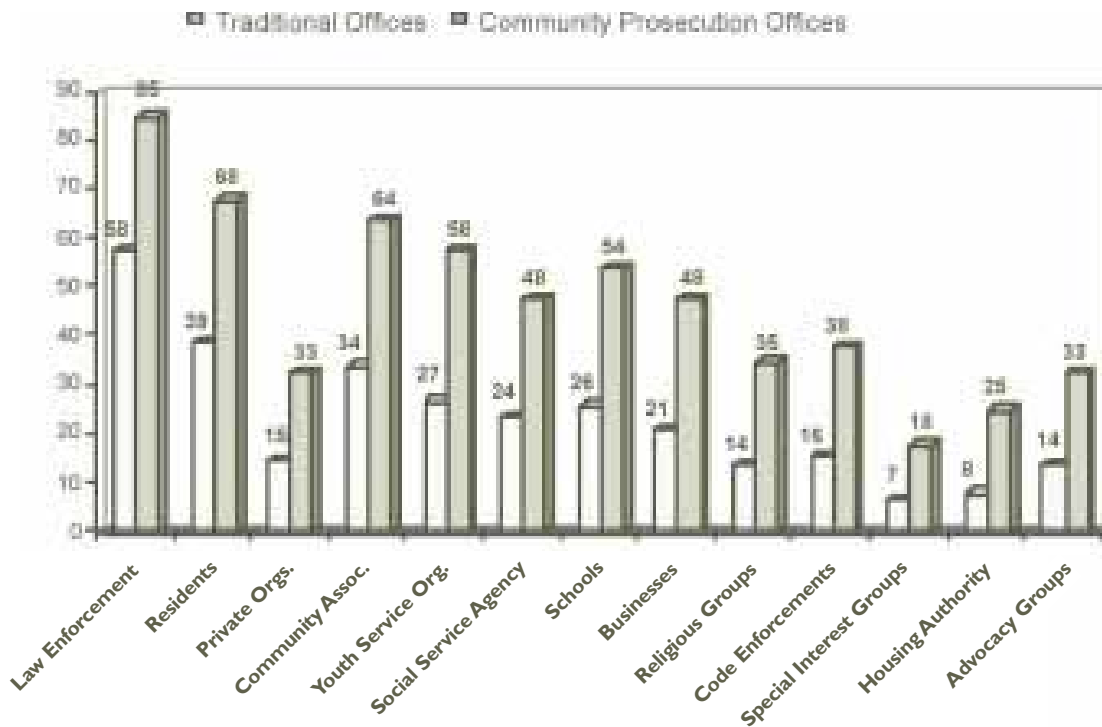
Exhibit 7
Scenario #1: Types of Activities Undertaken to Address the Problems



²⁰ Although community prosecutors were more likely to employ these strategies than traditional prosecutors, the relative frequency was very low (i.e., only 34 of 201 offices would assign non-attorney staff to the area, 24 of 211 offices would assign a prosecutor, 19 of 216 offices would handle the problems through community court, and only 2 of 211 would establish an accountability board).

In formulating a response to the problems identified in Scenario #1, community prosecution offices are significantly more likely to form collaborative partnerships with agencies in the community than traditional prosecution offices. Ninety percent of community prosecution offices, compared with 64 percent of traditional offices, indicate they would form or participate in partnerships to remedy the problems. Exhibit 8 shows the types of agencies and groups with which traditional and community prosecution offices would forge partnerships.

Exhibit 8
Scenario #1: Types of Partnerships Formed to Address Problems



Both traditional and community prosecution offices are most likely to work with law enforcement, followed by community residents, in collaborative partnerships to address the problems reported by residents in Scenario #1. Community prosecutors place relatively more emphasis than traditional prosecutors on working with community residents and community-based associations (e.g., neighborhood associations). In addi-

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tion, community prosecutors are more likely to forge partnerships or participate in partnerships with a wider variety of organizations and groups.

Although forming or participating in a partnership is a critical element of community prosecution, the information in Exhibit 8 does not allow for a determination of the quality or intensity of the partnership. Therefore, it is important to understand how traditional offices and community prosecution offices define their roles in these partnerships, as shown in Exhibit 9 below.

