

**Implications of Community Prosecution for Prosecutors and Community:  
A Case Study of the Community Prosecution Initiative in  
Red Hook, Kings County, New York**

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## ABSTRACT

Prosecutors are powerful actors in the criminal justice system. Scholars make the argument that prosecutors exercise far more control over criminal matters than any other agency (Thomas and Fitch, 1976, p. 509; McDonald, 1979, p. 18-19, Wickersham, 1931) . Over time, various changes have augmented prosecutorial power, ranging from the decision to make the office of the prosecutor an elected one, thereby affording prosecutors independence in carrying out their duties (Misner, 1996, p. 729), to the advent of determinate sentencing, resulting in shifting sentencing discretion away from the courts to the prosecutor (Vorenberg, 1981, p. 1525, 1529). This research hypothesized that community prosecution represents another development that will result in increasing the influence of the office of the prosecutor.

Traditionally, prosecutors have been oriented toward successful case disposition. The case-by-case methodology has involved little contact with the community. In addition, the prosecutorial focal point is on felony cases, while lower level offenses generally receive little time or attention. The emergence of community prosecution challenges the traditional prosecution role and its emphasis on the more serious matters and winning cases, and promises positive effects for the “communities” targeted. Through a case study of its application in Kings County, New York, this dissertation explores community prosecution and its impact on the role of the prosecutor and for the community, in the context of a community court implemented in Red Hook, Brooklyn.

Focusing on the Red Hook example, the study drew on three principal sources of data to examine the community prosecution innovation, including: a) arrest data, aggregated monthly, for the three police precincts that handle cases originating in Red Hook, covering the years 1998 through 2001 (46 months per precinct, n=138 ); b) precinct level arrest and court case filings for

criminal incidents that took place in Red Hook and other Kings County locations for two distinct time periods (the third quarter of 1998, (n = 19,296) and the first quarter of 2001, (n = 22,988)); and c) court case data from the Red Hook Community Justice Center (hereafter, RHCJC) 2000 through 2001 (51 weeks, n=4,088). Several different types of complementary analyses, including HLM, contrasted changes in case types and defendant characteristics in the study locale over time associated with this community-oriented form of prosecution. The analyses also compared these changes to the caseloads from neighboring communities that did not have access to this innovation, where cases were processed in the traditional manner. Specific hypotheses tested about the effects of the community prosecution innovation included the following: 1) Implementation of the community prosecution initiative via the community court will result in an increase in the volume and/or proportion of arrests for minor offenses in precincts operating within the community court's jurisdiction. That increase will not be experienced by precincts not involved with the court. 2) The community prosecution strategy will draw defendants into the Red Hook criminal justice system who would not otherwise have been involved in the system, specifically including greater proportions of young minority males and individuals with no prior criminal histories.

This research also involved a limited inquiry into how community members were responding to the community prosecution initiative. Given the purpose of community prosecution, to engage the community in handling its unique crime problems in an effort to make them feel safer, it was of interest to know whether there was any evidence that this happened in Red Hook. To that end, the research drew upon qualitative data, including: a) a series of non-probability based community surveys performed within the Red Hook jurisdiction in 1999 (n=980), 2000 (n=1,744) and 2001 (n=1,169) and b) two focus groups (n=12; n=18) conducted

by this researcher in May of 2003. These other data sources provided context, allowing for better understanding the results of the analyses.

Findings indicated slight effects of community prosecution in the anticipated direction: The volume of arrests from the Red Hook precincts (Data Set 1) increased slightly after the court was implemented. In addition, findings from the RHCJC caseload (Data Set 3) indicated that post-implementation, misdemeanor cases increased slightly but significantly. Comparisons of the post-implementation caseload filed from Red Hook precinct arrests with the control group (consisting of pre-implementation, Red Hook filings and both pre-and post-implementation filings from the arrests made by the rest of the Kings County precincts (Data Set 2)) indicated that the caseload proportion of misdemeanors in post-implementation Red Hook filings increased significantly when compared with the control group filings. In addition, analysis of Data Set 2 (comparison of caseload characteristics) indicated both a significant increase in the proportion of the post-implementation, Red Hook cases made up of Hispanic defendants, and a significant increase in the caseload proportion consisting of defendants with no prior record of criminal convictions.

The primary findings from the qualitative data (Survey and Focus Group Data) indicated that community respondents appeared to be more satisfied with the court system and seemed to feel safer after the RHCJC was implemented. There was also some indication of race based differences in responses: White respondents seemed generally more positive about perceived post-implementation changes in Red Hook than minority respondents.

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## **DEDICATION**

For Benny Irons. Wish you were here to see this, Dad!

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## CHAPTER 1

### THE PROSECUTOR'S ROLE IN THE COMMUNITY: THE ADVENT OF COMMUNITY PROSECUTION

#### Introduction: Study Overview

As sentencing reforms have limited the discretion of judges at sentencing and made charging and plea negotiation decisions much more important in determining the outcomes of criminal cases, the American prosecutor has become an increasingly powerful actor in the criminal justice system (McDonald, 1979, p. 32). Over the last two decades or so, some prosecutors have adopted a community-focused, problem-solving approach, in a potentially significant departure from traditional prosecution methods (Goldkamp, Irons-Guynn and Weiland, 2001). Traditionally, prosecutors have been oriented toward successful case disposition. This case-by-case methodology involved little contact with the community. The emergence of community prosecution has challenged the traditional prosecution role and its emphasis on winning cases and has promised positive effects for the “communities” targeted. Through a case study of its application in the Red Hook section of Brooklyn, New York, in a community court setting, this dissertation explored community prosecution and its impact on the role of the prosecutor and the community.

The implications of community prosecution for the role of the prosecutor were examined in both method and substance. The community focus of the strategy was examined in the context of the prosecutorial function generally and in light of the recent history of justice innovations focusing on community.

More specifically, this study examined the impact of community prosecution by measuring caseload volume and case mix, as well as the types of defendants prosecuted. The study hypothesized the following: 1) Implementation of the community prosecution initiative via

the community court would result in an increase in arrests for minor offenses by precincts operating within the community court's jurisdiction. That increase would not appear in precincts not involved with the court. 2) The community strategy would draw specific kinds of defendants into the criminal justice system, including greater proportions of young minority males and individuals without prior criminal histories, as compared to caseload characteristics of other neighboring precincts. Descriptive analyses of focus group results and recent community surveys by a local organization provided some context for interpreting the empirical findings.

This research first describes briefly the evolution of the role of prosecution in American justice to provide background against which "community prosecution" can be understood. It also highlights ways in which "community" has been viewed in criminal justice contexts in the recent past; community prosecution is just one among several community-focused criminal justice initiatives. Against this background, the research focuses specifically on community prosecution, its emergence and variations across the United States. The research considered one jurisdiction's experience in depth as a case study of community-oriented prosecution in the hopes of raising issues and questions that are made widely applicable. The location selected for the study, Red Hook, Brooklyn (Kings County), New York, offered both a unique community setting and one with broader implications because it is one of the major instances of a community prosecution approach.<sup>1</sup>

To illustrate the features and implications of community-oriented prosecution, the study analyzed five sources of data capturing community prosecution's impact during its early stages

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<sup>1</sup> The study drew on research the author was involved in, examining community prosecution and community courts in the United States from 1999 through 2003. The study builds on the prior research, including interviews, site visits, and interactions with prosecutors involved in active community prosecution sites. That descriptive research resulted in several community justice related publications for the Department of Justice, and presentations at two regional conferences and one national federally sponsored community prosecution conference (held in Kings County, New York) in 2002 and 2003. See: (Goldkamp, Irons-Guynn and Weiland, 2001; Goldkamp, Weiland and Irons-Guynn, 2001; Irons-Guynn and Dote, 2002; Irons-Guynn and Goldkamp, 2004.)

of development. The principal analysis relied on three data sets: a) arrest data, aggregated monthly, for the three police precincts that handle cases originating within the jurisdiction of the Red Hook Community Justice Center (hereafter, RHCJC) for the years 1998 through 2001; b) precinct level criminal case filings for criminal incidents that took place in Red Hook and other Kings County locations for two distinct time periods (the last quarter of 1998 and the first quarter of 2001); c) criminal filings from the RHCJC (2000 through 2001). Two informal, qualitative data sources, explored only to describe community reaction, included: d) non-probability community surveys administered by the Center for Court Innovation of New York (hereafter, CCI) in successive years (from 1999 through 2001) to community members who lived or worked within the jurisdiction of the RHCJC; and e) qualitative data from focus groups with Red Hook residents and individuals who worked in Red Hook in Spring 2003. The questions raised by the development of community prosecution in the United States, the study methodology and implications of the findings are discussed below.

The study did not seek to “evaluate” the community court in Red Hook. Rather, the analyses contrasted changes in case types and defendant characteristics in the study locale over time, and according to hypotheses deriving from the community prosecution model, compared these changes to what was occurring in neighboring precincts and in Red Hook previously where this innovation did not exist. These analyses tested specific hypotheses about the effect of the community prosecution innovation and considered the implications for the role of the prosecution and for targeted communities.

### **Role of the Prosecutor in the United States**

The belief that the prosecutor is the most influential actor in the American criminal justice system is not new (Thomas and Fitch, 1976, p. 509; McDonald, 1979, p. 18-19). In 1931,

for example, the Wickersham Commission report noted that “in every way, [the prosecutor] has much more power over the administration of criminal justice than the judges (Wickersham, 1931).” The prosecutor has long exercised discretion over whom to charge with a crime, what crime to charge, what terms may be acceptable in plea negotiations and, when a conviction results, sentencing options.

Prosecutors have controlled the disposition of a large percentage of criminal cases through the guilty plea since at least the early 1900’s. In the 1930’s, the role of the prosecutor began to expand beyond the adjudicatory process. Cases involving activities such as organized crime and racketeering called for a more proactive prosecutorial role. In addition, the growing complexity of search and seizure law and the rules regarding electronic surveillance meant that prosecutors were required to work with and guide the police during the investigatory process (Silbert, 1977, p. 1718; Goldstock, 1992, p. 3). In the 1970’s, the movement toward sentencing reform created an additional shift in control over sentencing away from the sentencing judge and towards the prosecutor, intensifying the significance of the guilty plea by narrowing judicial discretion at sentencing through determinate or fixed sentencing schemes (Miethe, 1987; Boerner, 1995). Relatively recently, some prosecutors have attempted to extend their interaction with the community for a variety of reasons, ranging from efforts to increase the willingness of citizens to provide intelligence about problems and offenders in the neighborhood (Kurki, 2000, p. 257-258) to a move beyond prosecution of individual cases to promote crime prevention (Boland, 1998, p. 253-254). Since the origins of the American prosecutor in the 1700’s (Jacoby, 1980), the prosecutorial role in the criminal justice system has evolved from minor actor to major player, both inside and outside of the courtroom.

## **The Evolution of the Prosecutor's Role**

The first prosecutions of crimes in the American colonies were conducted by private prosecutors in the name of the king and by victims through private attorneys they retained on their own (Jacoby, 1980). No single official was appointed to handle criminal matters for the government. In 1704, Connecticut became the first state to designate a public prosecutor, appointed by county courts, with sole responsibility for litigating criminal cases (Wickersham, 1931). Initially, the court or the governor appointed local prosecutors. In the beginning of the 19<sup>th</sup> century, the prosecutor was viewed as a minor player in criminal justice who served as an adjunct to the judge (Jacoby, 1980, p. 21). However, the role of the prosecutor began to change in the middle of the 19<sup>th</sup> century. In 1832, Mississippi amended its constitution to add a provision for the election of local prosecutors. By 1912, the laws of forty-eight states provided for a public prosecutor, and in all but five states, the prosecutors were elected officials (Jacoby, 1980). This move from appointed official to elective office was intended to make prosecutors more accountable to the citizens of their jurisdictions and independent of the influence of the judiciary and/or the governor (Goldstein, 1983; Davis, 2001). Although it is debatable whether either of these outcomes occurred,<sup>2</sup> the change to elective office is credited with making the expansion of the local prosecutor's power possible (Misner, 1996, p. 729).

Despite its judicial origins, the office of the prosecutor was soon treated as a part of the executive branch of government (Goldstein, 1983, p. 1244). Courts have long considered federal prosecutors, appointed by the president, as a part of the executive branch,<sup>3</sup> tracing their powers to

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<sup>2</sup> Authorities expressed the concern that elected prosecutors are susceptible to influence by powerful political forces such as corrupt political or criminal organizations seeking to control the considerable power wielded by the office. (Wickersham, 1931). In addition, critics suggest that there is little actual accountability to the community, since decisions made by prosecutors and the policies by which the office is run are generally invisible to the public unless a case has a high profile, or the prosecutor feels the pressure of an election year (Davis, 2001; Thompson, 2002.)

<sup>3</sup> See e.g. U.S. v Cox (1965).

a combination of the constitutional grant of the power to execute laws vested in the President<sup>4</sup> and the Judiciary Act of 1780, which created the office of the district attorney to prosecute suits for the government.<sup>5</sup> In interpreting the separation of powers doctrine, courts have adopted a “hands off” policy with regard to discretionary decisions made by the prosecutor (Loewenstein, 2001). As a result, the contemporary prosecutor bears the responsibility of initiating prosecution and of deciding what the formal charges will be (McDonald, 1979, p. 35), as well as the power to dictate which cases go to trial, and to influence the ultimate disposition of the charges. All of these powers and responsibilities occur within the prosecutor’s discretion and are essentially unreviewable (Griffin, 2001).

The decision of whether to charge a defendant with a crime is generally regarded as the most critical of the discretionary powers at the prosecutor’s disposal. In addition to the impact that this decision has on the life of the defendant, prosecutors affect police practice when they decide to prosecute certain types of crimes, or when they refrain from doing so (Lynch, 2002, p. 1248). Also, the specific charges that they bring against defendants, which may require statutorily mandated sentences, can act to circumscribe judicial sentencing decisions (Gottfredson, 1987, p. 113-114). Appellate court decisions upholding the power of the prosecutor to both initiate and terminate a criminal case, dating back as far as 1883 (People v Wabash, St Louis and Pacific Railway) illustrate the deference shown by the judiciary for the power of the office of the prosecutor. The basis asserted by the judiciary for this deference has been either the separation of powers doctrine or the belief that the prosecution function is ill suited to judicial

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<sup>4</sup> US Constitution, Art. II, Sec. 3

<sup>5</sup> Although the courts have generally interpreted the intent of the framers of the Constitution to mean that the prosecutor is part of the executive branch of government, Constitutional law scholars dispute this position. See Shane (1989); Dangel, (1990); Lessig and Sunstein (1994); Davis (2001) arguing that the framers did not intend to make the office of the prosecutor executive; but see Calabresi and Prakash (1994) arguing that the prosecution function has always been part of the executive branch.

review (Wayte v. U.S., 1985; Griffin, 2001, p. 275; Lupton, 2002, p.1279). An extremely limited possibility of judicial review of prosecutorial decisionmaking is available only for defendants with constitutionally based claims of selective or vindictive prosecution ( Lupton, 2002, p. 1284; Lynch, 2002, p. 1248) . Such claims are difficult to prove and almost uniformly rejected (Griffin, 2001, pp. 276-277; Coker, 2003, pp. 844-862).

The broad discretionary power that has come to characterize the office of the prosecutor has for some time been a point of contention among criminal justice scholars (LaFave, 1970). As an outspoken critic of this discretion, Davis argued that the power to decide which laws are to be enforced and against whom leaves to the prosecutor the power to decide who will be treated leniently as well as who will not: “the power to be lenient is the power to discriminate” (Davis, 1969, p. 170). He argued further that prosecutorial discretion should be controlled by authorities such as the state attorney general, outside of the local prosecutors office (Davis, 1969, p. 208). Some scholars suggest that guidelines should be formulated to guide prosecutorial discretion (Thomas and Fitch, 1976), while others believe that sufficient controls on discretion are inherent in the structure of the advocacy system itself. Local prosecutors are elected and must respond, to some degree, to the wishes of the people. Other practical concerns, such as the need to exhibit some sense of fairness and consistency across cases, at least tend to limit the prosecutor’s discretion (Pizzi, 1993, p. 1344-1345).

Over time the prosecutor’s influence expanded to intrude upon areas traditionally handled by other criminal justice agencies. The growing complexity of the legal system, due primarily to the increase in case volume generated by the growth in population without commensurate increases in prosecutor or courtroom resources (Ramsey, 2002, p. 1334; Alschuler, 1968, p. 51; Misner, 1996, p. 742), has made plea negotiation an increasingly common method of case

disposition. This has resulted in shifting responsibility for resolution of many criminal cases to the prosecutor, thereby relegating the judge to a ratifying role (LaFave, 1970, p.540-541; Pizzi, 1993, pp. 1355-1356). McDonald illustrated the gradually increasing significance and impact of the guilty plea:

One of the first cases in Massachusetts of a defendant's entering a guilty plea occurred in 1804. By 1839 about 24% of all the convictions in the state of New York were by guilty pleas. By 1860 that percentage had doubled. By 1929, the figure was 90%, and commenters were referring to 'the vanishing jury'...and 'criminal law administration through and by the prosecutor.' (p. 27)

In 1970, the Supreme Court acknowledged the legitimacy of plea bargaining, outlining the conditions under which pleas are considered valid (Brady v. U.S., 1970) (Goldstein, 1983, p. 1245; Misner, 1996, p. 751). One year later, the court indicated that the guilty plea is "...an essential component of the administration of justice. Properly administered, it is to be encouraged." (Santobello vs. New York, 1971, p. 261; Misner, 1996, p. 751). Disposition of cases by plea bargain remains controversial, however, because of the power this practice imparts to the prosecutor to determine the outcome of the majority of criminal cases without oversight, judicial or otherwise. Judges are rarely involved in or privy to plea negotiations and the factors that determine the terms of the bargain are seldom made public (LaFave, 1970, p. 542). Prosecutors argue that the plea agreement is an important tool that allows them to consider the specific circumstances of each defendant and tailor the sentence to the specific case, and to avoid inappropriately harsh sentences, such as those sometimes required by mandatory statutes (Casper, 1972). On the other hand, criticisms of the plea bargain range from fear that the defendant will receive a lesser sentence than deserved (Brereton and Casper, 1981) to concern that this practice is unfair because the defendant is forced to waive constitutional rights in exchange for a sentence that is more lenient than he would receive if he insisted on a trial

(Alschuler, 1975). Suggested solutions to what many scholars consider the problem of the plea bargain include structuring the discretion of the prosecutor through the use of guidelines (Thomas and Fitch, 1976, p. 548; Misner, 1996, p.767), limiting the situations when pleas can be taken to certain pretrial stages or types of charges (McCoy, 1993, p. 29) or abolishing it completely (Rubenstein and White, 1980; Schulhofer, 1992, p. 2009). As yet, none of these proposed solutions have had any significant effect on either the guilty plea or prosecutorial dominance over criminal justice practice (Misner, 1996).

Habitual offender laws, mandatory sentencing schemes (McDonald, 1979, p. 31-32) and sentencing guidelines (Boerner, 1995), part of the sentencing reform movement of the 1970's and 1980's which were intended to limit the discretion of the sentencing judge, further augmented the power of the prosecutor and enhanced the significance of the guilty plea (Vorenberg, 1981, p. 1525, 1529). In the early 20<sup>th</sup> century, the prevailing sentencing rationale was rehabilitation; defendants were sanctioned under indeterminate sentencing policies that were based upon the concept that offenders could only be effectively rehabilitated by individualizing their sentences (Nagle, 1990, p. 891-895). Under this system, the primary decisionmakers, the judge and the parole board, were given broad discretion to determine actual sentence length. Judges had wide latitude to decide upon the appropriate sanction and the maximum term, restricted only by the broad statutory limit placed upon an offense by the legislature. The sentenced offender would be released when parole officials believed them ready to live a law abiding life, a decision ostensibly based on perceived progress towards rehabilitation but often more clearly linked to behavior in prison (Mitford, 1971, p. 90). Offenders were uncertain about the length of their sentence until a substantial amount of the maximum had been served.