Exhibit 9
Scenario #1: Prosecutors' Role in Partnerships



Overall, less than one percent of offices felt they had no role in partnerships, but of those offices reporting no role in the partnership, all were traditional prosecution offices. As shown in Exhibit 9, there are similarities between the two types of offices in terms of the roles they feel the prosecutor's office should play in partnerships; however, the relative "weight" of the role differs dramatically. For example, community prosecutors are 27 percent more likely than traditional prosecutors to view

their role in the partnership as meeting facilitators, 24 percent more likely to participate in problem identification, and 28 percent more likely to participate in implementing solutions.

Finally, if community prosecutors perceive their roles differently, as suggested from the survey data reported in the previous chapter, to what extent does this different perception define the factors that are most likely to influence prosecutors' response to the problems? Exhibit 10 shows the differences between offices on the factors that influence their decisions about how to address the problems of youth loitering, fighting, and drinking.

Exhibit 10
Scenario #1: Factors that Influence Responses to Problems



Upon initial review, the factors that influence how prosecutors' offices respond to the problems are very similar. Both types of offices are motivated by a desire to punish criminals, reduce crime, and rehabilitate juvenile offenders. In fact, the differences in the percentage between the offices citing these factors are not statistically significant, which means traditional offices and community prosecution offices are almost equally likely to be motivated by these factors. However, there are significant differences in terms of the relative influence other factors have on responses. For exam-

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ple, one-third more community prosecutors are influenced by a desire to improve community relations than traditional prosecutors. Interestingly, community prosecutors are nearly 10 percent more likely to report being influenced by a desire for neighborhood residents to feel safe.

Scenario #2: Neighborhood Plagued by Serious Crime and Nuisance Crime

In the second scenario, prosecutors were asked to comment on how they would prioritize the problems in a neighborhood plagued by serious and nuisance crimes and what the appropriate function of the prosecutor's office is in responding to the problems. In addition, prosecutors were asked whether or not they would assign specific staff to work in the area.

Scenario #2: Neighborhood Plagued by Serious Crime and Nuisance Crime

There is a neighborhood in the jurisdiction with a high crime rate. Criminal offenses range from low-level nuisance offenses, such as vandalism, to more serious offenses, such as burglary and homicide. Numerous residents have complained about the criminal activity and also mention being fearful of the neighborhood in general.

As shown in Exhibit 11, both traditional and community prosecution offices rank their responses almost identically (with the exception of working in partnership with other agencies and involving other agencies by notifying them of the problem).

Exhibit 11
Scenario #2: Appropriate Function of the Prosecutor's Office



This finding suggests that community prosecution may not divert attention and resources away from more serious crime, as some have charged. In fact, community prosecutors are as likely as traditional prosecutors to prosecute the major crimes occurring in the neighborhood. In addition, this finding also supports the notion that there is an absence of substantial differences in how community prosecutors and traditional prosecutors address certain crime problems.

An important difference emerges in staff assignment. Traditional offices are less likely than community prosecution offices to assign either attorneys or non-attorney personnel to work in the community to handle problems or to address specific community concerns. In fact, 35 percent of community prosecution offices would assign a community-based prosecutor to the area to handle the problems, and 40 percent would assign non-attorney personnel to the area. Only 13 percent of traditional offices would assign an attorney to the area. It is interesting to note, however,

that although it is more likely that community prosecution offices would assign staff to an area, the majority of offices practicing community prosecution would not do so. This finding raises the question of whether or not a geographic focus or the assignment of staff to specific areas is a meaningful factor or defining characteristic that distinguishes community prosecution from traditional prosecution.