Disparity in sentences of defendants convicted of the same offense was accepted as part of this philosophy.

As early as 1933, a study indicated that the discretion granted to the sentencing judge under this system led to wide disparities in sentences from courtroom to courtroom for similar defendants charged with similar offenses (Gaudette and St. John, 1933) and claims of bias were raised (Clear, Hewitt and Regoli, 1978, p. 430-431; Nagle, 1990, p.891-895). Critics argued that “unwarranted disparities, explicable more in terms of the judge’s personality, beliefs, and background than the offender’s crime or criminal history have repeatedly been demonstrated” (Blumstein, Cohen, Martin and Tonry, 1983). Martinson’s negative commentary (Martinson, 1974) on rehabilitation studies along with the opinions of other critics that compulsory treatment was ineffective (Morris, 1974, p. 15) added fuel to the criticism of rehabilitative and indeterminate sentencing.

Determinate sentencing laws were enacted in part to promote sentencing consistency by removing the discretion of individual judges to treat similar defendants differently. The limitations on sentence ranges imposed through these approaches allowed little flexibility for judges and by default (or political design) greatly increased the importance of the prosecutor’s role at sentencing, since the charging decision and plea negotiations largely define what the resulting sentence will be (Vorenberg, 1981, p. 1525, 1529-30; Boerner, 1995, p. 198; Misner, 1996, p. 754). Mandatory sentencing provisions require the judge to sentence the offender to specific, inflexible prison terms (Lynch, 2002) and, when invoked by the prosecutor, habitual offender laws require harsh sentences to be meted out to defendants who have the requisite prior convictions (Misner, 1996, pp. 748-749). In these ways, through his power over charging

decisions and plea negotiations, the prosecutor has greater control over the severity or leniency of the criminal justice response to particular offenders than the sentencing judge.

Although the recent history of the prosecutor in the U.S. reveals a growing and more influential role for the prosecutor in the adjudication process, these powers pertained mainly to functions carried out “in the courthouse” in the disposition of criminal cases. In the early 20<sup>th</sup> century, the role of the prosecutor began expanding outside of the courthouse as well, into areas normally within the purview of the police.

The taking of the criminal complaint from the victim, investigation of crimes and interaction with the community, for example, tasks that have long been considered police functions, have gradually become prosecutorial functions as well. As early as the 1920’s, a prosecutorial role in crime detection and investigation was recognized (Pound, 1930, p.182, Wickersham, 1931, p. 12) though the basis of these functions can be traced even earlier, to the Connecticut statute of 1704 that codified the office of the prosecutor for the first time in the United States. That statute provided that the county attorney should prosecute criminal offenders as well as doing “all other things necessary or convenient ...to suppress vice and immorality” (Wickersham, 1931, p. 7). Still, it appears that it was not until the 1930’s that prosecutors began to involve themselves in the investigative process in order to prosecute complicated criminal cases more effectively (Goldstock, 1992, p. 3). In cases involving racketeering, “victimless” crimes such as prostitution, and criminal situations such as organized crime, where victims and witnesses were fearful of coming forward, the prosecutor was required to play a more proactive role and to interact more closely with police (Silbert, 1977, p. 1718; Goldstock, 1992, p. 3).

Criminal law authorities endorsed this new prosecutorial approach. One court stated that “with the vast extension of the field of criminal law made necessary by complex social and

economic conditions... [i]t is not only the right but the duty of the prosecutor in such cases to himself take the initiative (State ex rel McKittrick v. Graves, 1940).” The prosecutor’s expansion into these other areas grew as criminal law became more complex with the advent of electronic surveillance techniques. Congress required the review and approval of the prosecutor prior to the use of wiretaps, forcing police to rely on the prosecutor’s legal expertise (Little, 1999, p. 735). During the late 1970s and the early 1980s, the prosecution of gang-related crimes focusing on the most serious gang offenders generated a more aggressive prosecutorial role. In some offices, prosecutors joined the police on the street to investigate, gather intelligence, and prepare and serve search warrants, leading to vertical prosecution of the cases, with a single attorney handling cases from arraignment through disposition (Williams, 1990, p. 387; Ehrensaft, 1991). United States Attorney for the District of Columbia Silbert argued that prosecutors should become more involved in the control and reduction of crime by expanding their role from the traditionally narrow one of processing cases brought to them by the police to a more active one, including involvement in investigating and building cases and taking the lead in coordinating joint investigations with other agencies (Silbert, 1977). In standards relating to the prosecutorial function, the American Bar Association then (1971) and more recently (1993) has recognized the prosecutor’s affirmative responsibility to investigate suspected illegal activity not being adequately handled by police.

### **The Prosecutor’s Role in the Community: Community Relations and Crime Prevention**

This first expansion of the prosecutor’s role beyond the traditional courthouse function to become involved in crime investigation opened the door to other extensions of the prosecutorial function. The nature of the prosecutor’s role from its early origins insulated it from close or frequent interaction with the public—except as involving parties in individual cases or during

election campaigns. As the prosecutor became increasingly independent and powerful in the criminal justice system, moving away from citizen activated forms of prosecution that existed earlier in the nation's history (Wickersham, 1931), the relationship between the prosecutor and the community became more distant (Ramsey, 2002, p. 1321). Although most local prosecutors are elected, and as such accountable to the community for decisions made on their behalf, most of the day-to-day decisions are not made public, nor is the public generally consulted on issues of office policy (Davis, 1969; Davis, 2001, p. 451). "The fact that prosecutors or their appointing authorities must seek election is small comfort in view of the low visibility with which they exercise their discretion" (Vorenberg, 1981, p. 1559). The traditional prosecutor has tended to remain relatively aloof from the community, based on the belief that the prosecutorial mandates not only to protect the public but also to seek justice (American Bar Association, [ABA], 1980) require an independent assessment of the merits of each case (Thompson, 2002). The conflict created by these mandates dates back to the early 19<sup>th</sup> century (Ramsey, 2002, p. 1345-1347). In 1971, former Los Angeles District Attorney Evelle Younger, then the Attorney General of California, pointed out:

Too often the courts and the legal profession have looked upon the legal system as a private preserve of the lawyers and the judges. The notion has been quite prevalent that what goes on in the Courtroom is really none of the public's business. Too often prosecutors and law enforcement officials have taken the attitude that how they conduct their business is really none of the public's business. The public, on the other hand, has looked at law enforcers as a group apart (Healy and Manak, 1977, p. 23).

Whether or not fully recognized or actualized, a prosecutorial role in the community—even in crime prevention--has been discussed in official literature for decades. In 1971, the American Bar Association's Standards Relating to the Prosecution Function noted "...the prosecutor is the leader of law enforcement in the community. He is expected to participate

actively in marshalling society's resources against the threat of crime (ABA, 1971)." In language and perspective resonating with the more recent initiatives to implement community prosecution across the nation, in 1971, Younger defined the prosecutor's responsibility as a leader to include directing the community toward the goal of crime prevention and order maintenance and enlisting them in the effort:

A prosecutor worthy of the position must use the mantle which has been placed on his shoulders to assume a role of leadership in the entire community and help bring what has been characterized as a 'sick community' back to a condition where decent people can live peacefully in the enjoyment of their rights and property without the fear of molestation or attack from the criminal element.... The prosecutor must encourage citizen participation by convincing the people in his community that the war on crime cannot be won until all responsible persons become involved... There is a great untapped resource of public activity which, if properly guided by a prosecutor who is a true leader, can accomplish much more in suppressing crime than a series of arrests and successful prosecutions... The district attorney... is challenged by that responsibility to take affirmative steps to marshal the community resources and actively work at crime prevention (Healy and Manak, 1971, p 4-6).

Younger argued that prosecutors must be willing to innovate and experiment: "...he must constantly be on the lookout outside the traditional scope of the prosecutor's office for new ways to improve the system and to suppress crime" (Healy and Manak, 1971, p. 4-5). Some prosecutors argued that this community role included a responsibility to educate the community about the legal system and to inform them of office policy. In 1977, Carol Vance, then District Attorney for Harris County, Texas, and President of the National District Attorneys Association, stressed the importance of positive community relations in administering his office, particularly the need to educate the community about what the prosecutor's office does (Douglas, 1977). He instituted educational programs targeting both adults and middle and high school aged children, sent his prosecutors out to give talks at schools on criminal justice issues, and used the press to encourage public participation in anti-crime programs. Vance also created a citizen advisory committee in his community, composed of former grand jurors, minority leaders, the Board of

the Chamber of Commerce, criminal justice professionals, church leaders and other concerned citizens who were representative of the community. The committee was kept informed of office activities through a semi-annual report, which described major accomplishments and the operations of each division in the office. The committee was also used as a sounding board for office priorities, "...for example, the reaction of the Committee to pornography indicated the vast majority wanted our office to aggressively prosecute in this area."

Despite this long-standing recognition of the potential value of a broader prosecutorial role in the community, case processing has remained the principal, traditional emphasis in most prosecutor's offices (Thompson, 2002, p. 330-332). Prosecution policy typically required that limited office resources be focused on processing cases involving crimes that have already been committed (Silbert, 1977, p. 1717-1718; Thompson, 2002, p. 330-331), and on securing appropriate criminal penalties for serious offenders (murder, rape, aggravated assault, robbery, etc.). Little emphasis and few resources have been devoted to crime prevention and the enforcement and prosecution of the far more voluminous less serious matters, such as prostitution, public drunkenness, minor property and public order offenses, matters traditionally delegated to young, inexperienced prosecutors, since such cases generally receive little public exposure and are perceived to be unimportant (Heyman and Petrie, 2000, p. 26). Community contact has generally been limited to what is necessary to prepare victims and witnesses for trial. Since the end of private prosecution of criminal matters in the United States, victims have had little input into matters of crime control policy or how the criminal cases that directly affected them would be handled.<sup>6</sup> Only relatively recently in 1993 did the American Bar Association

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<sup>6</sup> Prior to the President's Task Force on Victims of Crime in 1982, victims were rarely considered in the plea bargain decision, nor were they necessarily even notified of the outcome of the case. Since then, at least for serious cases, the majority of the states have adopted rules requiring notice of proceedings and outcomes, and 40 states require the prosecutor to consult with the victim about plea bargains, while 10 states afford them a limited right to be heard in

include in its standards a recommendation that victims of serious crime be given an opportunity to consult with the prosecutor prior to the disposition of the case (ABA, 1993). The processing and outcomes of low-level cases, however, have remained largely out of public sight.

### **Community in Criminal Justice**

Examination of the recent community prosecution movement cannot be complete without considering what is meant or implied by the “community” part of the term “community prosecution.” At the core of questions concerning the efficacy of community approaches is the definition of community. Buerger argues: “part of the difficulty in the search for a proper community role lies in the imprecise and multiple uses of the word “community” (Buerger, 1998, p. 148). Citing Webster’s several definitions for community, Buerger illustrates the problem with implementing policy based upon a so called “community consensus.” Three out of the six definitions ascribe to communities “common cultural and historical heritage” and describe them as sharing common characteristics or interests, or similarity to each other, whereas socially disorganized communities tend to share little more than geography (Buerger, 1998, p. 148-149). As Pound described it, the term “community” once assumed certain commonalities in background and behavior that linked together individuals living in a certain area. Once that was no longer the case, social control was lacking (Pound, 1930). Contemporary troubled communities are often inhabited by minority residents who share socio-economic status and location, but may be of assorted ethnic backgrounds and race, and as a result are less likely to have “shared norms” that govern community behavior (Grinc, 1994, p. 190). The condition of social disorganization that is present in these neighborhoods causes difficulty in identifying the problems and priorities that represent the wishes of the community as a whole. As one scholar

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court as well. (Tobolowsky, 1999). However, victims have no real input into the charges brought against the offender, or how the prosecutor ultimately chooses to dispose of the charges. (Tobolowsky, 1999).

notes, "...inner-city communities, like all communities, do not speak with one voice..." (Cole, 1999). This makes defining a community role in community-based crime prevention efforts challenging.

An argument can be made that community context---variously defined---has been a theme throughout the entire history of criminology. Scholars such as Shaw and McKay (1942), Newman (1980), Ferri (1896), Cloward and Ohlin (1960) and Bursik (1986) have all advanced theories that define the role of community as an important factor in explaining crime. It is not appropriate or feasible in this proposal to review the entire history of the role of "community" in the field of criminology from its beginnings. Although the distinction between criminology and criminal justice is not always clear or meaningful, policy initiatives in criminal justice have not always been grounded in criminological theory. In this research, the implications of the operational assumptions about the nature of "community" are most relevant. In criminal justice, the concept of community---often vague and ill-defined--- does nevertheless make important appearances associated with intervention strategies.

Pound (1913; 1930), for example, believed that changes in community dynamics caused changes in the behavior of its members and those changes were closely related to crime and how criminal justice ought to be administered. Pound (1913; 1930) noted early in the 20<sup>th</sup> century that the American justice system was premised on the assumption of homogeneous neighborhoods and local cultures in which neighbors often attended the same churches and supervised each other's children. These early American neighborhoods were able to exercise social control, as shared values meant the prospect of community disapproval was sufficient to deter most from breaking unwritten yet understood community rules, and official criminal justice agents were a last resort in dealing with such issues, called in mainly for serious matters. When Pound wrote

about the changing dynamics of the administration of justice, he argued that, while the justice apparatus had not changed significantly from its early origins, neighborhoods have become more heterogeneous over time, the church has become less and less important, and there was less of an implicit, common understanding of shared neighborhood values and rules of behavior that helped control behavior and lend legitimacy to the justice system (Pound 1930, p.13-14). Pound also predicted a current dilemma in which the justice system would be expected to deliver services that ordinarily should be delivered through other, non-justice agencies (Fagan and Malkin, 2003, p. 902-903; McCoy, 2003, p. 902-903).<sup>7</sup> Pound's themes discussed in the context of the challenges facing the administration of justice reflected:

This complete change in the background of social control involves much that may easily be attributed to ineffectiveness of criminal justice, and yet means only that it is called on to do the whole work, where once it shared its task with other agencies and was invoked, not for every occasion, but exceptionally (Pound, 1930, p. 311).

In the 1920's and continuing into the 1940's, human ecological theorists<sup>8</sup> such as Shaw and McKay brought attention to the connection between communities and crime.<sup>9</sup> This literature produced the concept of "social disorganization," or the inability of communities to control the

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<sup>7</sup> Currently, the implementation of so called "therapeutic courts," such as drug courts, have resulted in altering the role of presiding judges to include the supervision of offenders and the provision of social services. McCoy comments that this role would be more effectively handled by "adequately funded social agencies." She raises the concern that "enlarging the sphere of problem-solving courts may produce worse results, because the old fashioned paradigm of the court that adjudicates whether a person has committed a crime beyond a reasonable doubt may be forgotten in the zeal to fill the therapeutic void created by ineffective social welfare agencies." (McCoy, 2003).

<sup>8</sup> The origin of human ecological theory comes from the work of Park and Burgess in the early 20<sup>th</sup> century, who believed that neighborhood composition was determined by competition for the most desirable land, in much the same way that animals compete for natural resources. Their concentric circle theory describes this desirability based upon proximity to the city, and suggests that the least valuable land is located just outside of the city. This is where the most recent immigrant groups could afford to settle, and then move to more desirable locations when they could afford to do so, (Burgess, 1925; Bursik, and Grasmick, 1993).

<sup>9</sup> "For reasons that are not altogether clear, from the 1950's to the late 1970's, theory and research in criminology focused principally on trying to explain why some persons become law-breakers while others are law-abiding. Much of that research focused on 'correlates' of crime, that is factors that differentiate criminals from non-criminals" (Reiss and Tonry, 1986).

behavior of their members, which these scholars believed was linked to delinquent behavior.

Shaw and McKay concluded:

...the fact that in Chicago, the rates of delinquents for many years have remained relatively constant in the areas adjacent to centers of commerce and heavy industry, despite successive changes in the nativity and nationality composition of the population, supports emphatically the conclusion that the delinquency producing factors are inherent in the community (Shaw and McKay, 1942, p. 538).

Scholars such as Greenberg make the observation that such diverse urban inner city neighborhoods tend to be unstable. Social cohesion, characterized by group interaction, and shared characteristics, norms and values, and considered by scholars to be essential to neighborhood ability to exercise control over the behavior of its residents (Greenberg, 1985, p.16-25), tends to be lacking. Without these commonalities, neighbors lack the power to affect each other's behavior since relationships are superficial and the withdrawal of approval as a sanction for negative behavior is not compelling (Bursik and Grasmick, 1993, p. 33).

Relationships between residents are not the only forces in a neighborhood thought to affect its ability to regulate the behavior that takes place there; local businesses and organizations, as well as public and private agencies that supply community services also play a role in the ability of communities to resist crime (Hunter, 1985; Bursik and Grasmick, 1993). In addition, structural/conflict theorists have posited that after World War II, external forces became a primary determinant of neighborhood social control.<sup>10</sup>

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<sup>10</sup> "The federal government contributed to the early decay of inner city neighborhoods by withholding mortgage capital and making it difficult for urban areas to retain or attract families able to purchase their own homes." (Wilson, 1996). Poor urban neighborhoods were redlined by the FHA, as there was a practice of refusing loans to these areas, and combined with the incentives that the availability of these loans created for more well off residents to move to the suburbs, spurred the outmigration of White families. Suburban communities implemented zoning laws, covenants, restrictive deeds and discriminatory land use controls making it difficult for African Americans to follow suit. In addition, the inner city neighborhoods became the sites of public housing projects designed for low income families as the government accommodated the wishes of more affluent neighborhoods to keep these developments out.

As the population drops and the proportion of nonworking adults rises, basic neighborhood institutions are more difficult to maintain...As these organizations decline, the means of formal and informal social control in the neighborhood become weaker. Levels of crime and street violence increase as a result, leading to further deterioration of the neighborhood (Wilson, 1996, p. 44).

On the other hand, theorists such as Sampson argue that it is not the neighborhood dynamics that cause certain neighborhoods to experience high levels of crime, but rather certain neighborhoods are populated by larger percentages of crime prone individuals, and this explains the higher crime rates in these areas (Sampson, 1987). Social scientists have had great difficulty in separating out the differential effects of individual versus neighborhood factors that impact on crime rates in different communities, but many respected theorists believe that community dynamics play an important role in the genesis of crime problems.<sup>11</sup>

### **The Popularization of “Broken Windows”**

Several theorists suggest a causal link between the types of neighborhood problems experienced in poor inner city communities, community members’ fear of crime, and more serious crime. The “Broken Windows” thesis (Wilson and Kelling, 1982) posits that when disorder and low-level crime are allowed to continue unchecked, offenders believe that no one cares, so no one will challenge their escalating criminal behavior, creating an atmosphere where crime of all types is tolerated, and fearful law abiding residents stay in their houses and away from the danger. The diagnosis of crime problems in neighborhoods leads to efforts to address low-level crime and to empower the community to “take back the neighborhood” from the criminal element, and to make it clear that the behavior will not be tolerated.

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<sup>11</sup> Based upon their analysis of the relevant literature, Bursik and Grasmik indicate: “Overall, the studies that have been conducted suggest that the neighborhood does have a significant effect on the probability of criminal behavior that is independent of the effects that can be attributed to the personal attributes of the residents of the community. We assume that a focus on the neighborhood is theoretically warranted and empirically justified by such findings...” (Bursik and Grasmick, 1993).

Although a variety of scholars have criticized this point of view (Harcourt, 2001, 1998; Sampson and Raudenbush, 2001; Taylor, 2001), the belief in a causal connection between neighborhood conditions and crime underlies many community justice policy initiatives. “Broken windows” thinking influenced the development of community policing, for example; it is often cited in discussions of community prosecution and is generally implicit in discussions of “quality of life” crimes (Boland, 1998; Kurki, 2000; Thompson, 2002). Harcourt, Taylor and Sampson and Raudenbush, to cite a few examples, dispute the presence of such a link:

The broken windows metaphor is apt insofar as it asserts that physical signs of decay signal neighbors’ unwillingness to confront strangers, intervene when a crime is being committed, or ask the police to respond. Disorder may in fact be more useful than crime for understanding certain troubling urban processes, such as the abandonment of many of the Nation’s urban cores. That is because disorder can be observed while crime, by contrast, is largely unobserved. But the contention that disorder is an essential cause in the pathway to predatory crime is open to question (Sampson and Raudenbush, 2001, p. 1).

It is also questionable whether disorder actually does increase fear of crime in the neighborhood, a major component of the thesis. Broken windows supporters argue that residents who experience increasing levels of disorder experience:

...increases in fear of crime [which] in turn undermines the capacity of the community to deal with its problems. Fear stimulates withdrawal from the community, weakens informal social control mechanisms, contributes to the declining mobilization capacity of the neighborhood, speeds changes in local business conditions, and stimulates further delinquency and disorder (Skogan, 1986, p. 204).

However, some studies indicate that the link between disorder, fear of crime and actual neighborhood crime rates is also unclear. Contrary to this thesis, Taylor’s study of Baltimore between 1981 and 1994 indicated that increasing levels of incivilities in the neighborhood did not result in greater fear of crime on the neighborhood level.

...despite worsening citywide physical deterioration in the 1980’s, the typical Baltimore resident was not more fearful, generally in 1994 than in 1982; nor did

this typical resident see his or her neighborhood as more problem-plagued (Taylor, 2001, p. 29).

The lack of empirical validation for the broken windows thesis suggests that criminal justice agents' reliance on it as the basis for policy and the creation of so many programs that impact communities across the country may have been premature at best.

### **Community Organization**

The concept of drawing the community into neighborhood improvement efforts generally is not new, nor is it traceable to the broken windows thesis. Beginning in the 1950's, the federal government began to create pressure on local communities to include their members in participatory roles for local, federally funded initiatives (Shah, 1999, p. 228). President Johnson's "War on Poverty" in 1964, for example, sought to implement community-based initiatives to address the problems believed to underlie poverty in the inner city. These initiatives were based in large part on the theories of Cloward and Ohlin (1960), which attempted to explain delinquency on the basis of the dysfunctionality of inner city neighborhoods. Their theory raised the issues that, if not given the opportunity to succeed, young people are at high risk to engage in anti-social behavior, and that the effectiveness of community programs is contingent on the participation of the affected community members in both program design and implementation (Foster-Bey, 1997, p. 27). The "Community Action Program" focused on improving the delivery of social services in these neighborhoods, and required "maximum feasible participation of the poor (Economic Opportunity Act, 1964)" intended to empower community members. "It was hoped that the process of participation would strengthen the local community and the participant as well as create pressure for improved services for ghetto residents" (McFarlane, 2000, p. 872).

Early crime control initiatives were structured in two basic ways: one approach was focused upon trying to solve problems believed to underlie criminal behavior in an attempt to

stop offenders from committing crimes. The second approach was structured to improve the ability of residents to protect themselves against victimization. Some of the programs combined both approaches (Podelefsky, 1983; Taylor, 2001, p. 250-251).

The Chicago Area Program (CAP) is an example of a crime control initiative that adopted the problem solving approach. In an attempt to address the gang problem in some Chicago neighborhoods, Clifford Shaw and his colleagues, believing that “crime evolves as a natural phenomenon within certain community contexts” (Bursik and Grasmick, 1993), started this community crime prevention program in the Russell Square Park neighborhood in 1934 (Bursik and Grasmick, 1993; Sorrentino and Whitaker, 1994). It was intended to prevent and treat delinquency by utilizing services, advocacy and community involvement. The mechanism of the program relied on the participation of community adults and local institutions that were already a part of the community and understood its structure, history and needs. CAP helped to organize and form the participants into autonomous associations, and with the assistance of a CAP representative, each association was responsible to decide the nature of the programs it adopted. Most association programs included recreation activities intended to increase interaction between local youth and adults and foster a sense of community responsibility for the behavior of their younger members. Another common initiative included community improvement programs intended to stimulate community service and pride.

Other early community-based programs, such as the Hartford Community Crime Prevention program, implemented in 1973 (Fowler, McCalla and Mangione, 1979; Fowler and Mangione, 1982), sought to prevent serious crimes, such as residential burglary and robbery by improving the residents’ ability to resist victimization by outsiders, rather than trying to control the behavior of their own residents. Strongly influenced by routine activities theory, crime

prevention efforts included the cultivation of citizen patrols and crime watch programs, which served both to build relationships between neighbors, and to facilitate earlier reporting of crimes in progress, increasing the odds that offenders might be caught in the act, or that the visible presence of residents in the area would discourage them from committing the crime. A second facet of these programs was the concept of target hardening, which generally included campaigns by local police to remind residents to lock the doors in their cars and homes to make theft and burglary more difficult, and to stop the mail and newspapers when they were planning to be away from home, so they were not advertising the fact that the house was vacant to potential offenders. A third concern in many programs was environmental design, which considered the role of the layout of the neighborhood in contributing to criminal opportunities and attempted to make alterations that would create boundaries to exclude outsiders.

Although these programs were developed in the interest of reducing the rate of neighborhood crime, they also "...served to increase personal interaction among neighbors, create an appreciation for mutual assistance and self-help, and, in a word, restore a sense of 'community' (DeJong and Goolkasian, 1982, p. 1)." Citizen involvement in these programs was believed to help reduce the fear of crime. But the factor that was considered most important in the effectiveness of these programs was the creation of a partnership with local police. "The mutual cooperation of citizens and police is the cornerstone of an effective community crime prevention program. In many instances, the success of a project's efforts depends completely on police cooperation (DeJong and Goolkasian, 1982, p. 14)." Community crime prevention programs provided for increased interaction between the residents and the police, particularly in the areas of identifying problems and setting enforcement priorities. In addition, the police began

to recognize the value of providing education to the community on the functioning of the criminal justice system and home and community security issues.

The rationale for and operations of these early community-based efforts were precursors of contemporary community justice initiatives. The goals of these early community efforts have carried over into contemporary crime prevention projects, as many of the issues identified above persist in today's communities. In addition, the primary mechanism of these early programs- community participation- is now the cornerstone of contemporary initiatives.

### **Contemporary “Community Justice”**

The recent focus of prosecutors on the community—as evidenced by the community prosecution movement—can partly be understood in the context of larger developments loosely termed “community justice.” The term “community justice” is “commonly used to reflect the increasing collaboration between criminal justice agencies and communities in the joint pursuit of public safety and a ...pursuit of justice for victims, offenders and all community members affected by crime” (Karp, 1998). These goals are pursued using methods that differ from traditional practices (in which justice agencies act “upon” communities). In undertaking these kinds of initiatives, criminal justice officials express their intent to improve their relationship with the community and to engage them in identifying and solving the problems that affect them most.

The literature is mixed on the results of these initiatives. Because of their diversity and partly because of the vagueness of the term “community justice,” it has been difficult to compare programs to each other in a standardized manner. Examples range from collaborative mini-experiments in democracy in action to activities that involved the community in name only. Although some positive findings have been generated, critics are uncertain about just what it is

that is being done, about whether such initiatives represent new strategies, and about the nature of their effects on the community. Just as some welcome the police presence associated with some community justice initiatives in the hopes that their neighborhoods will become safer and better places to live, others fear that the new emphasis on low-level crime will result in turning more poor and minority citizens into “criminals,” make relationships between officials and the community worse, or will have no impact whatsoever on the crime or the community’s perception of safety.

The origin of the contemporary community justice movement is generally attributed to policing (Goldkamp, Irons-Guynn and Weiland, 2001, p.19-22).<sup>12</sup> The community policing and problem oriented policing movement began in the mid 1980’s (Greene, 2000, p. 308) influenced by many factors, including James Q. Wilson’s broken windows thesis (Wilson and Kelling, 1982). Based upon the results of the Newark foot patrol experiment, Wilson found that neighborhoods that received foot patrol rather than police services via patrol vehicles and the 911 system felt safer and had a more favorable opinion of police than residents who did not receive foot patrol, despite the fact that statistics indicated that the crime rate had not gone down. What foot patrol actually did was raise the level of public order in the neighborhoods. As they grew familiar with the neighborhood, its residents and its issues, the officers were able to respond to strangers and disreputable residents, and make certain that informal rules of the neighborhood were understood and followed. The residents placed a high value on this order maintenance function. As a result, foot patrol, which had been largely discredited by criminal justice officials beginning in the 1940’s (Wilson and Kelling, 1989), began to re-emerge as a policing method, and special units were created to solve community problems. Starting with community policing,

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<sup>12</sup> But see discussion of District Attorney Bernard Carey’s 1973 program in Chicago, which predates community policing, at p. 37 below.

the criminal justice system began to slowly reorient itself to seek out contact with and input from neighborhood residents on issues of importance to them and to attempt to address order maintenance issues. Community policing has gained such popularity nationwide that the majority of America's police departments have adopted the approach (Karp, 1998, p. 5) (Hickman and Reaves, 2003). Many of these programs have both garnered the favor of community members and resulted in a decrease in neighborhood fear of crime (Wilson and Kelling, 1989; Weisburd and Eck, 2004, p. 53; Skogan, 1999).

Created in New York City in 1993, the Midtown Community Court marks the origin of the involvement of the court system in the community justice movement. The Model has since been adopted by numerous jurisdictions across the country (Sviridoff, Rottman, Ostrom, and Curtis, 2000; Berman, Feinblatt and Glazer, 2005). The community court strategy seeks to enlist the involvement of the community with criminal justice and other governmental agencies in crime prevention activities. Quality of life crimes that have been identified by citizens as being most disruptive to their community, the type of offenses that are largely overlooked in a regular court setting, are the focal point of community courts. In addition to creating a forum for the swift processing of such offenders, in stark contrast to the case flow in the traditional court system, sanctions imposed are intended to be meaningful, including community service meant to serve as a deterrent to both offenders and would be offenders, and to act as a vindication of the community residents who have been harmed by the offenders. Many community courts also offer the option of mediation of mostly minor offenses or neighborhood disputes, which enables the parties to meet to discuss the incident and try to resolve the matter in a non-punitive and perhaps constructive manner. This may involve an apology to a victim, restitution of some kind and community service, rather than a fine or probation. In addition, many community courts offer

human services to defendants and the community alike, in an effort to address needs such as mental health or inability to get or hold a job, which may have caused the defendant's negative behavior.

### **Problems Raised by Community Justice Approaches**

Community justice practices and policies raise a variety of troublesome issues. These methods require increased presence of criminal justice agents in the community and a new focus on low-level crime. The issues are mainly associated with the discretion of community police and prosecutors to decide whom to arrest and which problem crimes and criminals to target. Issues related to the increased discretion are magnified as community justice results in increased surveillance of the activities of the residents. Critics have identified a variety of issues, including discriminatory patterns of police stops and arrests (often fueled by community prosecution policy changes focused upon low-level crime) that may damage the ability of targeted communities to self regulate and do further damage to the relationship between these communities and criminal justice agencies. In addition, there is a concern that community justice policies result in "net-widening" as the focus on low-level crimes draws more individuals into the criminal justice system, including helpless populations like the homeless. Equally as significant is the risk that community justice agents will fail to identify and address the priorities of representative members of the communities, resulting in a focus on the issues of the most vocal and organized rather than the good of the community.

Virtually all community justice programs promise to initiate "quality of life campaigns," to focus on low-level crime that had previously been afforded low priority by the criminal justice system. The influence of the broken windows thesis has persuaded criminal justice officials that an important link exists between these crimes and the more serious crime that plagues many low

income communities. Such initiatives are notable because they utilize laws that had rarely been enforced in the past (and are rarely enforced in affluent neighborhoods) to discourage disorder in targeted neighborhoods. Stuntz (2001) points out that these law enforcement methods leave police and prosecutors a great deal of discretion to define against whom the law should be enforced.<sup>13</sup> The emphasis on quality of life crime has resulted in significant increases in arrests in targeted communities for low-level offenses that had previously been overlooked or deemphasized by the criminal justice system and that continue to be overlooked in other neighborhoods (Solomon, 2001). Critics have noted the disparate impact that this police practice has on the residents of the communities where such policies have been adopted (Kim, 2001, pp.465-468). Butler, for example, suggests that “there is an important correlation between looking for things and finding them,” citing a comment by Justice Scalia to emphasize his point:

If the prosecutor is obliged to choose his case, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone (Butler, 1999, pp. 709-710).<sup>14</sup>

Kim points out the injustice of holding poor, minority neighborhoods to a different level of scrutiny than other, more affluent neighborhoods are subjected to:

Perhaps most significantly, to the extent that order maintenance policing disproportionately subjects minorities and minority neighborhoods to more aggressive enforcement, this policing strategy implies that a separate and unequal set of rules respecting privacy applies to people of color (Kim, 2001, p. 467).

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<sup>13</sup>“...broad law affords the prosecutor, who has the unfettered discretion to decide who to charge with a crime...and who not to. Because criminal law is broad, prosecutors cannot possibly enforce the law as written: there are too many violators. Broad criminal law thus means that the law as enforced will differ from the law on the books. And the former will be defined by law enforcers, by prosecutors' decisions to prosecute and police decisions to arrest, (Stuntz, 2001).”

<sup>14</sup> Here, Justice Scalia was referring to Independent Prosecutor Starr’s prosecution of President Clinton; however, as Butler points out, the argument is equally applicable to the manner in which minority communities are targeted by law enforcement agents.

Critics argue that the volume of low-level crime that exists in crimes codes, as enforced through the order-maintenance version of community policing, provides a pretext that enables police to make stops for the purpose of investigation rather than for the crime itself (Harcourt, 2001; Stuntz, 2001; Caplovitz, 2003).

Street stops must be supported by reasonable suspicion of crime...the operative word is "crime." If that word includes enough behavior, if crime is defined broadly enough, police can stop and arrest whomever they wish.

Thus, police benefit from laws that criminalize street behavior that no one wishes actually to punish, solely as a means of empowering them to seize suspects. This is the force that drives much of the current movement to expand the range of so-called "quality of life" offenses, crimes that cover low-level street behavior that will only rarely be prosecuted, but that often serve as a convenient basis for an arrest and, perhaps, a search (Stuntz, 2001, p. 539).

Harcourt argues that this is the underlying mechanism that is most responsible for whatever impact order maintenance policies have on crime.

In practice, the increased or intensified police scrutiny that comes along with versions of community policing such as the one found in New York City has resulted in an increase in police stops of young minority males, most of whom are not involved in criminal activity (Spitzer, 1999; Fagan and Davies, 2000), and feel victimized by the treatment they receive.

Individuals who are stopped and searched on the grounds of minor offenses but are not arrested nonetheless may suffer due to harms arising from factors like the invasion of privacy and the humiliation of being singled out (Kim, 2001, p. 446).

Further, since these matters do not result in a court appearance, there is no practical form of redress available for possible violations of Constitutional rights involved in the encounter (Stuntz, 1998).

In addition, these types of arrests often involve the homeless and the mentally ill, for offenses such as aggressive panhandling, public intoxication and urination, and other offenses born of having few behavioral alternatives (Barta, 1999; Nordberg, 2002), and result in the criminalization of helpless individuals (Amman, 2000).

The community itself may be harmed rather than benefited by community justice attempts to eradicate low-level crime. Such practices risk drawing individuals into the criminal justice system who might not otherwise have contact with it, hence “widening the net” of criminal justice intervention (Karp, 1999, p. 755-756). In addition, some scholars point out that imprisoning increasing numbers of minority community members will have a negative effect on the community. According to Butler:

These effects include the fact that more young black men are in prison than college and that half of prison inmates are black, even though blacks comprise only 13% of population. The radical enforcement of the criminal law against blacks imposes severe costs. It significantly diminishes earning potential, disrupts families and impedes education. In addition, one in seven black men is legally disenfranchised because of a criminal record (Butler, 1999, p. 707).

Cose cites a sociologist from a New York based college on a connected issue-the impact of these arrests on community informal social control:

Dina Rose, a sociologist at John Jay College of Criminal Justice in New York has an even broader set of concerns. In high-crime communities that are socially isolated and racially segregated, she fears that locking up ever more people may be so damaging to neighborhood social cohesion that it destabilizes the very areas it is supposed to make safe (Cose, 2000, p. 44).

The community has responded to such policing methods in a variety of ways. Problems in New York City that have been triggered by the order maintenance policing methods influenced by broken windows thesis have been extensively documented (Barta, 1999; Fagan and Davies, 2000). The drop in crime that many attribute to this policy was accompanied by a 56% increase in the number of citizen complaints against police (Barta, 1999). Criminal justice scholars offer opposing viewpoints on the community’s feelings about zero tolerance policies. Kennedy argues that urban community members are tired of the crime in their neighborhoods, and are happy to receive the “disproportionately tough criminal sanctions and expanded police discretion” (Kennedy, 1994). On the other hand, Brooks (2001) refers to Kennedy’s position as the “urban frustration argument,”

and argues that there is “no broad based evidence showing that African Americans in higher-crime neighborhoods are willing to support increased police discretion and harsher sanctions as the urban frustration argument maintains” (Brooks, 2001, p.1220). He offers the comment of a community member after a well publicized incident with New York City police as expressing this sentiment:

We’re grateful for a lot of what the police have done to bring down crime, and we realize most officers, like most residents of our community, are honest, hard-working citizens, but people are being stopped for no reason, thrown against a fence and searched. Their cars are stopped without probable cause... What some of the officers are doing is just creating an atmosphere of fear (Brooks, 2000, p. 1220).

A former community prosecutor from Portland, Oregon, admits that although the community may seem to be accepting of the harsh policies adopted in their neighborhoods, this does not necessarily indicate that they are in favor of them, because they probably do not fully understand the downside of the policies for community members: “Community support for the only proposed alternative to a crime-ridden neighborhood does not necessarily either amount to full community support or to full participation in the decision making process (Burke, 2003).”

Another source of conflict has come from the operation of problem solving courts, focused upon special populations that include drug addicted and mentally ill offenders, as well as community courts with a jurisdiction that is limited to only low-level quality of life cases (Barta, 1999, p. 1542). These courts are criticized for “net-widening,” subjecting low-level first time offenders to prolonged and intensive probationary periods for offenses that have been largely overlooked by the criminal justice system (Amman, 2000, p. 817; Nolan, 2003, p. 1561-1562). This increased scrutiny often results in failure for such offenders, who are then subject to conviction for crimes that police would not even have arrested them for in the past. These courts are also accused of coercing defendants to give up their trial rights in exchange for treatment and

services, which in many instances are conditioned by the prosecutor upon the admission of guilt, and enforced by the threat of reinstatement of prosecution (Hoffman, 2002; Thompson, 2002).

Community justice initiatives also run the risk of failing to identify the entire community, and instead focusing on the problems of the most vocal residents who target the behavior of their minority neighbors as the problem to be solved (Bennet, 1998, p. 33; Fagan and Malkin, 2003, p. 943-945). Lessons learned from community policing indicate that community involvement is often limited to small, politically organized segments of the community, who are not necessarily representative of the community as a whole and that their input may form the basis for expanded police discretion that unrepresented community members believe contribute to police oppression of minority residents (Buerger, 1998; Roberts, 1999; Kim, 2001). One former community prosecutor even admits that the perception of community support can be manipulated by giving voice to those members known to support “law enforcement policies (Burke, 2003, p. 1007).”

### **Community Prosecution**

Community prosecution has been defined in various ways. Weinstein referred to community prosecution as a “grassroots approach to law enforcement involving both traditional and nontraditional prosecutorial initiatives” (Weinstein, 1998). Other scholars have defined it as “a long-term, proactive partnership among the prosecutor's office, law enforcement, the community and public and private organizations, whereby the authority of the prosecutor's office is used to solve problems, improve public safety and enhance the quality of life of community members” (APRI, 2001) and as “a local political response to the grassroots public safety demands of neighborhoods-as expressed in highly concrete terms by citizens who live in them” (Boland, 1998). These general definitions would seem to point to a “new” community-orientation in the role of the American prosecutor to address crime on a community-based level,

involving community input and partnerships with both community and other agencies and organizations.