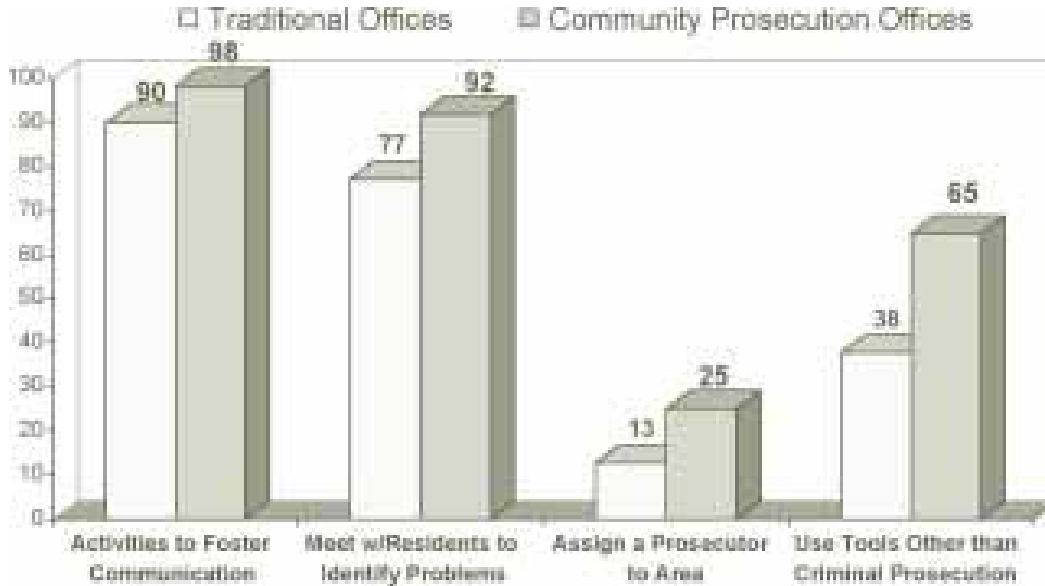
Scenario #3: Drug Sales and Drug Houses

Scenario #3: Drug Sales and Drug Houses

For several months, residents from the jurisdiction have observed drug sales and other violations of the law from a particular house in the neighborhood. During both day and nighttime hours, the house frequently attracts a large group of people. Residents have repeatedly complained to local law enforcement agencies but have not been satisfied with the response. Residents are frightened by persons living in the house and are concerned for their safety. Unfortunately, it has been difficult for the prosecutor's office to gather enough evidence to substantiate the allegations.

In responding to the problem of drug sales and drug houses, prosecutors were asked if they would participate in activities to foster communication between the prosecutor's office and the community or if they would participate in community-led activities, as shown in Exhibit 12.

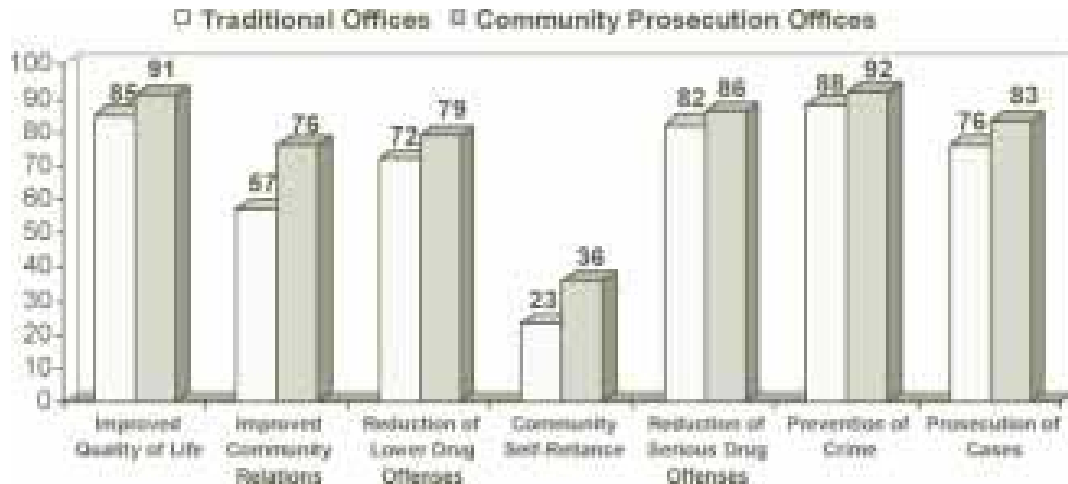
Exhibit 12
Scenario #3: Participation in Various Activities



As one might expect, more than 95 percent of offices reported that they would participate in activities to help foster communication between residents and the prosecutor’s office (90% of traditional offices and 98% of community prosecution offices). Of those traditional prosecutors that reported they would participate in community-led activities, 43 percent were more likely to participate in activities that foster communication aimed at identifying crime or other problems in the community (compared with 57% of the community prosecutors). Community prosecutors, on the other hand, were more likely to meet with community residents to discuss possible alternatives, other than traditional criminal justice tools, to address crime problems in the neighborhood. Community prosecutors were also significantly more likely than traditional prosecutors to assign a prosecutor to participate in the activities, although only 25 percent of the community prosecution offices said they would make such a specific assignment.

Traditional and community prosecutors hold remarkably similar views of the ideal outcomes of their responses to problems, as shown in Exhibit 13.