Community prosecution initiatives developed in some places as offshoots of community policing, but in other places independently and more directly in response to community issues and public safety demands that were not being handled effectively by the police. Typically, community prosecutors, or in some locations, non-lawyer office representatives, are deployed into the community to listen to the concerns of the residents and invite their participation in formulating responses to the types of behavior that they believe are most disruptive of the neighborhood. Community prosecution approaches generally reflect “broken windows” thinking by focusing on low-level crime believed to underlie community crime issues. Many community justice officials believe that these are the problems identified by the community as being most troubling, rather than the more serious felonies that had been the priority (Boland, 1998, p. 254 ; Goldkamp, et al. 2001, p. 26-27). Through the community prosecution approach, many prosecutors have decided to step away from their accustomed mode of practice--case processing focused on jailing the serious offender and, in accordance with broken windows, try to find a way to curtail the deterioration of many American communities. Innovative problem solving efforts have become the major facet of community prosecution programs. From creating strategies to clean up and maintain public park areas to sponsoring after-school and summer programs to offer structure to the lives of at-risk youth, many prosecutors’ offices are making the adjustment from merely trying cases to trying to prevent crime from occurring in the first place.

In creating various strategies, community prosecutors have begun to enlist the help of partners with a stake in the community, including residents and area business owners. In accordance with social disorganization theory, community prosecution is based on the belief that

if the community is able to exercise some informal social control on their own, and influence the anti-social and minor criminal behavior of its members, the criminal justice officials, who obviously cannot be everywhere, have a much easier job in responding to quality of life issues. In addition, because residents are likely to know who the more serious offenders are, where they are and what they are doing, community prosecutors hope that gaining the respect and trust of the residents will result in a more cooperative relationship with potential witnesses for trial, and that the intelligence gathered from residents can help to build much stronger cases for the traditional brand of prosecution.

Community prosecution strategies have not been limited to community partners, but have drawn on the assistance of other, non-criminal justice governmental agencies to aid in responding to the issues of the community. If, for example, residents believe that the high volume of neighborhood robberies is attributable to the fact that the street lights burned out long ago, and no one bothered to fix them, or that the corner bar stays open after hours, and the traffic in and out of the establishment provides both the victims of crime and the perpetrators, the prosecutors' office will be able to influence the appropriate governmental actors to correct the problem. In addition, because sometimes code violation enforcement, with sanctions such as fines and evictions represent an effective crime-fighting strategy, partnerships with a variety of appropriate agencies can be invaluable. One of the most valuable collaborations for effective community justice is between the prosecutors' office and the police (Goldstock, 1992; Boland, 1998). Although each agency has a distinct criminal justice role, there is a good deal of overlap between community policing and community prosecution; both are focused on crime prevention and problem solving, improving public safety and enhancing the quality of neighborhood life (Hankins and Weinstein, 1996).

Community prosecution has been implemented in some form or fashion in a substantial number of prosecutors offices in the United States (Nugent and Rainville, 2001). According to a 2001 Department of Justice survey, over one-half of the country's prosecutor's offices engage in some type of community-based effort, while 18% of these offices have assigned prosecutors to specific geographic areas (DeFrances, 2001). Some community prosecution programs focus upon enlarging the reach of the police and the prosecutor to get at and arrest more criminals, using the community as "eyes and ears," essentially to provide intelligence, in an effort to "take the community back from the criminals." Similar to the victimization prevention approach utilized by some community crime prevention programs noted above (Podelefsky, 1983), these types of prosecution strategies involve more law enforcement to protect the community from "those people," offenders who are terrorizing their neighborhoods. Kennedy has argued that the primary issue for African American communities is the lack of law enforcement, rather than over-enforcement, and that the criminal justice focus should be on the law abiding African American victims of crime rather than those who break the law, and urges that such officials have:

...a sympathetic identification with the actual and potential victims of crime, and a commitment to policies that offer greater physical security to minority communities, even if that means ceding greater powers to law enforcement agencies and thus concomitantly narrowing the formal liberties that individuals currently enjoy (Kennedy, 1994, p. 1260).

Adopting the social problems approach (Podelefsky, 1983), other programs are premised upon the idea of empowering the community to handle their own problems and to address the issues that underlie the crime problems by attempting to increase opportunity and assuring that needed services are provided. These prosecutors perceive the community interests in a different way, as desiring order, yet indicating that the offenders in their neighborhood are their children, brothers and sisters who need help, not more jail. Still others combine the two approaches, initiating both crime control-directed and community-empowerment and enrichment initiatives.

The implications of the differing approaches can be substantial, and the question becomes: do community justice initiatives help communities, make matters even worse or have no impact at all.

Most of the community prosecution literature identifies Portland as the location of the first community prosecution program. Although many factors may have influenced its development, it appears that community prosecution initiatives existed prior to the birth of community policing. These initiatives were probably more directly linked to the community action movement in Chicago in the 1970's. In 1973, State Attorney Bernard Carey created a community-based prosecution program in Cook County, Chicago, Illinois, that shares many of the characteristics of the contemporary programs. The State's Attorney's office began by opening offices in three communities in the city of Chicago with the objective of bringing the office closer to the neighborhoods. Carey's initial concern was consumer fraud; however, the residents persuaded him to respond to neighborhood crime problems. Although two decades separated Carey's efforts from the Portland and Manhattan programs (Goldkamp, et al, 2001), thereafter, prosecution innovations closely resembled the Chicago experience.

The Carey program focused on cases of community concern, utilized vertical prosecution techniques and demonstrated commitment to direct more attention to the issues of crime victims and witnesses and to provide services to improve the quality of their involvement with the criminal justice system, while also collaborating with community groups and other criminal justice agencies to maximize successful prosecution efforts. Like most of the early community-based efforts, serious crime was the primary target issue (seventy percent of the cases involved felony charges) but Carey acknowledged the potential damage of low-level crime left unaddressed: "...the volume of misdemeanors in these high crime communities demoralize and

decay communities when left unattended.”<sup>15</sup> In interviews, two attorneys who were assigned to the unit spoke of the benefits of the program, which included an improved relationship with the community.<sup>16</sup>

A 1978 evaluation of Carey’s Community Prosecution program showed favorable responses from both the community and the local police.<sup>17</sup> In addition, case outcome statistics indicated that the unit produced positive results.<sup>18</sup> The program was in operation for a period of approximately seven years, from 1976 until 1983, when the funding ran out. At that point, the legacy of the unit continued, as many of its elements were incorporated into standard office practice, including an expanded victim/witness program, and units dedicated to hate crimes and crimes against the elderly.

### **Common Themes and Variations in Contemporary Community Prosecution**

Community prosecution strategies vary widely from one location to another. Depending upon the size and resources of the office, the community prosecution program may be run by one

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<sup>15</sup> Evaluation of Community Prosecution Program in Chicago, Illinois, National Institute of Justice, (1978)

<sup>16</sup> For the purpose of background research for earlier community prosecution publications, I conducted interviews with the Honorable Nancy S. Salyers and Ray Grossman, Esquire, both former Assistant State’s Attorneys in Cook County, who were assigned to the Community Prosecution unit during the program’s existence between 1976 and 1983. They spoke fondly of their close relationship with the community, which resulted in access to information about neighborhood crime problems and criminals to which the office had never had access before. They also described non-lawyer office administrators as performing much of the problem solving; they became adept at referring citizens to the appropriate agencies to get what they needed in non-criminal matters.

<sup>17</sup> The evaluation included interviews with organizations and individuals from the communities being served, as well as the police who served those districts. The community confirmed that the unit sought or accepted cases that were important to each community, that prosecutors were responsive to referrals, and that they aggressively prosecuted cases worthy of prosecution. Police indicated that they found the efforts of the unit to be “productive”. An additional benefit of community prosecution that was cited in the report was the “revival of neighborhood faith in the criminal justice system as a process that responds to community needs.” Interviews with community groups indicated that they felt that the community prosecutor was “their” attorney, representing their rights and interests in court.

<sup>18</sup> An analysis of case processing statistics indicated that felony cases handled by the unit resulted in higher conviction rates (82.3 percent) than cases handled by the office in the traditional manner, (57.8 percent). An indicator of improved community cooperation with prosecution efforts was found in the reduction in the percentage of cases that were “stricken without leave” or dropped because a witness or an important piece of evidence could not be located -- 8.5 percent for community prosecution cases as compared to almost 16 percent of traditionally handled felony cases.

prosecutor or lay employee, or by a unit containing many prosecutors, investigators, community relations specialists and a clerical staff. The program may operate out of the main office, or staff may be placed in the neighborhoods for which they are responsible. Neighborhood offices may be located in the local police station, or may stand alone in a storefront in the community.

Programs emphasize the types of crime that create the most serious neighborhood issues, as identified through various methods which may include community input and/or crime statistics, varying from drug and gang crime issues, to problems created mostly by the juvenile population. Specific strategies include vertical and/or priority prosecution, nuisance abatement and eviction programs and school intervention and education programs. Researchers have identified seven “critical dimensions” that appear to define community prosecution:

- The target problem bringing about the need for the community prosecution strategy;
  - The geographic target area addressed by the initiative;
  - The role of the “community” in the community prosecution strategy;
  - The content of the community prosecution approach to the community problems addressed;
  - The organizational adaptations made by the prosecutor’s office for community prosecution;
  - Case processing adaptations; and
  - Interagency collaboration or partnerships relating to community prosecution initiatives.
- (Goldkamp, et al, 2001)

### *Problems Targeted*

Like other community justice initiatives, community prosecution programs share an emphasis on (or at least openness to) addressing less serious crimes. While traditional prosecutors focus on serious felonies, virtually all community prosecution programs target “quality of life” or nuisance crime. Specific offenses targeted by various jurisdictions involve a variety of different issues. The most common target problems include drugs, prostitution and juvenile crime, but some jurisdictions target problems that are somewhat unique to their

community.<sup>19</sup> Depending on the problems identified, some of the solutions sought depart notably from traditional, reactive prosecution approaches and include, instead, preventive programs such as youth enrichment initiatives or restorative strategies such as victim/offender mediation, often involving a number of partner agencies and actors.

### *Areas Targeted*

Community prosecution efforts vary in the size and composition of the areas that are selected for community-based programs. Some jurisdictions chose to target defined communities within their jurisdiction upon which to focus problem solving initiatives.<sup>20</sup> Other jurisdictions choose to handle much larger areas, often because the entire area shares a particular problem.<sup>21</sup>

Disproportionate crime rate is virtually always the primary reason for selecting a target area, but in jurisdictions with multiple troubled communities, additional factors enter into the decision of which area to target, such as expressed community desire to participate in such initiatives, and the availability of resources to assist in the effort.<sup>22</sup> Some contemporary community justice initiatives target not necessarily the most crime-ridden areas, which tend to also be the most disorganized neighborhoods, but rather those with serious problems that have some level of community organization in place which can be built upon.<sup>23</sup> Some target areas are selected because other agencies have already established a relationship with the community that

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<sup>19</sup> In Honolulu, Hawaii, the initial program focal point was prostitution, which was endangering their tourism industry, while in Placer County, California, a community with a growing retirement population, the problem of elder abuse triggered the creation of the community prosecution unit.

<sup>20</sup> In Nassau County, New York, for example, the five targeted communities are small, each less than four square miles in size. The most recently added target area is a housing project with only six thousand residents, their smallest site yet, (Irons-Guynn, et al 2004).

<sup>21</sup> One of Portland's targets is the Tri Met transportation system, which operates throughout the jurisdiction, and at some points even reaches into other counties, because low-level crime and disorder was a problem in stations and on public conveyances, (Irons-Guynn and Dote, 2002).

<sup>22</sup> In both Portland, Oregon and Honolulu, Hawaii, target areas were selected because business leaders requested community prosecution to assist with low-level crime that was damaging retail industry and tourism, Ibid (p. 6, 38-42).

<sup>23</sup> Plymouth County in Brockton, Massachusetts considered calls for service, crime rate and police statistics in selecting their first site, but chose the communities that had active crime watch, and the support of local businesses and churches, (Irons-Guynn and Dote, 2002).

can be built upon, or plans are made to target the area jointly, and collaboration is the prime consideration.<sup>24</sup>

### *Role of the community*

Community prosecution sites differ considerably in the nature and form of community involvement they include. In some jurisdictions, community activism plays an important role in identifying problems to be targeted and calling for an effective response.<sup>25</sup> In other sites, however, the community also plays a critical role in planning and implementing strategies for addressing those problems.<sup>26</sup> In other words, community prosecution sites differ in the type of community “partnering” that is employed.

### *Content of Response to Problems<sup>27</sup>*

Even when similar problems are targeted by different community prosecution programs, the content of their response to those problems differs based upon community input, available resources and partnerships, or simply their “take” on what the underlying issues are. Low-level juvenile crime issues, for example, have been attacked with a variety of responses.<sup>28</sup> This is just

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<sup>24</sup> Nassau County established sites where Weed and Seed initiatives were already present, while in Travis County, Texas and Honolulu Hawaii, the two agencies entered the community together, (Irons-Guynn and Dote, 2002).

<sup>25</sup> Prosecutors in Brockton County, Massachusetts, for example, enlist the aid of the community in identifying problems by attending community meetings, but limit the community to this passive role in the belief that it is the prosecutor’s role to solve the problems (Irons-Guynn and Dote, 2002).

<sup>26</sup> In Denver, Colorado, each community prosecution site is represented by a Community Justice Council, whose membership consists of 30 to 40 neighborhood stakeholders including residents, business leaders, faith leaders, city government officials and local teens. Working with a Community Justice Advocate, who is generally a resident trained to perform outreach, the council meets once monthly to discuss neighborhood issues identified by surveying the community and prioritized by the council. They then design strategies to address the issues, and often participate in putting the strategies into effect (Irons-Guynn and Dote, 2002).

<sup>27</sup> Information for this section was drawn from Irons-Guynn and Dote (2002).

<sup>28</sup> In Nassau County, New York, community prosecutors have created summer camps and after school programs targeting at-risk elementary school aged children in an attempt to discourage young children from becoming involved in crime, and sports programs, including boxing, to engage teens in positive behavior to deter criminality. In Cook County, Chicago, the focus is on job training, mentoring and job placement programs targeting teens. In Kalamazoo, Michigan, Knox County, Tennessee and Cuyahoga County, Ohio truancy is a serious problem believed to underlie juvenile crime issues. There, initiatives are aimed at stopping the misbehavior of children who should have been in school when they committed violations, as well as attempting to keep them in school to head off further criminal involvement. In San Diego, California, a teen court was implemented to handle low-level offenses, intended to impact upon youth behavior by confronting them with the disapproval of their peers, as well as by

one example of the variety of approaches taken by prosecutors across the country to deal with the same type of criminality, each seeing the underlying problem differently, and targeting different types of youth in different ways.

### *Organizational Adaptations<sup>29</sup>*

The level of commitment that prosecutors' offices make to community-based efforts is generally dependent upon the size and resources of the prosecutor's office.<sup>30</sup> Montgomery and Howard Counties in Maryland have each made full commitments to the community prosecution concept, which serves as an overall framework for organizing the prosecutor's office. In some locations, community outreach may be handled primarily or exclusively by attorneys, as is done in Santa Clara, California, or, like Denver, Colorado, the responsibility may be substantially delegated to lay employees trained to respond to community concerns and coordinate problem solving strategies. Community Prosecution programs also vary in whether they operate from the main office (in a central downtown location) as is done in Honolulu, Hawaii, and Oakland, California, or are run by staffed pilot offices located in the targeted neighborhoods, as is done, for example, in Portland, Oregon, and Austin, Texas. The wide variety of adaptations is evidence of the fact that community-based initiatives can be fashioned out of whatever resources the particular site has available to them.

### *Case Processing Adaptations*

Community prosecution sites may differ as well in the way that cases from targeted neighborhoods are prosecuted. Some sites, such as Montgomery County, Maryland, consider the

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assigning the offenders restorative sanctions, such as community service. The program enlists high school students to serve as court personnel, including attorneys and jurors, creating the opportunity for a hands-on civics lesson.

<sup>29</sup> Information for this section was drawn from Goldkamp, et al. (2001).

<sup>30</sup> In some locations, such as Pima County, Arizona, the community prosecution program is run by one prosecutor while in other jurisdictions, such as Cook County, Chicago, there are several sites, staffed by 11 community-oriented prosecutors, (Goldkamp, et al. 2001)

geographic assignment of cases to specific prosecutors as essential to “real” community prosecuting, while in other sites, including Denver, Colorado, the manner in which the court organizes and assigns cases to particular courtrooms makes geographic assignment impossible (Goldkamp, et al 2001, p. 46 ). In many community prosecution programs, such as St Joseph’s County, Indiana, community prosecutors carry a reduced caseload consisting of selected cases considered most important to the community, while in other sites, including Hennepin County, Minnesota, community prosecutors carry a full caseload of community cases. In either scenario, “vertical prosecution” may be utilized, as assigned attorneys handle the case personally from arrest through sentencing (Goldkamp, et al 2001, p. 47). The sites differ also in whether the assigned community prosecutor tries any cases at all.<sup>31</sup> Office resources and the needs of the jurisdiction generally dictate case processing adaptations.

*Interagency collaboration and partnerships*

Community prosecution offices differ in the degree to which their organization collaborates or integrates with other community-focused initiatives—for example, linking to community policing or community courts, versus standing apart and operating more independently. In Travis County, Texas, the District Attorney was the driving force in creating the Community Court, and is a vital part of its operations (Goldkamp, et al 2001, p. 49), whereas in New York County, Manhattan, community prosecution is not strongly linked to the Midtown Court, because the District Attorney believed that the resources used for that court would have been better spent in improving the court system as a whole (Murphy, 1999). Community

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<sup>31</sup> In Nassau County, New York, the four community prosecutors do not try cases. They have been dedicated to handling community problems, in the belief that community members need to be able to make contact with prosecutors directly, and that it is important that the office representative in the field have the power to act in response to identified problems, (Irons-Guynn and Goldkamp, 2004). On the other hand, larger jurisdictions, like Manhattan, New York County, New York, cannot afford to take attorneys out of the case processing role, so outreach is handled by lay employees. Some prosecutors hire neighborhood residents or individuals who share demographic characteristics or background with the targeted neighborhood, believing that such individuals stand a better chance of connecting with the community than the attorneys would, (Irons-Guynn and Goldkamp, 2004).

prosecution in Nassau County, New York, relies on collaboration with other agencies because the heavily community service-oriented role they have taken on has generally been outside of their area of expertise. This site has made creative use of community resources by coordinating the services and efforts of community-based agencies to create programs that run jointly, and are more comprehensive, effective and efficient than any single agency could manage on their own, to the benefit of the targeted neighborhoods (Irons-Guynn and Goldkamp, 2004, pp. 77-79).

### **Summary: the Problems Posed for the Prosecutorial Function in Focusing on the Community**

Given the special history of prosecutors in the United States, and problems experienced by other criminal justice agencies in adopting community justice policies, certain problems and obstacles can be anticipated in prosecutors' attempts to reorient their offices to reach out to the community. The evolution of the American prosecutor's function does not naturally predispose it to community justice schemes. Several factors have influenced this evolution. First, while community prosecution requires a working relationship between the community and the prosecutor, the office of the prosecutor has historically been fairly distant from the community, whose primary criminal justice exposure comes from the police. For this reason, there has been little real interaction between the community and the prosecutor. In addition, the prosecutor has grown accustomed to setting policy for the jurisdiction based upon case processing needs, and sharing little information with the community. What little is shared comes as conviction statistics during election years, or in association with high profile cases that come to the attention of community members. In fact, the traditional prosecutor has enjoyed little public accountability. The prosecutor has traditionally placed the greatest emphasis on serious criminal cases, handled by attorneys trained only to process cases. Budget limitations play a part in dictating just how much additional responsibility the prosecutor can take on. Low-level crime

has always been given much less prosecutorial emphasis. Thus, the shift to community prosecution challenges the prosecutor to come to grips with minor crime, which might be of greater concern to neighborhood residents. The enormous amount of power and discretion wielded by prosecutors in the charging decision and disposition of criminal cases has led directly to insulation from the community and from other offices and agencies. Prosecutors act independently in carrying out their case processing function, and have had little interest in either informing outsiders of their decision-making processes or including them in that process. For these reasons, the transition to community prosecution may not be an easy or welcome one.

Change from the norm is difficult for any organization, and the office of the prosecutor is no exception. Taken seriously, community prosecution potentially represents a substantial behavioral change for at least a portion of the prosecutor's office. Like other community justice initiatives, e.g. community policing, one would predict that the changes inspired by such an approach would meet with institutional resistance on both an office wide and individual level.

A shift to a community problem-solving approach calls for different background and professional skills than those that are required by the traditional career ladder of prosecutor advancement, which is premised on courtroom experience. Thus, young career prosecutors, and attorneys seeking trial experience to market in the private sector may be resistant to adopting the "social work" role associated with community prosecution initiatives, (just as traditional police have viewed community police officers as not being "real cops" (Skogan and Hartnett, 1997, p. 80, 93)). Since most prosecutors' offices structure advancement opportunities in a manner that rewards success in trying cases, many attorneys are reluctant to step outside of the office hierarchy to become community prosecutors, in the fear of losing their advancement status. Even in the Portland District Attorney's office, the site of the nation's most well recognized

community prosecution program, the assignment of community prosecutor is not coveted by most of the attorneys (Wolf and Worrall, 2004, p. 59-60). In addition, most law schools do not train attorneys to handle community issues, so they have no experience in either community outreach or responding to non-criminal problems. There is no reason to expect that traditionally trained assistant district attorneys would be amenable to or proficient at the role of community advocate.

Funding is also an obstacle to the implementation and sustained operation of community oriented practices. Community outreach responsibilities may require hiring new attorneys to take over the courtroom responsibilities that had been handled by community prosecutors, or hiring lay employees to handle the outreach tasks. In addition, the programs themselves require the expenditure of funds to implement and administer. Several offices, for example, have incorporated community courts into their community-based initiatives, but the cost to the county of such a program can be prohibitive. The limited funding available to prosecutors' offices has been used to perform their primary duty: case processing, and has been cited as justification for the traditional prosecutorial focus on serious crime (Glazer, 2000, p. 1019; Thompson, 2002, p. 330-331). Prosecutors are understandably reluctant to commit these resources to experimental initiatives focused on low-level crime. Federal funding which had been available to support community prosecution strategies has been sharply reduced, and fund raising is another skill that is outside of the expertise of many prosecutors' offices.

There are also several issues that make community prosecution a tough sell for community members. The isolation from the community that has come to characterize prosecutors' offices also colors the community's familiarity with and expectations of prosecutors. The primary justice agent that comes into contact with high crime communities is

more often the police officer, and the relationship between the police and many of the targeted communities has historically been a negative one (Grinc, 1994, p. 176-177). The police-community relationship may taint the community's response to all criminal justice agencies, including the prosecutor, making the establishment of trust a difficult process.

Lack of trust contributes to the difficulty of stimulating community involvement with community-based initiatives, making community members reluctant to communicate with those agents, let alone become involved with their projects. In addition, most high crime communities have few functioning community organizations to help to involve their members in new problem solving initiatives (Buerger, 1998, p. 137-138). Prosecutors are generally not trained community organizers, and the lessons learned from earlier attempts at community action and organization have indicated that a very small percentage of such communities will actively participate in such initiatives (Buerger, 1998, p. 137). Also, high crime communities may consist of individuals who represent various minority groups, who have differing perceptions of what the most significant community problems are. Even if the community consists primarily of a single racial or ethnic group, no community has a single, defined point of view. Community justice officials cannot assume that they have successfully tapped into the interests of the community as a whole, as it is likely that they have heard only from the most organized and articulate segment of the community whose views are unlikely to be truly representative. Addressing the needs of only this segment may only prove to increase the level of distrust that exists between the prosecutor and the community.

Finally, the increased criminal justice presence and scrutiny that is a part of community-based crime initiatives, accompanied by increases in arrests, may not be well received by the community. The community may, on the contrary, perceive this as harassment, rather than a

benefit (Thacher, 2001), which, again will contribute to a lack of trust of community justice agents, and further damage the relationship between them.

## **CHAPTER 2**

### **PROSECUTOR MEETS COMMUNITY: RESEARCH QUESTIONS AND HYPOTHESES**

#### **Research Overview**

This research considers the implications of the movement toward community prosecution for understanding the role of the prosecutor in the new century. On its face, the adoption of a community prosecution orientation signals that powerful prosecutors around the county have moved into a new phase and have adopted a new way of doing business, transforming or expanding the traditional case processor role into an engagement with the community that emphasizes citizen input, focuses on quality of life in the neighborhoods, and reflects a willingness to take “minor” crime seriously. It also suggests adoption of non-traditional techniques of crime prevention to solve community crime problems—large and small—beyond accumulating convictions in high profile cases. The study addresses general questions and tests specific hypotheses about the prosecutor’s “new” community role by examining one significant version of community-oriented prosecution carried out by the Kings County, New York, prosecutor in a specific Brooklyn community, Red Hook.

The examination of community prosecution in one setting, of course, cannot serve as an “impact evaluation” of community prosecution as practiced in all possible settings. This research is not intended to serve as an evaluation of community prosecution per se, or even community prosecution as it has been implemented in this one location. Instead, in questioning the role of the prosecutor in today’s changing justice system, the study drew inferences about the prosecutor’s role as illustrated in the Brooklyn prosecutor’s focus on the Red Hook community, specifically through the vehicle of its community court. The research assessed evidence—drawing on different sources of data and different analyses—about the direction prosecution may

be taking as it moves toward a greater community role and then discusses the implications for the role of the prosecutor and the community.

### **Does the Prosecutorial Community Focus Produce the Advertised Shift Toward Minor or “Quality of Life” Criminal Cases?**

The prosecution literature outlines several basic “general rules” about the orientation of the traditional prosecutor. The traditional prosecutor cares considerably less about problems of “minor” crime, such as prostitution, loitering, public urination, graffiti etc., preferring to focus instead on the serious felonies like murder, rape, robbery and burglary. Conviction rate has been the statistic of choice to convince the community of prosecutorial effectiveness. The formulation of prosecutorial policy has long been solely the province of the prosecutor, and it has been set with minimal input from the community. Community members are rarely consulted even on the handling of cases that specifically impact them as witnesses or victims. In addition, prosecutors generally conceive of and handle cases on an individual basis. This case-by-case perspective makes a mindset that has not easily translated into consideration of broader problems and patterns of crime in the community. Since the late 1980’s, the broken windows thesis and other factors have begun to influence justice agencies—and now increasingly prosecutors—to see the connection between nuisance crime and neighborhood incivilities, as well as the impact of crime on neighborhood livability overall. For the prosecutor, the community focus theoretically means affording minor crimes and violations much greater weight than previously—based on the theory that nuisances later grow into attractive settings for serious crime.

Because virtually all community prosecution programs advertise their focus on “quality of life crime” within specific targeted areas (one meaning of “community”), the search for new community directions in prosecution should reveal that new community-focused interventions (enforcement, services, policies, etc.) have been put into place in those targeted areas. Although

different prosecutors employ different interventions in different targeted communities (Goldkamp, et al, 2001; Irons-Guynn and Dote, 2002), the new prosecutorial strategies should reveal special emphases, such as special initiatives to deal with prostitution or drug dealing in certain locations in certain targeted neighborhoods. These strategies, then, would be expected to generate different patterns of arrests or other planned activities from either earlier periods or other neighboring precincts where such strategies are not being employed. For example, as this research turned to the Red Hook innovation, it would be reasonable that such a strategy should at least produce a criminal caseload reflecting these new quality of life or nuisance-behavior concerns. One might argue that, absent a sign--without footprints of a new approach--that the workload for the Red Hook prosecutors is different as a result of this community-orientation, it is unlikely that the Red Hook version of community prosecution represents a major new direction in the role of the prosecutor. The research begins by testing two basic hypotheses related to this assumption:

*Hypothesis 1: The prosecutor's community focus produces a caseload that consists of more and/or a greater proportion of minor/misdemeanor cases than before the implementation of community prosecution.*

*Hypothesis 2: The prosecutor's community focus in targeted neighborhoods produces a caseload that consists of more and/or a greater proportion of minor/misdemeanor cases when caseload characteristics in contiguous non-targeted neighborhoods are taken into account.*

If the prosecutor's office had begun an intensified focus on minor crimes in Red Hook, as the police responded to this new prosecutorial interest in these cases, there should have been an observable increase in the number and/or percentage of these minor cases prosecuted in the targeted area in comparison to those processed in that area prior to the implementation of the community prosecution. At the same time, the prosecutor's community focus in the targeted

neighborhood should have generated greater increases in number or proportion of these minor cases compared to adjacent areas not targeted by this prosecutorial strategy.

**If There was a Detectable Shift in the Prosecutor’s Focus Toward Low-Level, Quality of Life Offenses Committed within a Targeted Community, Did Community Prosecution Produce a Related Change in the Type of Defendants Entering the Criminal Process?**

The decision to treat minor, nuisance or “quality of life” offenses more seriously in a new community-focused prosecutorial strategy should have meant that, in addition to seeing those types of cases in increasing numbers, the criminal caseload would include new “minor” or nuisance offenders in increasing numbers. This initiative—adopting the discretion to enforce crimes usually accorded little importance in policing and prosecution—should have meant that some persons ordinarily not brought into the justice system would now find themselves in court. This practice may have increased the community’s feeling of safety and livability or may have surprised and alienated the community, if residents, for example, found that their brothers, sons, and husbands were being arrested on petty matters which had previously been ignored. Whether well or poorly received by the community, adoption of this prosecutorial emphasis suggested that there would necessarily be a “widening of the net,” and that “new” offenders would be introduced to the justice process.

*Hypothesis 3: The caseload of minor offenses resulting from prosecutors’ community focus will involve: a) more defendants from the community and more defendants with attributes of residents in the community than before community prosecution and b) more of these defendants than are found in the caseloads of contiguous areas.*

*Hypothesis 4: The caseload of minor offenses resulting from the prosecutor’s community focus will involve more defendants who have no prior contacts with the justice system than previously or than in contiguous areas*

Community prosecutors believe that their increased presence in and interaction with neighborhood residents will result in improved relationships with the community. In whatever

form this increased interaction takes for the particular community prosecution site, prosecutors claim to want community involvement in addressing crime problems, in the interest of making neighborhoods safer and more satisfying places to live. Many social science scholars believe that crime ridden communities desire more criminal justice presence (Kennedy, 1994; Kahan and Meares, 1998, p. 1154), that community members are primarily concerned with low-level crime said to diminish the quality of life in their neighborhoods (Wilson and Kelling, 1982), and that the response to low-level crimes or efforts to “fix the broken window” will result in decreased levels of fear in the community, and ultimately improve community satisfaction (Wilson and Kelling, 1982; Skogan, 1990).

In contrast, however, new enforcement strategies focusing on crimes that are usually ignored by the justice system may translate into arrest and “criminalization” of the inhabitants of the targeted neighborhoods. This, some critics argue, can lead to an increase in negative interactions between community members and police, as more residents are stopped and arrested, resulting in less, not more community satisfaction (Roberts, 1999, p. 814-616). Programs intended to address low level crimes and disorderly behaviors may, therefore, come at a cost too high for the community members (Roberts, 1999; Harcourt, 2001; Kim, 2001; Stuntz, 2001). Stepped up enforcement by police and/or courts can and has been interpreted by residents as harassment (McArdle and Erzin, 2001). The following questions—which are bidirectional—suggested that the prosecutor’s community orientation would provoke either a positive or negative reaction from the community, or some of each, but at least not go unnoticed.

This research examined these questions of interest in a descriptive way. Due to data limitations, the questions were not addressed as hypotheses, but rather were explored in a manner meant to supply context to the main analysis.

**Does the Shift in prosecutorial strategy toward quality of life concerns in the community produce a discernable impact on the relationship between the community and criminal justice agents?**

Given the equally plausible effects predicted by the literature on both sides of this issue, it was difficult to predict the direction of the expected effect. It was likely dependent on how the behavior of the criminal justice agents was perceived. If community members interpreted the increased presence as responding to their needs, assuming that all communities desire such responsiveness, the next question of interest would then follow.

**Does the shift in prosecutorial strategy toward quality of life concerns in the community improve residents' perception of safety within the community?**

## CHAPTER 3

### THE RESEARCH SETTING

#### Setting Overview

This research examined hypotheses relating to the new community-oriented role of the prosecutor using one nationally recognized application of the strategy in Red Hook (Brooklyn), New York as a case study. The District Attorney for Kings County (Brooklyn) has applied a community focus in a variety of ways in Brooklyn. It is the special application of the prosecutor's community strategy through the community court in Red Hook, a relatively small and geographically distinct area within Brooklyn, however, that is the main subject of the proposed study. One of the original community prosecution sites with a start date of 1991, Kings County has been recognized by the Department of Justice and the American Prosecutor's Research Institute (APRI) as a "Leadership Site (Wolf and Worrall, 2004)" for several years, indicating its value in the field as a model for other jurisdictions with fledgling programs, as well as those considering implementing a new program of their own. In 2003, Kings County was chosen as the site for the National Community Prosecution Convention, and the tour of the RHCJC was a significant attraction for most of the attendees. The examination of the RHCJC version of community prosecution is illustrative of but certainly not representative of all community prosecution initiatives across the county.

#### **Community Prosecution in Brooklyn<sup>32</sup>**

When District Attorney Charles Hynes took office in 1989, cases were randomly assigned based upon the legal aid attorney who handled the arraignment, so prosecutors were assigned cases from all over the jurisdiction. These were heard in front of judges all over the

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<sup>32</sup> The description of community prosecution in Kings County was obtained through a series of interviews with District Attorney's office personnel.

courthouse. Hynes felt that the jurisdiction was too large (over 70 square miles) to handle as a single unit, so in September of 1991, he implemented “zone prosecution,” a pioneering version of what is now known as community prosecution. He created areas of responsibility small enough that the attorneys could get to know the community, its crime problems and its problem offenders.

The borough was divided into five zones of roughly equal population and crime rate, each consisting of four to five police districts. Teams of trial attorneys were assigned to each zone to handle cases originating there. The court system cooperated by assigning specific pretrial and trial judges to cases from each zone.

To facilitate community interaction, zone supervisors attended precinct council meetings in their zones. They heard community complaints first hand, and were accountable to the residents if they failed to respond to their issues. Trial attorneys were required to appear at designated schools located in their zones to participate in education programs run by the prosecutor’s office. The attorneys were encouraged to participate in programs and events that took place in their zones. In addition Hynes created the Community Relations Bureau, consisting of a supervising attorney and six non-attorney personnel who were largely responsible for the community outreach on behalf of the office. By attending all of the meetings in their assigned communities, helping with the planning of neighborhood events and projects, and acting as point persons for community complaints and problems, which may or may not be related to crime, they came to know community members, community leaders, local police and politicians.

The District Attorney’s office also ran several programs intended to address problems specific to the Kings County community. These programs included ComALERT (community and law enforcement resources together), a re-entry program for felony probationers or parolees

created in 1999, and D-TAP (Drug Treatment Alternative to Prison), a diversion program targeting low-level drug offenders (Sung and Belenko, 2006). Additional programs included legal education programs, such as “Legal Lives,” which targeted 5<sup>th</sup> graders, “The People’s Law School” which targeted adult residents, and “The Youth Law School,” an after school program that targeted older children, providing age appropriate information about the criminal justice system and how to handle specific problems that were occurring in their neighborhood.

### **The Red Hook Community as Research Setting<sup>33</sup>**

Originally settled by the Dutch in the early 1600’s, Red Hook came to prominence due to its spacious waterfront as a dock for bulk goods just after the War of 1812, when New York emerged as the nation’s leading port. By the late 1920’s, the Red Hook population consisted mostly of Irish, German and Scandinavian immigrants hired to work the docks and in shipping related industry. Rapid population growth and poor living conditions led to crime problems, including organized crime and delinquency. The Red Hook houses, “the largest federally funded public housing program of its kind” (Reiss, 2000, p. 9), when they were constructed in 1930, provided improved living accommodations for thousands who had lived in shacks and slums.

The Red Hook economy thrived from 1850-1950 as the diverse community grew to include African Americans and Hispanics. After WWII, however, many problems emerged. The Port declined due to changes in shipping practices. Gradually, ships stopped coming to Red Hook, so the shipyards and shipping-related businesses shut down. Major highway construction beginning in the 1940’s, including the Gowanus expressway, the Battery Tunnel entrance and the Bronx-Queens expressway, damaged the community. The three major arteries converged in Red Hook, necessitating the condemnation of an entire neighborhood, and physically severing the

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<sup>33</sup> This descriptive summary of the history of Red Hook is drawn from a booklet published by the Brooklyn Historical Society (Reiss, 2000).

community from the rest of Brooklyn. Transportation became difficult, and merchants lost a substantial portion of their business as a result. In the 1960's and 70's, the proposed construction of a container port caused residents to hesitate about making needed repairs and led to a decline in living conditions. In the mid 1970's, construction of a sewer line affected the foundations of many surrounding homes and businesses. Thirty-three buildings collapsed, resulting in several deaths and the displacement of many families. As area living conditions deteriorated, many Red Hook residents who could afford to moved away. The size of the Red Hook population plummeted from 21,000 in 1950 to 12,000 in 1980.

In the mid 1980's, the struggling Red Hook community was devastated by the crack cocaine epidemic (Colt and Barnes, 1988; James, 1988; Terry, 1988; Treaster, 1991; Gonzalez, 1992; McFadden, 1992) . Drug sellers and users overwhelmed the Red Hook housing project and used apartments as crack houses. Businesses closed down, and residents retreated indoors as shoot-outs became everyday occurrences. Violent crime in Red Hook doubled between 1985 and 1988 (Colt and Barnes, 1988).

The catalyst for positive change came as a result of a tragic incident. In 1992, a popular high school principal who was attempting to visit a student's home was killed when caught in the cross fire from a drug-related shoot out (McFadden, 1992). At that point that District Attorney Charles Hynes started talking about opening a community court in Red Hook. Due to the serious crime and drug problems in Red Hook, as well as the community need for social services, and the physical isolation that made it difficult for residents to get to the downtown court or access services, (there are no subway stops in Red Hook; it is necessary to take two buses to get to the main Kings County courthouse) it was believed that Red Hook was the ideal location for such an innovation.

The area known as Red Hook is sharply divided geographically along racial and economic lines. According to the 2000 census, the population of Red Hook<sup>34</sup> during the study period was 10,215. Approximately 70% of the population lived in the Red Hook Housing projects. 60% of these residents were African American, and about 40% were Hispanic. Slightly over 1% indicated they were White (non Hispanic). The rest of the population resided in an area known as “the back,” consisting of privately owned single and multi family homes, where the population was primarily Hispanic and White. Over 51% of the projects residents reported a 1999 income level which fell below the poverty line, as compared to approximately 29% of all Red Hook residents. The median rent for an apartment in the projects in 2000 was \$214 monthly, as compared to the rental units in “the back”, with median rents of \$ 500 to \$600 per month (White, 2003).

The economy in Red Hook has undergone considerable change since 2000. A marked increase in Red Hook property values and the influx of new businesses, generated talk about the “gentrification” of Red Hook (Sternberg, 2007; Blumenkrantz, 2006). A multi-family home in Red Hook posted a record sale in 2006 of over 1 million dollars (Sternberg, 2007). Described in 1996 as having only a few stores, no pharmacies and only one legal bar, Red Hook is now home to many trendy new restaurants. A new Fairway grocery store opened in 2006 and an IKEA store opened on the waterfront in June, 2008. Carnival cruise ships depart from a new terminal on the Red Hook pier. The community prosecution/community court initiative, conceived in the early 1990’s and arguably a catalyst for change during its mid to late 1990’s planning stage, opened in April of 2000 as part of the overall transition that was beginning to take place in Red Hook.