Exhibit 13
Ideal Outcomes of Prosecutorial Responses to the Scenarios



The most frequently cited outcome by both types of offices is the prevention of future crime, followed by improved quality of life. The only outcomes with marked differences between traditional offices and community prosecution offices are improved community relations and community self-reliance. These two outcomes were more likely to be cited as ideal outcomes among community prosecutors than among traditional prosecutors. Therefore, although traditional prosecutors and community prosecutors may differ in how they view their role and in their approach to addressing crime and quality-of-life issues, the ultimate outcomes sought are similar.

CONCLUSION: SO WHAT DOES IT ALL MEAN?

For more than a decade, prosecutors across the country have become increasingly involved in community-based efforts to address crime. Meanwhile, numerous scholars have reviewed community prosecution in an effort to understand how to define it as a strategy and how community prosecution differs from traditional prosecution practices. APRI's assessment finds that there are in fact significant differences between offices that report practicing community prosecution and those that do not.

There are statistically significant differences in the extent to which offices embrace certain key elements of community prosecution, variations in prosecutorial priorities, and differences in prosecutors' responses to various crime and disorder problems. In terms of the recognized community prosecution elements examined in this study, there is a strong relationship between the practice of community prosecution and the likelihood of using three key elements: 1) partnerships with a variety of government agencies and community-based groups, 2) use of varied methods including problem solving to address crime and public safety issues, and 3) community involvement.

Two of the elements traditionally associated with community prosecution (i.e., clearly defined focus area and integrated approach) are less important to the practice of community prosecution, and although community prosecutors are more likely than traditional prosecutors to focus on a defined geographic area and use an integrated approach, most community prosecution offices do not report using either of these elements.

Also, the differences in theoretical approaches appear to influence practices, i.e., community prosecutors are more likely to employ the elements associated with community prosecution to address community problems. On the other hand, traditional prosecutors rely more heavily on law enforcement to make arrests and to identify solutions to community problems.

THE CHANGING NATURE OF PROSECUTION

Community prosecutors place more emphasis on working collaboratively with the community as well as a wide array of government and community-based organizations. These collaborative partnerships are more likely to focus on identifying and implementing solutions to crime and disorder problems that involve the use of non-traditional problem-solving strategies and varied prevention, enforcement, and treatment methods aimed at addressing the conditions that allow more serious crime to flourish.

In addition, it appears that community prosecution leads to much more community involvement in the criminal justice process. In jurisdictions that practice community prosecution, residents are viewed as partners in identifying problems and solutions. Traditional offices are more likely to define the problems in the community with less direct resident involvement and to view the community as the beneficiaries of the prosecutor's efforts.

Less clear are the practical implications of embracing community prosecution as a philosophical approach toward the business of prosecution. Do the differences in practices equate to a philosophical change in prosecution? Both traditional offices and community prosecution offices have similar views about their roles. Both rank their roles in similar priority order, although community prosecution offices tend to weigh the community-focused roles more heavily than traditional offices. In practice, community prosecutors and traditional prosecutors are likely to employ different strategies to address crime and public safety problems, yet their intent is to achieve the same outcomes.

These findings seem to indicate that there is movement toward embracing community prosecution as a philosophical approach, as characterized by changed prioritization of roles and practices. However, because the findings are based on the results of a survey that captured a snapshot in time rather than change over time, it is impossible to say definitively that community prosecution represents an actual change in philosophy. Additional research is needed on this point.

The finding that both traditional and community prosecutors are in agreement about the ideal outcomes of their efforts is interesting. For both types of offices, the desired "ends" focus on holding offenders

accountable and ensuring public safety by reducing crime and preventing crime. Thus, community prosecution may simply represent an alternative means to the same ends. A perceived ancillary benefit of community prosecution seems to be improved community relations and community self-reliance. Although it could be argued that this finding supports the notion that the motivation for using community prosecution is political and not altruistic, the finding should be interpreted with caution. The survey did not allow for a prioritization of outcomes that could shed light on possible motivating factors, nor did the survey attempt to measure motivation.

Nevertheless, the evidence is clear that the community prosecution approach has a number of key elements that distinguish it from traditional prosecution practices—primarily as a result of the active involvement of the community, formation of multi-disciplinary partnerships, use of problem-solving methods, and the identification and development of innovative responses to crime. It remains to be seen if the principles of community prosecution will translate into approaches for dealing with more serious crimes as compared with nuisance crimes. Theoretically, if community prosecution does rise to the level of philosophical change, one might expect that community involvement, partnerships, and problem solving will become an integral strategy for addressing all types of crimes and public safety issues.



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