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<sup>34</sup> Red Hook is comprised of 4 census tracts located west of the elevated expressway: 0055, 0057, 0059 and 0085 (Fagan, 2003)

## **Community Prosecution in Red Hook in the Community Court Context**

Although community prosecution is practiced by the Kings County District Attorney's Office throughout Brooklyn, a special version of community prosecution has emerged in Red Hook. There, community prosecution is coupled with a community court. The prosecutor's office also played a primary role in the court's design and implementation. Red Hook is considered a laboratory where the prosecutor has incorporated a variety of elements of community justice effort. It is the only Kings County site with a pilot office located within the justice center itself, affording more direct contact with the community as well as facilitating a working relationship with the police precincts operating in the Red Hook catchment area and with the court team.

The coexistence of community prosecution and community court has been found in other counties in this country, (including Manhattan and Nassau County, in New York) and the prosecutor also plays a primary role in the community court in some locations, including Austin, Texas and Portland, Oregon. In Red Hook, however, the community court is the primary mechanism through which community prosecution is delivered.

The RHCJC opened in April of 2000. District Attorney Hynes partnered with the CCI on applications for funding, and recruited community residents and stakeholders for focus groups, with the intention of stimulating community involvement from the outset. These groups were enlisted to provide input into decisions such as the type of matters to be handled by the court and the types of services that were needed in Red Hook. The District Attorney also brought in an outside consultant to facilitate the discussions (Berman, 1998). According to CCI, District Attorney Hynes was active in garnering public support for the project, and his involvement "opened many doors that might otherwise have been closed" (Berman, 1998).

The RHCJC is open weekdays from nine to five. Matters that arise outside of this time frame are heard in Kings County's downtown court, the main Brooklyn courthouse. The RHCJC arraigns and disposes only of D and E felonies, misdemeanors and violations<sup>35</sup> that occur within its jurisdiction. It is served by the 76<sup>th</sup>, 78<sup>th</sup> and 72<sup>nd</sup> police precincts. The court's jurisdiction also includes several adjacent (and more affluent) communities in addition to Red Hook (Park Slope, Sunset Park, Carroll Gardens, Cobble Hill, Gowanus, Windsor Terrace, Wyckoff Gardens, Boerum Hill and Columbia Terrace<sup>36</sup>). Unlike many other community courts that handle only cases being resolved by guilty pleas, the RHCJC also hears bench trials. The court also has jurisdiction over cases arising from citations for behavior such as unleashed dogs, public drinking, public urination, delinquency cases, civil and criminal family court cases, and housing court cases arising either from landlord-initiated complaints for non-payment of rent or evictions, or tenant complaints.

The District Attorney had an array of sanctions to choose from in Red Hook, which included court mandates to treatment and/or to receive certain services, as well as community service. Compliance was monitored regularly by the court, and those who repeatedly failed to perform according to court order received short jail terms. Services were offered by the court to both offenders and the community, which included short and long term drug programs, GED courses, child care and job training, as well as classes on anger management and therapies such as dream therapy and acupuncture. An on-site clinic staffed by social workers and case managers was available to interview and place candidates into appropriate treatment.

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<sup>35</sup> The available penalties for these offenses in the State of New York are as follows: D Felony – up to 7 years in prison; E Felony-up to 4 years in prison, (New York Consolidated Laws, Penal, 70.00); A misdemeanor- up to 1 year in jail; B misdemeanor-up to 3 months in jail; violation-up to 15 days in jail, (New York Consolidated Laws, Penal, 70.15, Chapter 40, article 55, section 55.10, 2 (c)). In contrast, an A felony is punishable by life imprisonment, a B felony by up to 25 years, and a C felony by up to 15 years. (Chapter 40, article 70.00, sections 70, 2 (a), (b) and (c)).

<sup>36</sup> These communities were included in the jurisdiction of the new court because Red Hook, the target community, was too small to justify the opening of a court devoted solely to it (Fagan, 2003, p. 945).

At the time of this research, the District Attorney maintained a community prosecution field office within the building that houses the court. The office was staffed by a supervising attorney and two assistant district attorneys who handled all criminal matters that were heard in the court. The supervising attorney was also responsible for community outreach, attending precinct and community organization meetings as well as attending community events. This location within the community enhanced the opportunity to interact with community members on a walk-in basis, as well as to interact on a daily basis with the judge, the assigned public defenders, and the police creating a more congenial environment among the courtroom team. The community court judge indicated that the prosecutor's willingness to experiment with sentencing was what made the court work. According to the supervising community prosecutor, the relationships she developed with the court clinicians and service providers gave her the confidence to accept their sentencing recommendations. The intent was to create a more efficient method of processing cases and to become more responsive to the needs of the community.

One innovative component was the Red Hook Public Safety Corps (PSC). Sponsored by the District Attorney's office and the CCI, the PSC was staffed by Americorps volunteers, U.S. citizens over the age of 18, who were required to reside in the New York City area, but were primarily from the Red Hook neighborhood. Participants provided services to the community in exchange for job training, educational experiences, a small stipend, and a scholarship to be used to finance their education. They were assigned to various placements within the court's jurisdiction, including departments within the community court, and sites such as neighborhood schools, drug treatment centers and police precincts. This arrangement was intended to facilitate access to services for community members, since they would likely be more comfortable seeking assistance from people they knew or whom they perceived to be more like them, rather than an

outsider. The PSC also responded to community requests to help out at various events and to provide repair and clean up help. They became representatives of the needs of the community as they were in constant contact with their neighbors through their many responsibilities, including required attendance at community meetings and the performance of surveys in the Red Hook community each year. The activities of the PSC were directed and supervised by the community prosecution supervising attorney, providing a critical link between the District Attorney and the community. The non-probability based informal community surveys were used to identify community issues and to measure neighborhood satisfaction with living conditions and with criminal justice officials and court operations.

## CHAPTER 4

### RESEARCH DESIGN

#### Study Design: Data Collection Strategy

This study gathered data designed to show “footprints” of prosecutorial practice associated with the year 2000 implementation of the RHCJC. The purpose was to look for evidence that might indicate that community prosecution rhetoric signaled an actual reconceptualization or a new stage in the evolution of the prosecutor’s role. Towards that end, the study tested hypotheses relating to shifts in case volume and defendant attributes. In addition, the study looked descriptively at some other data, which may be indicative of the community’s reaction to the community justice effort. The evidence was drawn from multiple sources and permitted several complementary analyses. (See the summary provided in Table 4-1.)

The main analyses used the first three data sets with content that ranged from more general to more specific; these data dealt with the criminal caseload in Red Hook (See Table 4-1). The last two subsidiary data sources were more indirect and qualitative, and potentially less representative because they were non-probability based data sources (See Table 4-1). The analyses performed on the latter data sets do not test hypotheses. Rather, their purpose was more descriptive in nature to better understand the community context in which community prosecution was introduced, and the caseload was produced and processed.

#### **Main Data Sets: 1-3**

##### *Data Set 1 – NYPD Arrest Data:*

These data consisted of monthly aggregate data for total arrests from January 1998 through December, 2001 for each of the three precincts of the New York Police Department that covered the catchment area of the RHCJC: the 72<sup>nd</sup>, 76<sup>th</sup> and 78<sup>th</sup> precincts. These data were

**Table 4-1 Data Sets**

PRIMARY DATA SETS		
Data name	Source	Content
Data Set 1 - NYPD Arrest Data	NYPD	Felony, misdemeanor and violation arrest data for 3 Red Hook Precincts: 72 <sup>nd</sup> , 76 <sup>th</sup> , 78 <sup>th</sup> – aggregated monthly - 46 months per precinct from the years 1998-2001. 2 months of data, December 1998 and January, 1999 are missing.
Data Set 2 - Kings County Court Filings Data	New York Criminal Justice Agency (CJA)	All D & E felony, misdemeanor violation and infraction criminal cases for Kings County, Brooklyn from third quarter of 1998 (n=19,296) and first quarter of 2001 (n=22,989)
Data Set 3 - Red Hook Community Justice Center Data	Center for Court Innovations (CCI)	Red Hook Community Justice Center case data-court records from 4/2000 through 3/2001 (n=4,088)
SECONDARY DATA SETS		
Data Set 4 - Community Data	Center for Court Innovations (CCI)	Red Hook Community Justice Center non-probability community survey repeated in years 1999-2001; '99 n=980; '00 n=1744; '01 n=1169
Data Set 5 - Participant Perspectives	Crime and Justice Research Center, Temple University (CJRC)	Two focus groups: 18 tenants of the Red Hook houses; 12 members of the Red Hook Public Safety Corps, conducted 5/9-10/2003

analyzed to establish the overall trends in arrests by type and for each precinct. The data included felony, misdemeanor and violation arrests; felonies and misdemeanors were listed by specific charge; violations appeared as totals only. (See Appendix 1 for a list of variables.)

*Data Set 2 – Kings County Court Filings Data:*

These data consisted of New York City Criminal Justice Agency case filing data including court records for all of Kings County (Brooklyn) cases at the level of D felony or

lower. Cases that were included in this data were of moderate to low seriousness relative to cases charged as A, B or C felonies which are included in Data Set 1 above.<sup>37</sup> The criminal filings included two periods of time: the third quarter of 1998 (July, August and September; n=19,296, referred to as Time (1), a period well prior to the implementation of the RHCJC in April of 2000, and the first quarter of 2001 (January, February and March; n=22,988, referred to as Time (2), a period after the court had been operating for about nine months. The court filing data included arrest type and severity, as well as individual defendant's address, age, ethnicity and prior convictions. The data also supplied the precinct of the arrest, and thus allowed analysis of differences in the caseload composition of all 23 Brooklyn police precincts as well as non-Red Hook vs. Red Hook precincts during the two time periods represented. (See Appendix 2 for a list of the variables to be analyzed.)

*Data Set 3 – Red Hook Community Justice Center Data:*

These data provided in depth information on the defendants processed through the RHCJC. In contrast to Data Set 2, these data were generated by the RHCJC itself. The Red Hook data cover a period of 51 weeks from the court's implementation in April 2000 through March of 2001 (n=4,088). Thus, these data captured information only for the period subsequent to program implementation.

Included were arrest and charging information at the level of D and E felony, A, B and unclassified misdemeanor, violation and infraction. They also included individual level case and defendant information, such as age, race, place of residence and prior criminal history for each defendant (See Appendix 3 for a list of variables.) These data permitted trend analysis of the types of cases most commonly handled in the community court, and how the composition of those cases

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<sup>37</sup> See note 40 above.

may have shifted in months subsequent to the court's implementation in a manner consistent with community prosecution priorities.

### **Supplementary Descriptive Data**

#### *Data Set 4 – Community Data (Survey):*

The Red Hook Public Safety Corps conducted a series of informal, non-probability surveys of neighborhood residents to solicit their views about the state of their neighborhood, the criminal justice system, and the type of help needed to resolve their crime problems (Data Set 4).<sup>38</sup> The survey was first carried out in 1995, and has been repeated annually, but for the purpose of consistency with the time periods covered by the other data sets, Data Set 4 includes only the data from 1999 through 2001.

The samples drawn each year were convenience samples. Therefore, strictly speaking, tests of statistical significance were not appropriate. Surveyors administered the survey in English and Spanish door-to-door in the Red Hook housing projects, in addition to the other neighborhoods within the jurisdiction of the RHCJC, including: Sunset Park, Park Slope, Cobble Hill, Carroll Gardens, Gowanus, Windsor Terrace, Wykoff Gardens, Boerum Hill, and Columbia Terrace. The population surveyed differed from year to year; no effort was made to re-interview the same residents each year. The sample size varied each year: 1999 (n= 980); 2000 (n=1744); 2001 (n=1169). Because of the availability sampling approach taken in the survey, survey data cannot be used as reliable or representative estimates of the views of the Red Hook population per se. Nevertheless, these data were examined, only with descriptive, thematic aims in mind.

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<sup>38</sup> Participants in the community survey were not randomly selected; rather, this was an availability sample. Participants opted to participate or not based on whether they had the time or the interest in answering questions about the community. Both of these selection methods could lead to selection bias. It is for this reason that these data sources are treated as descriptive only; the risk of bias was too great to form the basis of any definitive results. However, the survey has been performed over eight years, and includes thousands of participants. It is believed that there is at least descriptive value in including this data to add context to the primary data sources, which are drawn from arrest and court records, and are therefore not subject to selection bias.

Survey items included fear of crime, community satisfaction and community perceptions about their relationships with criminal justice agencies over time. They were considered in this study mainly to tap some community perspectives that may help to provide some context for the quantitative analyses of community prosecution. (See Appendix 4 for a list of the survey questions analyzed.)

*Data Set 5 – Participant Perspectives (Focus Groups):*

Focus groups (Data Set 5) were conducted on May 9<sup>th</sup> and 10<sup>th</sup>, 2003 to tap the views of two different groups of individuals in Red Hook about the Red Hook community prosecution initiative.<sup>39</sup> The first focus group consisted of 18 residents of the Red Hook housing project. The second group included 12 members of the Red Hook Public Safety Corps; a group consisting of neighborhood residents as well as residents of similar neighborhoods in other parts of New York City who joined the Corps to participate in service projects designed to improve the Red Hook community. The focus groups were led by the author and Temple researchers and were designed to solicit in-depth views from those involved relating to a set of questions about their perception of criminal justice agencies and agents in Red Hook settings, including the prosecutor and the community court, and their experiences with them, how the experiences affected their everyday lives (do they feel safer?). The questions included in this research were the same for each group, allowing for the comparison of responses between groups, but the questionnaire itself was tailored, to a limited extent, to each specific group and their unique experiences. (See Appendix 6 for a copy of the focus group questions guides.) The discussions were tape recorded with the consent of the participants, and were later transcribed for analysis. These qualitative data served

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<sup>39</sup> Focus groups: Residents who were focus group participants were compensated for their time with twenty-five dollar gift certificates, which they were aware of before they chose to participate. Red Hook Public Safety Corps participants were given refreshments and a break from their work day, which may have provided some incentive for them to participate.

as another source tapping community perspectives regarding criminal justice interventions in Red Hook.

## **I. Analytic Strategy**

To test hypotheses relating to the prosecutor's community orientation as advertised under the community prosecution strategy, the analysis of these data was organized in the following way. (The hypotheses and the data used to examine them are summarized in Appendix 6.)

*Hypotheses 1 and 2: Nature of the Red Hook Caseload (T1 and T2; Red Hook Precincts versus Contiguous Precincts at T1 and T2)*

The Brooklyn prosecutor's focus on the Red Hook Community as a central element of the community court should produce increases in the volume of low-level criminal cases generated from the Red Hook area as well as increases in the proportion of low-level cases being brought into court from Red Hook precincts relative to cases of higher seriousness. This should be evident in the volume and composition shifts in arrests after the community court came on line, using Data Set 1. Comparisons of the non-Red Hook and Red Hook criminal caseloads, using Data Set 2, should also show shifts in the comparison of the time periods before (1998) and after (2001) implementation of the court. Analysis of Data Set 3 provided a look at the caseload of the RHCJC during its first year of operation, to see how the content of the caseload evolved over time, and whether it changed in predicted ways.

### **Analysis of Data Set 1: Changes in Arrest Trends**

Utilizing Data Set 1-Arrest Data, analyses examined whether principal arrest categories shifted over time in the RHCJC feeder precincts, using Hierarchical Linear Modeling (HLM).<sup>40</sup>

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<sup>40</sup> HLM was used in this research to test hypotheses predicting changes due to the introduction of community prosecution, as effects of the interaction of two independent variables, time and arresting precinct. The analysis takes into account the combined impact of the two variables. Regression would be inappropriate to use for this analysis because it assumes independent error terms. For this same reason, time series analysis was not used, in addition to the fact that there were not enough observation points for it to be utilized properly.

More specifically, the analysis examined arrest data generated by the three Red Hook precincts only. Arrests were separated into two groups defined by charge severity: high seriousness (felony) and low seriousness (misdemeanors and violations). Changes in volume of the low seriousness arrests and in their proportion of the total over time were both of interest.<sup>41</sup> In addition, the arrest data allowed separate analysis of certain specific offense groupings that reflect offense “type.” The volume and proportion of misdemeanor drug arrests were selected for analysis to represent a version of “minor” or “quality of life” low-level crimes that would be the subject of community prosecution attention.

Level one in the data was time defined by months. Each month had scores on three independent variables associated with it: months since the first month of this data set (sequence variable), the square of the sequence variable, and pre- vs. post-implementation months (0 vs. 1), and three dummy variables capturing seasonal variation. Level two grouped the monthly data by the arresting precinct. The analysis of aggregate trends addressed the question of whether the nature of incoming arrests shifted to reflect a minor crime or “quality of life” emphasis in the Red Hook target precincts after the court was implemented, as community prosecution would predict.

The aggregate arrest data in Data Set 1 had a few limitations, which are discussed in Chapter 5, below.

### **Analysis of Data Set 2: Changes in Criminal Case Filings from the Pre- to Post-implementation Periods**

Data Set 2 permitted a different analysis of the impact of community prosecution policy. Similar to Data Set 1, these criminal filings data of lower level charges (A, B and C felonies are not included in this data set) allowed observations of both pre- and post-implementation filings within a large, non serious felony and misdemeanor case population. In addition to the data

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<sup>41</sup> Violations represent a small portion of all arrests. They have been combined with misdemeanors for analysis.

reflecting criminal filing patterns in the Red Hook precincts, these data also included filings from all of the other precincts in Kings County, permitting comparisons to areas without access to the community court. Hypothesis 2 suggested that a comparative analysis of Data Set 2 (see Table 4-2) should show that filings from Red Hook precincts reflected a greater emphasis on minor crime than filings from those same precincts before community prosecution was implemented and Red Hook precincts should show a more pronounced emphasis on minor offenses at T 2 (2001), post-implementation when compared with all arrests (T 1 and T 2) made by non-Red Hook precincts.

This data set also added more detail to the nature of the charges in each case than was possible in Data Set 1, which was limited to felony vs. misdemeanor/violation arrest designations, allowing closer scrutiny of charges within the broad “less serious” criminal case population. This made it possible to distinguish between two separate degrees of minor cases, by utilizing different cut off points: the first compared cases where the highest charge was moderate (D and E felony, A misdemeanor) vs. cases where a lower-level (B misdemeanor, violations, infractions) charge was the most serious charge; the second defined low-level or “petty” cases as those where the most severe charge was at the level of misdemeanor or lower and compared it to the volume and proportion of cases with D or E felonies as the most severe charge.

HLM analysis used a multi-level model with weeks (14 pre-implementation weeks in 1998 and 13 post implementation weeks in 2001) at level one and precincts(n=23) at level two as the organizing units. The analysis tested the impact of three independent variables: The non-Red Hook vs. Red Hook variable allowed an analysis of the locational differences. The pre/post-implementation variable allowed a comparison of the composition of the caseloads between the two periods. The “pre/post-implementation interaction,” gauged the impacts of the Red Hook treatment, while controlling for pre-to-post-implementation shifts in the entire jurisdiction.

Because there may have been differences in arrest patterns due to the weather conditions during the different time periods (Rotton and Cohn, 2000) (T 1 included summer months, as compared to T 2, which included winter months) analyses included controls for seasonality (weekly temperature readings). In short, treatment locations (Red Hook precincts) and post-treatment period should have shown a significant difference predicted by the introduction of community prosecution.

### **Analysis of Data Set 2: Changes in Case Composition Subsequent to Innovation**

Data Set 2 also differed from Data Set 1, as it permitted aggregation by week rather than by month, so the criminal filing data were organized into weekly periods. The analysis included a second model of the impact of each independent variable, based upon the passing weeks as opposed to a comparison of pre vs. post implementation. If there were increases in the weekly number of cases or in the proportion of lower to moderate seriousness cases in Red Hook over time and compared to neighboring precincts, a plausible argument could be made that these data supported the proposition that something different was occurring--in the expected direction--using those timeframes. In short, the hypothesis was that there would be different degrees of change in the non-Red Hook versus Red Hook caseloads from T 1 to T 2, showing a greater production and greater relative production of low-level cases in Red Hook.

The limitation of Data Set 2 was that it only provided 13 weeks of post-implementation data. Although these data allowed comparisons with the pre-treatment period, it did not permit extracting information about gradual shifts in processing taking place subsequent to implementation of community prosecution. Data Set 3, although limited in that it contained data only from the three Red Hook precincts, consisted of only the first 51 weeks of the court's operations and was confined to post-implementation observations, was useful in supplementing the analyses of Data Sets 1 and 2 to examine graded shifts in the target area criminal caseload.

### **Analysis of Data Set 3: Gradual Changes in Red Hook Filings Post-implementation**

The Red Hook 2000-2001 community court data (Data Set 3) represented a subset of both the arrest data and the criminal filing data used in the preceding analyses: they included the portion of the target population cases actually processed into the RHCJC. (Not all arrests enter the courts and not all potentially eligible felony and misdemeanor cases end up in Red Hook during the weekday periods of operation.) The hypotheses suggested that over time, as the court became established, the trends in caseload would become more evident. Therefore, the purpose of this type of analysis was to determine whether there was a trend of increasing caseload volume and proportion of low seriousness cases over time. An HLM longitudinal model using weekly data was used to determine if the Red Hook caseload increasingly transformed to reflect the aims of the community prosecution strategy.

At level one, the dependent variables were: volume of cases and the proportion of low seriousness cases to total cases over the first year of data (51 weeks). An independent variable for sequence and another for sequence squared were used to capture linear and quadratic trends. Three dummy variables (spring, summer and winter) controlled for seasonality.

At level two, the data were grouped by precinct to determine whether there were differences between the precincts in caseload composition. Since all three precincts were treatment precincts, there should not have been any significant differences between them; however, the hypothesis suggested that the volume and proportion of the lower level seriousness cases should show increases over time for each precinct.

Analyses of Data Set 3 documenting post-implementation shifts (2000-2001) and analyses contrasting 1998 and 2001 cases could not, in themselves, provide conclusive evidence that the prosecutor's focus has shifted and that the shift was reflected in a new mix of criminal

caseloads. At the same time, however, absent any noticeable shift in caseload composition or volume, or absent any evolving trend in the Red Hook caseload from 2000-2001, it would be difficult to infer that community prosecution resulted in the advertised differences.

*Hypothesis 3 and 4: Attributes of Defendants T1 and T2; (Red Hook versus Contiguous Jurisdictions at T1 and T2)*

By positing that the prosecutor's emphasis on low-level crime in the Red Hook community would generate cases involving individuals who were more likely to be from the Red Hook community, as police officers paid increasing attention to nuisance level behaviors, Hypothesis 3 suggested that the low-level community enforcement initiative would "widen the net" and sweep area residents and youths into the new justice apparatus. Critics feared, and residents believed that their enforcement drew local African American and Hispanic youths into the RHCJC to a greater extent than would have happened previously without the community prosecution emphasis. Harcourt (2001), for example, argued that the order maintenance policing practiced in New York City provides a pretext that justifies stops and searches of young minority males, and has resulted in an increase in such stops and arrests. Focus group discussions with local residents revealed a shared belief that the community court's operation actually encouraged police to stop and arrest these young men for petty offenses, and enabled them to legally search for other things--like drugs--a behavior which residents believed was less common prior to the initiation of the court.

Hypothesis 4 predicted the more traditional version of net-widening. The quality of life/nuisance focus of enforcement efforts, according to this thesis, should produce defendants who differed from the usual criminal court defendant: minor offenders with no history of prior involvement in the justice system.

These hypotheses focusing on defendant attributes were examined using the New York Criminal Justice Agency (NYCJA) criminal court filings (Data Set 2) data representing all Kings County precincts. The analysis employed the same before and after (1998/2001) and Red Hook versus non-Red Hook comparisons to search for the hypothesized effect associated with the implementation of the treatment. In addition, RHCJC post-implementation data were analyzed to look for an evolving shift over time in defendant attributes in the community court caseload once implemented.

The major distinction in these analyses of differences in defendant attributes, compared to the preceding ones, however, was that these were conducted solely on an individual level using HLM. Several attributes were examined to test these hypotheses: age, gender, ethnicity and prior convictions.

### **Analysis of Data Set 2: Changes in Defendant Attributes from the Pre-to Post-implementation Periods**

The content of Data Set 2 allowed for specific types of comparisons. Its pre/post format permitted analysis of differences in the attributes of persons arrested in Red Hook after the implementation of the community prosecution/community court strategy in 2000. Because the data included arrest precinct information for each criminal filing, arrestee/defendant attributes were compared across precincts and over time as well (Red Hook vs. non-Red Hook precincts). The analysis tested the interaction between time period (T1 vs. T2) and location (Red Hook vs. non-Red Hook precinct) to determine whether there was a significant change in the probability of certain types of offenders being arrested in Red Hook (as opposed to non-Red Hook precincts) specific to the post-implementation period only.

By looking at individual defendant attributes rather than aggregated cases, the analysis isolated the impact of each attribute from those of others. HLM was used to determine whether

certain types of offenders were more likely to appear in case filings during the treatment period. Separate analyses were conducted with each offender attribute of interest alternately, serving as dependent variables. When an attribute was not the outcome of interest, it was used as a control variable. The attributes of interest (dependent variables), analyzed as dichotomous variables, were defined as follows: age (24 and under vs. 25 and above); race/ethnicity (African American or Hispanic vs. White/other); gender; and prior convictions (none/any).

Independent variables included a post-implementation variable distinguishing between observation periods, a locational variable distinguishing Red Hook from non-Red Hook arrests, a post-implementation Red Hook variable distinguishing cases originating from post implementation Red Hook arrests from all others, and controls for temperature variations representing seasonal effects over the observation periods. This analysis asked whether time (T 2) and/or location (Red Hook precincts) explained variation in specific defendant attributes, while controlling for other attributes. The prediction was that post-implementation cases from Red Hook precincts would present a different mix of defendants than seen in other precincts or seen previously in Red Hook.

### **Analysis of Data Set 3: Shifts in Defendant Attributes in the Red Hook Community Justice Center over Time**

This analysis of Data Set 3 supplemented the above analysis by examining RHCJC data that included 51 weeks, post-implementation. In theory, this passage of time could have allowed the community prosecution policies to take hold. Alternatively, analysis could have shown that community prosecution efforts weakened over time.

Similar to the analysis described above, HLM analysis was conducted at the individual level using the same dependent variables (dichotomies representing young, non-White, gender, residence and previous record) while controlling for the impact of other variables.

The underlying aim of this analysis was to detect changes in the probability of defendants with specific attributes being drawn into criminal court in the post-implementation period over time. The key impact indicator here was sequence (in weeks). The purpose of this independent variable was to determine whether changes in caseload type, if any, were speeding up, slowing down, or remaining consistent after the court had been running for awhile. Because this was an individual-level analysis, the question was whether, controlling for other case features, certain types of defendants were increasingly represented.

Two dummy variables were assigned to two of the three Red Hook precincts to control for any differences attributable to different practices across treatment precincts. The hypotheses predicted that offenders who were young, residents of Red Hook, minority or male, or had no criminal history, would have a higher probability of being prosecuted.

Although each of the analyses had its limitations, in combination, they complemented each other. Data Set 2 allowed a glimpse of “pre/post-implementation,” “treatment” and “pre/post-implementation interaction” as each analysis is described above, but contained only a limited period of post-implementation observations--the first three months of 2001. Although Data Set 3 contains only post-implementation observations made on Red Hook precinct cases only, it provides an in-depth look at the defendants entering the RHCJC over the first year of its existence from April, 2000 through March, 2001, allowing a longer period of time for an effect to take place. (See Appendix 3 for a list of case and disposition variables.)

### **Descriptive Analysis of Community Perceptions**

Ideally, assessment of the community role of the prosecutor under community prosecution would benefit from data relating to community perceptions and perspectives. For example, a probability-based survey of the relevant neighborhoods would ask residents whether

they were aware of the community prosecution and community court initiatives, whether their views of justice agencies had changed and improved, and whether as a result they felt safer in their communities and more appreciative of the relevant justice actors. This was beyond the scope of the proposed study. However, to tap community perspectives at least qualitatively, this research drew on two sources of data that, although not probability-based, provided useful insight.

The annual survey of Red Hook residents conducted by the CCI in New York included questions relating to criminal justice agencies and perceptions of community safety (See appendix 4). This made possible, in a manner that was qualitatively descriptive rather than quantitative, an examination of the survey data over those years to determine whether, in years coinciding with implementation of the community prosecution/community court initiative, residents reported higher regard for justice agencies or felt safer in their communities. These analyses basically involved comparing percent change in relevant questions over time, to be discussed in context of the other trend analysis results, such as crime rate changes and differences in types of arrests.

Demonstrated improvement in justice agency ratings or community safety perceptions from 1999 through 2001 cannot provide unequivocal support for the effectiveness of the community prosecution initiative in Red Hook because of the design of the survey and since crime was continually going down around New York generally. Findings that respondents held these agencies in less esteem or felt less safe after the court was implemented, despite the drop in the crime rate, however, would not offer much support for the claim that the community initiative resulted in improving community attitudes. Most importantly, however, since these surveys were based solely on convenience samples, respondents might have had varying

motivations over time to respond to them depending on what had happened to them or to those they knew personally. Trends inferred from these surveys, were interpreted with this in mind.

Similarly, qualitative analyses of the transcripts from focus groups conducted on May 9<sup>th</sup> and 10<sup>th</sup>, 2003 in the Red Hook housing project and the RHCJC (see Appendix 6) sought to detect themes in the views of the residents regarding safety, criminal justice agencies, the community court and prosecution. Despite their qualitative nature--and recognizing that two focus groups cannot represent the views of the community overall--these data nevertheless offered at least some perspectives of Red Hook residents in the target setting where community prosecution was implemented, which supplemented and provided context for the interpretation of the archival findings.

### **Data Limitations**

Not surprisingly, the data sources described above have limitations that were taken into account in the research. Perhaps the ideal approach to assessing the effects of implementing community prosecution in the Red Hook setting would have involved a field experiment. However, this was not possible since it is difficult to conduct an experiment retroactively. Instead, this research was designed as a retrospective study.

Ideally, additional arrest data beyond 2001 would have provided more post-implementation observations. Data Set 1 (the arrest data), and Data Sets 2 (the Kings County Criminal Court data) and 3 (RHCJC data) supplied information only through the year 2001, covering only about one year post-implementation. Data Set 3 included RHCJC cases only, with no comparison group. In addition, Data Set 1 provided arrests only from the three targeted Red Hook precincts and did not permit comparisons of these precincts with others. More detailed offense breakdowns would have permitted more specific analyses.

In addition, the two observation periods covered in Data Set 2 were not from the same quarters each year; they included the third quarter of 1998 and the first quarter of 2001. This is because the creation of a data set specific to this research was prohibitively expensive, and access to data sets that included the information that was most pertinent to the questions addressed in this research and the relevant time frames was limited. The most appropriate pre-implementation data set covered July, August and September of 1998. However, the matching third quarter of 2001 that would have contained the needed information included September 11, 2001 (9/11), a date after which everything changed drastically in New York for several years to come. There was no appropriate data set already in existence that represented the second quarter of 2001. Given these options, the data obtained were the best available and the study proposes to attempt to control for seasonality in the analyses.

Although eventually offering a research resource for the close examination of the community prosecution caseload in real depth, the data compiled by the RHCJC itself suffer from the problem that they are post-treatment only and have no contemporaneous control group also being generated. However, these data were only analyzed to determine post-implementation trends within the court during its first year of operation, and were not used for comparative purposes.

The data sources were also subject to certain influences that may pose a threat to the validity of the findings. Threats to internal validity (Campbell and Stanley, 1966; Cook and Campbell, 1979; Maxfield and Babbie, 1998; Shadish, Cook and Campbell, 2002) for this research include:

1. Local history - During the same time period that the RHCJC was being implemented, the Red Hook neighborhood began to experience changes. Real estate prices began to rise and

**Table 4-2 - Key Variables**  
PRIMARY DATA SETS

Data Set	Dependent Variable	Independent Variable
Data Set 1- Monthly aggregate arrests in Red Hook Precincts (1998-2001)	Volume and proportion of arrests; severity and types: Felonies (murder and non negligent manslaughter, forcible rape, robbery, felonious assault, burglary, grand larceny-no vehicle, grand larceny-vehicle, poss. stolen property, dangerous drugs, dangerous weapons, other felonies); Misdemeanors (burglar tools, poss. stolen property, sex crimes, dangerous drugs, dangerous weapons) Violations (totals only)	Precinct, time (months), treatment (initiation of community court)
Data Set 2- Kings County court case filings data	Volume and proportion of charges: severity (D and E felony, A or B misdemeanor, unclassified misdemeanor, violation, infraction. Charge type (harm to persons, harm to persons and property, weapon, property crime, drug, sex crime, theft intangible, misconduct, obstructing justice, VTL (traffic offense). Volume and proportion of cases involving defendants with specific attributes: defendant attributes ( age, gender, birth date, ethnicity, resides in jurisdiction of RHCJC, prior convictions )	Precinct (treatment-Red Hook vs. non-treatment-“other”); pre-and post-implementation; time (weeks)
Data Set 3- Red Hook Criminal Justice Center court data	Volume and proportion of charges: severity (D and E felony, A or B misdemeanor, unclassified misdemeanor, violation, infraction); charge type, (law, section); volume and proportion of cases involving defendants with specific attributes: defendant attributes (prior record, gender, ethnicity, prior conviction, resides in jurisdiction of RHCJC)	Arresting precinct, changes over time
<b>SECONDARY DATA SETS</b>		
Data Set 4 – Red Hook Community Survey	Relevant question themes neighborhood conditions pre/post RHCJC, fear of crime, relationships with criminal justice agencies, neighborhood problems - crime and/or disorder, quality of life); questions (see appendix)	Time, respondent attributes (race, age, gender, length of residence)
Data Set 5 – Red Hook Focus Groups	Relevant question themes (length of residence, fear of neighborhood crime, social ties, relationships with criminal justice agencies and agents, community problems- crime/disorder, employment opportunities, condition of neighborhood over time); questions (see appendix)	Respondent place of residence, attributes

new businesses opened in the area (Jacobs, 1999; Donovan, 2001; Kim, 2002). The media has characterized the neighborhood as being revitalized. These changes, or the gentrification of Red Hook, may have been responsible for the decline in crime rate, as political pressures were placed upon police to make the neighborhood safer for new, more affluent residents. These influences may have been as important a causative factor as the implementation of the court to any changes

found in arrest practices. On the other hand, the prospect of the opening of the court, which was in the planning stages as early as 1997, predated most of the documented revitalization, and was arguably one of the catalysts for the changes in the neighborhood. In fact, focus group members opined that one reason for the creation of the court was to clean up the neighborhood and pave the way for gentrification. It is likely that both influences played a role in criminal justice system changes, so the results of this study have been interpreted with this in mind.

The approach used in this study acknowledged these limitations and addressed them to the extent possible and employed multiple sources of data to examine the hypotheses in slightly different ways. Under this multi-method approach, questions of reliability and validity were moderated somewhat. The data sets overlapped somewhat, both in time periods examined and in content, and the similar analyses were repeated on the different data sets. Even the qualitative data provided valuable confirming or disconfirming perspectives on of the operation of community prosecution in Red Hook that were helpful in interpreting findings.

## CHAPTER 5

### COMMUNITY PROSECUTION AND ITS IMPLICATIONS FOR ENFORCEMENT AND CASELOAD EMPHASIS IN RED HOOK PRECINCTS

#### Overview

Hypotheses 1 and 2 suggested that the adoption of the community prosecution strategy by the Kings County District Attorney, through the use of the RHCJC, would result in changes both in police arrest practices and caseload characteristics in Red Hook as the emphasis of that strategy on lower level, nuisance or minor offenses took hold. Specifically, Hypothesis 1 predicted that the prosecutor's community focus would produce an incoming arrest caseload that consisted of more and/or a greater proportion of minor/misdemeanor cases than before the implementation of the community prosecution strategy in Red Hook. Hypothesis 2 further predicted that the Red Hook Community prosecution strategy would result in an increased volume and proportion of minor/misdemeanor criminal cases entering the courts as compared to other King County precincts without this enforcement approach.

These hypotheses were examined using three different, but related, data sources. The first data set (Data Set 1) was drawn from NYPD arrest data for the three Red Hook precincts (the 72<sup>nd</sup>, 76<sup>th</sup> and 78<sup>th</sup>) covering the time period from January, 1998, through December, 2001. The second data set (Data Set 2) consisted of criminal cases filed in Kings County courts by all Kings County precincts during two discrete 3-month time periods, one prior and one subsequent to the launching of community prosecution through the opening of the RHCJC in April, 2000. The third data source (Data Set 3) was drawn from RHCJC data collected by court personnel from the time of the opening of the court, including all criminal filings and many defendant

characteristics in cases reaching the community court itself over the first 51 weeks of court operations.

Each source of data provided an overlapping yet slightly different perspective on the handling of cases in Kings County prior and subsequent to the adoption of the community prosecution strategy in Red Hook, focusing on lower level offenses. Three sources of data were employed because, while each had its limitations, in combination they provided a stronger opportunity to test the hypotheses concerning the implementation and impact of community prosecution in Red Hook as reflected in arrests and cases entering the criminal court system in Kings County.

### **I. Trends in NYPD Arrest Data (1998-2001) and Their Implications for Community Prosecution in Red Hook**

The Kings County prosecutor's focus on lower level offenses in its Red Hook community prosecution strategy, according to the underlying assumptions of that approach, should have produced detectable increases in both the volume and proportion of low-level arrests and criminal cases generated from the Red Hook precincts, as compared to arrests and cases of greater seriousness. Thus, as a first step in the analysis, NYPD arrest data (Data Set 1) should reflect a shift in the volume and composition of arrests after the RHCJC and its associated community prosecution emphasis came on line in April of 2000 (see Table 5-1).

#### **Limitations in the Data**

While providing useful data for a first analysis of hypothesized changes in arrests trends associated with the implementation of community prosecution, the aggregate NYPD arrest data have at least four important limitations: 1) The data are aggregated monthly and cannot be broken down into weekly increments, so there are fewer data points to examine than might be optimal (a problem for interrupted times series, for example). 2) The data include only arrests by

### **Table 5-1 - Analytic Model, Hypotheses 1 & 2, Data Set 1**

*Dependent variables:* Proportion of minor (misdemeanor) arrests; volume of minor arrests; proportion of minor drug arrests; volume of minor drug arrests.  
*Independent variables:* Level 1: Time (Sequence), measured in months; sequence squared; pre- vs. post-implementation (0, 1). Level 2: precinct as a random effect.  
*Units of analysis:* Months (n=46; 25 pre-and 21 post-implementation) nested within precincts (n=3)  
*Locations included:* Treatment precincts 72<sup>nd</sup>, 76<sup>th</sup>, 78<sup>th</sup>; no “control” areas  
*Data begin and end dates:* January 1, 1998 – December 31, 2001.  
*Analysis strategy:* HLM

Red Hook precincts, so there is no control group to permit comparative analyses of arrests in Red Hook vs. non-Red Hook jurisdictions. 3) The aggregate arrest data include broad offense categories, such as felony, misdemeanor and violation, but they do not include the specific degrees of each offense, which would permit a more detailed analysis of possible changes in seriousness of arrest offenses between the pre-and post-implementation periods. 4) The four years of data had missing values for six scattered months of data (December, 1998; May, July, August and November 2000; and August, 2001) for each precinct. Specifically, the missing data were mostly from the post-implementation period. This limitation was addressed after comparing the effects of possible missing data strategies. Using several approaches<sup>42</sup> including interpolation, averaging, dropping missing months and testing for effects through a “flag”

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<sup>42</sup> The raw data set recorded the arrest totals as monthly running totals of arrests for each year in each precinct. From these running totals, the arrests per month were extracted. The missing months were coded 999 in the raw data set, and the following month in the series represented the running total as of that month, including the arrest numbers from the month that appeared to be missing. Although it was not possible to extract the true number of arrests that occurred in the missing month and the following month, in most cases it was possible to tell how many arrests took place in the two months added together. This was not possible for the numbers that were missing for December 1998, since it is the last month of the year. It was followed by January 1999 data that repeats the data for November 1998. Because it is impossible to estimate the arrest numbers for these months, both December of 1998 and January of 1999 have been deleted. For the remaining months, the arrest total for the missing month and the following month was estimated (for example, while May, 2000 data are missing, the running total for June is a number that contains the total arrests for both months, once the total for the months January through April are subtracted.) That number is divided in half, (or for July, August and September 2000 divided into thirds) and assigned evenly to the missing months. A flag variable was created to highlight and control for the months where the numbers have been estimated in this manner. As a result, the total number of months for which data are available is 46 per precinct, including 25 pretest and 21 post-implementation months, rendering the data discontinuous rather than continuous.

variable, it was determined that the full data set with interpolated values was the optimal strategy.<sup>43</sup>

The data were analyzed using HLM. For this initial analysis of impact on arrest practices, arrests were separated into two groups defined by charge severity: 1) arrests involving charges of greater seriousness (felonies) and 2) arrests involving offenses of minor seriousness, including both misdemeanors and violations.<sup>44</sup> The dependent variable was analyzed in two versions: 1) as the volume of “minor” arrests and 2) as the proportion of total arrests accounted for by minor offenses over time. Two additional analyses concentrated solely on the volume and proportion of misdemeanor drug arrests. Drug crimes are often discussed as typical of quality of life offenses targeted by community-based efforts (Table 5-1) (Rosenfield, 2005).

### **Independent Variables**

Level one in the data captures monthly variation. Each of the three Red Hook precincts has 46 months of available arrest data (total n = 138). At level two in the data, arrests are grouped by precinct. The four independent variables were:

1. **Time (Sequence):** months since the first month of these data. This independent variable captures the ongoing linear trend over the period for these case volumes and proportions, on average, across all three precincts.

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<sup>43</sup> However, the flag variable was inserted to control for this, and a separate analysis was conducted on the data with the missing months deleted allowed an unbiased look at the data. The results across the outcome variables for the separate analyses for the fuller data set as opposed to the subset with no missing data indicated that the flagged analyses produced roughly equivalent outcomes to the analysis conducted with the missing data removed (see appendix 1). Therefore, the full analysis utilizes the fuller data set.

<sup>44</sup> The initial proposal was to separate the charges into 3 levels, including high, medium and low-level charges, representing felony, misdemeanor and violation charges respectively, however, the violations made up such a small percentage of the charges that it made more sense to limit the charges to two categories, with the category “minor” representing the total of misdemeanors and violations.

2. Sequence squared: the square of the sequence variable. This captures any ongoing quadratic, non linear trends across the series, such as speeding up or slowing down in the rate of change in the outcome over the period.
3. Season: to control for differences in arrest practices that may have been attributable to the time of the year when they were made.

The sequence and sequence squared variables were centered by the series mean to better separate linear and quadratic trends over time. A final independent variable indicating,

4. Pre/post-implementation: pre (=0) vs. post (=1) implementation months were separated, i.e., before vs. after April, 2000, the date that the RHCJC started its operation.

The analysis asked: Independent of an ongoing temporal trend, either linear or curvilinear or both, and controlling for seasonal variations and estimations for missing data (flag variable), did the volume or proportion of minor offense arrests change after the community prosecution/court initiative was implemented? The analyses “controlled” for geographic context since the analysis recognized data grouped by precinct. Even though this first analysis focuses on only these three contiguous precincts, this is not a “limitation” of the analysis because there is no attempt to “explain” precinct-to-precinct differences.<sup>45</sup>

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<sup>45</sup> Due to the fact that there were only 3 precincts being analyzed, HLM was unable to capture the factors that may have contributed to differences between precincts. The purpose of the analysis was not to try and predict precinct-to-precinct differences, but to incorporate these differences as random effects.

**Hypothesis 1 Prediction: Increased Proportion of Minor Arrests and Minor Drug Arrests by Red Hook Precincts with the Implementation of Community Prosecution**

*Analysis of Variance: Proportion of Minor Arrests NYPD Data (Data Set 1)*

An unconditional model tested whether there were differences across the three precincts. The variance decomposition is shown in Table 5-2. For both of the dependent variables, there was significant level 2 variation.

For the proportion of minor arrests to total arrests per precinct per month, the unconditional model shows a reliability estimate of .920, indicating that on average across precincts there is a fair amount of month-to-month consistency in the proportion of minor arrests to total arrests at the precinct level (see Table 5-2, Model 1). The intercept indicates that approximately 68% of the arrests each month between January 1998 and December 2001 were minor arrests. The level 2 variance component for the intercept indicates that .001 of the variance (19%) is attributable to between-precinct differences. Between precinct variance is more than would be expected due to chance. Over 80% of the variance arose from differences over time, within precincts.

**Table 5-2: Proportion Minor Arrests: Decomposition of Variance and Reliability (Data Set 1)**

	Within precinct variance	Between precinct variance	Intra class correlation	X <sup>2</sup>	P value	Reliability
Model 1: Proportion Minor Arrests	.004	.001	.196	24.92	<.001	.920
Model 2: Proportion Minor Drug Arrests	.003	.003	.520	86.70	<.001	.977

*Analysis of Variance: Proportion of Minor Drug Arrests*

Table 5-2, Model 2, shows that the proportion of minor drug arrests has a reliability estimate of .977, indicating the consistency of this variable across months at the precinct level. On average, across all three precincts for the entire series, 23% of the total arrests each month are minor drug arrests. 52% of the variance is found between precincts ( $p < .001$ ) and 48% is found over time within precincts.

*Predicting Proportion of Minor Arrests*

There was a small, non-significant increase in the proportion of minor arrests ( $b = .027$ ) after the court went into operation (Table 5-3, Model 1). These results do not support the hypothesis that the opening of the RHCJC and its community prosecution approach would produced a significant increase in the proportion of minor arrests.<sup>46</sup>

**Table 5-3: Full Model, Data Set 1, Proportion Minor Arrests Variables**

	Model 1: Proportion Minor Arrests		Model 2: Proportion Minor Drug Arrests	
	B	SE	B	SE
<b>Level 1 predictors</b>				
Pre/post-implementation	.027	0.022	-0.053*	0.022
Month number	.004**	0.001	-0.001	0.001
Month number sq.	-.00005	0.00002	.0001***	0.00002
Missing Flag	.006	0.015	-0.003	0.015
Spring month	.049***	0.012	.055***	0.013
Summer month	.024	0.012	.031*	0.012
Winter month	.074***	0.012	.062***	0.013

\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

<sup>46</sup> There is a significant effect for the sequence variable; for each successive month, there is a .004 ( $p < .001$ ) increase in the proportion of minor arrests. Therefore, the null hypothesis of no difference attributable to the passing of months is rejected. This captures an ongoing, linear trend across the entire (pre and post) period. There is a 5% increase in the proportion of minor arrests during the spring, as compared to the reference string-the fall season, and a 7% increase over fall during the winter, both of which are significantly greater than zero at the  $p < .001$  level, while controlling for the other variables. The null hypotheses that these effects could have occurred by chance alone must be rejected.

*Predicting Proportion of Minor Drug Arrests*

After the court opened, the proportion of minor drug arrests to total arrests decreased just over 5 percent ( $b = -.053, p < .05$ , Table 5-3, Model 2). This result is opposite the expected direction. Perhaps as the volume of minor offenses per month per precinct increased overall, minor drug offenses, which had long been a focal point in the Red Hook neighborhood even prior to the implementation of the court, remained at a stable level. This may have translated into drug arrests becoming a slightly smaller proportion of total arrests.<sup>47</sup>

**Hypothesis 1 Prediction: Increased Volume of Minor Arrests by Red Hook Precincts with the Implementation of Community Prosecution**

*Analysis of Variance: Total Minor Arrests - NYPD Data (Data Set 1)*

The unconditional model shows significant ( $p < .001$ ) variation across precincts (Table 5-4, Model 1). The reliability estimate of .995 suggests strong month-to-month consistency in these counts at the precinct level.

**Table 5-4: Decomposition of Variance and Reliability**

	Within precinct variance	Between precinct variance	Intra class correlation	X <sup>2</sup>	P value	Reliability
Model 1: Total Minor Arrests	1288.746	6046.672	.8243	433.65	<.001	.995
Model 2: Total Drug Arrests	349.381	830.065	.703	220.57	<.001	.991

On average, each precinct made 158 minor arrests each month. 82% of the variance is attributable to differences between precincts, with 18% arising from variance over time within precincts.

<sup>47</sup> The sequence squared found a small, but significant positive trend of .0001 Spring and winter showed approximately 6% increases in the proportion of drug arrests to total arrests ( $p < .001$ ) level, as compared to fall, while summer showed a 3% increase ( $p < .05$ ).

*Analysis of Variance: Total Minor Drug Arrests*

Again the total number of minor drug arrests has a reliability estimate of .991 (Table 5-4, Model 2). Across all precincts there were approximately 54 drug arrests per precinct per month. Slightly more than 70% of the variance arose from differences between precincts, leaving just under 30% due to within precinct variation over time, suggesting strong month-to-month consistency in these counts at the precinct level.

*Predicting Total Minor Arrests*

Model 1 in Table 5-5 shows that net of the other predictors, there was a significant ( $p < .05$ ) increase in the number of arrests per precinct for minor offenses of approximately 41 total minor arrests per month following the opening of the RHCJC. This aligns with the hypothesis that the RHCJC opening would create an increase in minor arrests.<sup>48</sup>

**Table 5-5: Full Model, Data Set 1, Total Minor Arrests Variable**

	Model 1: Total Minor Arrests		Model 2: Total Minor Drug Arrests	
	B	SE	B	SE
<b>Level 1 predictors</b>				
Pre/post-implementation	41.04**	13.55	-2.68	7.21
Month number	2.05*	0.78	.601	0.416
Month number squared	-0.059**	0.016	-0.002	0.008
Missing Flag	-14.98	9.41	-5.55	5.01
Spring month	34.24***	7.97	22.19***	4.24
Summer month	16.73*	7.77	11.59**	4.13
Winter month	36.41***	7.92	22.95***	4.21

\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

<sup>48</sup> The sequence variable also shows a monthly linear increment of approximately 2 minor arrests per precinct, per month, but the sequence squared variable, which is negative and significant ( $b = -.059$ ,  $p < .01$ ) indicates that this incremental trend was slowing down as time went on. Again, significant effects at the  $p < .001$  level were produced in both spring and winter seasons, as compared to fall, with mean increases in total minor arrests of 34 and 36 such arrests per precinct, per month, respectively.

### *Predicting Total Minor Drug Arrests*

The pre/post-implementation variable does not predict changes in total minor drug arrests (Table 5-5, Model 2) while controlling for other predictors. Thus, there is no evidence of an increase in the monthly total number of minor drug arrests in the three precincts after the RHCJC opened.<sup>49</sup>

## **II. Trends in Criminal Court Data and Their Implications for Community Prosecution in Red Hook**

The second data set employed for analysis of the hypothesized effects of community prosecution in Red Hook was based on criminal filings--criminal cases entering the courts--in all of Kings County during two periods, one before and one after RHCJC implementation (Table 5-6). Only lower level charges are considered: A, B and C felonies are not included. Non-serious felony cases and misdemeanor cases are included. These data tell us about a later stage of criminal justice processing. Obviously, criminal filings reflect arrest practices, but only include arrests resulting in criminal cases, so filings are closely tied to but not the same as arrests. Thus, in any court system, there would be fewer criminal case filings per month per precinct than arrests. These data include filings from the Red Hook precincts and all of the other precincts in Kings County, thus permitting comparisons of Red Hook to non-Red Hook precincts. According to Hypothesis 2, analyses of the court filings (Data Set 2, see Table 5-4) should show that Red Hook generated greater numbers and proportions of minor offense criminal filings compared with filings from non-targeted areas after the RHCJC started.

The criminal filings data allowed a more detailed examination of the charge than was possible using the NYPD aggregate monthly arrest data. The latter was limited to

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<sup>49</sup> Only seasonality produced significant results, with spring and winter arrests up by an average of 22 arrests per month, significant at  $p < .001$ , and summer arrests up by an average of about 12 per month, significant at  $p < .01$ , as compared to fall.

felony/misdemeanor/violation designations. These court data included degrees of felonies and misdemeanors. Also, the misdemeanor category in this data set includes “infractions,” an even lower level designation than violations, which are not recorded in Data Set 1.<sup>50</sup>

**Table 5-6 - Analytic Model Hypotheses 1 & 2, Data Set 2**

*Dependent variables:* Proportion low seriousness cases (B misdemeanor and lower vs. A misdemeanor and above); low seriousness case volume; proportion misdemeanor and lower cases (vs. felony cases); volume, misdemeanor and lower cases (vs. felony cases).

*Independent variables:* Level 1: Pre-vs. post, (0 vs. 1); post-implementation Red Hook dummy (1 = post implementation weeks in Red Hook, 0=else); temperature; sequence. Level 2: precincts: Red Hook vs. non-Red Hook precinct (0 vs.1).

*Units of analysis:* Weeks: pre-implementation (n=14); post-implementation (n=13) (n=27), nested within precincts (n=23).

*Locations included:* Treatment precincts 72, 76, 78; “control” areas: all other Brooklyn precincts.

*Data begin and end dates:* Pre-implementation 7/01/98-9/30/98; Post-implementation 1/1/2001-3/31/2001.

*Analysis Strategy:* HLM.

The court filings data also permitted aggregation by week, rather than by month. As a result, criminal filing data were organized into weeks, 14 weeks for Time 1 (the 1998 quarter) and 13 weeks for Time 2 (the 2001 quarter). The dependent variables reflected weekly composition of the caseload per precinct, more specifically the volume and proportion of the total which were minor cases. As noted previously, because the two time periods are discontinuous with each reflecting different times of the year, the average temperature on the Monday of each week, was entered in the analysis as a surrogate to control for possible seasonal effects. In addition, a time variable reflecting the total number of weeks since the first week of 1998 data represented the true passage of time since the first week of the data. The HLM analysis

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<sup>50</sup> Since infractions make up slightly more than 1% of the low-level arrests, it is unlikely that including them within the misdemeanor category has much of an impact on the comparability of this variable to the misdemeanor variable used in the NYPD data (Data set 1).

used a multi-level model with weeks at level one and precincts at level two. There were a total of 23 precincts in Kings County, three of which represented the Red Hook target area.

Hypothesis 1 predicted a post-implementation increase in minor cases originating from Red Hook precinct arrests, measured either as a greater number or a larger proportion of total filings. For several reasons, the dependent measure of “minor” cases was operationalized in two different ways. Because the community prosecution strategies focus on greater enforcement of quality of life offenses, usually the lowest level charges, it was potentially useful to distinguish degrees of misdemeanor cases. (This was not possible with the NYPD data, because degrees of felony or misdemeanor were not defined. The only distinction possible was between felony and misdemeanor and lower charges.) Was there an increase in cases with petty offenses as the most serious charge? A dichotomous variable separated moderate (D and E non-violent felonies, A misdemeanor) vs. lower (B misdemeanor, unclassified misdemeanor, violations and infractions) seriousness filings.<sup>51</sup> This distinguished between A and B misdemeanors to reflect differences in severity. A misdemeanors are punishable by up to 1 year in jail, while B misdemeanors are punishable by no more than 90 days in jail.

A second way to make the distinction was between all misdemeanors and infractions vs. felony filings. There are several reasons to view the data in this manner. This second split aligns the outcomes with other researchers who have looked at misdemeanor charges generally as indicators of quality of life enforcement (Kelling and Sousa, 2001; Rosenfeld, 2007). In addition, this second coding for the outcome variable aligns it more closely with the “minor” variable employed in analysis of the NYPD arrest data, allowing more direct comparisons of the

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<sup>51</sup> The severity of these charges is as follows: D (non violent) felony punishable by up to 7 years in prison, but allows for sentence of no incarceration; E (non violent) felony punishable by up to 4 years in prison, but allows sentence of no incarceration; A misdemeanor, punishable by up to 1 year in jail, B misdemeanor, punishable by up to 90 days in jail; violation, up to 15 days in jail.

findings. As in the previous analyses, each outcome is examined both as counts and proportions of the total number of cases in the sample.

For this analysis of court filings, the dependent variables were modeled in two different ways, as per hypotheses 1 and 2: Model 1 looks for a post-implementation Red Hook precinct interaction effect in comparison to pre-implementation, Red Hook filings and to both pre and post-implementation, non-Red Hook filings. Model 2 tests the same interaction effect while controlling for differences that may have been due to the passing sequence of weeks since the first week of the 1998 data, as opposed to simply the pre/post effect, while still controlling for precinct and seasonal differences.

Thus the testing of hypotheses sought to identify post-implementation increases in the volume or proportion of lower to moderate seriousness cases in Red Hook precincts over time and/or when compared to non-Red Hook Brooklyn precincts. Such findings would provide evidence in support of the hypothesis: changes in the nature of the incoming criminal caseload due to the introduction of community prosecution did occur within the timeframe of the study period.

### **Independent Variables**

This analysis tested the impact of the following independent variables:

1. Pre/post-implementation: The 1998 pre-implementation arrest data from all Kings County precincts (T 1) is scored “0,” and the post-implementation 2001 data from all precincts (T 2) is scored “1.” This allows a comparison of the composition of the caseloads between the two periods.
2. Temperature: A weekly temperature variable is a surrogate for seasonal differences since “pre” dates are summer and “post” dates are winter.

3. Red Hook vs. non-Red Hook precincts: A dummy indicator contrasts Red Hook (1) vs. non-Red Hook (0) precincts. Coefficients reflect enduring differences in minor offense court filings between Red Hook (“treatment”) and other (“control”) precincts. It tests for enduring differences by location.
4. Pre/post-implementation interaction: Red Hook precinct weeks are scored (1) post-implementation, (0) otherwise, and all control precinct weeks are coded (0) throughout. This variable captures the impact of community prosecution being introduced.
5. Time (weeks): number of weeks since the first data week in the series. Weeks are numbered (1-14) for T 1 and (132-144) for T 2. It captures the linear effects of time and provides an alternate way to separate the pre- and post-test periods. Models were run either with weeks or with the pretest.

**Hypotheses 1 and 2 Prediction: Increased Volume of Low-level Criminal Case Filings by Red Hook Precincts with the Implementation of Community Prosecution**

*Analysis of Variance: Low Seriousness Case Filing Counts,  
Kings County 1998/2001 (Data Set 2)*

**Table 5-7: Total Filings, Low-level Variables, Decomposition of Variance and Reliability**

	Within precinct variance	Between precinct variance	Intra class correlation	X <sup>2</sup>	P value	Reliability
<b>Model 1:</b> Total Low-level Cases	172.433	186.459	.519	641.48	<.001	.966
<b>Model 2:</b> Total Misdemeanor Cases	393.508	1018.491	.721	1506.26	<.001	.985

In Table 5-7, Model 1, total low level cases represented the weekly volume of low-level cases filed (B misdemeanor or lower, including violations and infractions) as the most serious

charge. The reliability estimate of .966 indicated consistency in the counts across weeks in each precinct. The grand mean of 20.6, (se=2.83), means on average across all precincts for the entire period, about 20 cases each week were referred to court with charges at the level of B misdemeanor or lower as the most serious charge. Counts varied significantly ( $p < .001$ ) across precincts (52% of the variation). About 48% of the variation in counts arose from within precinct differences over time.

*Analysis of Variance: Total Misdemeanor Case Filings*

About 53 cases, with charges at A misdemeanor level or lower as the highest charge, are referred weekly. The reliability estimate of .985 indicates that in precincts, there was strong consistency in the week-to-week counts. Most of the variation in the number of misdemeanor cases is found between precincts (72%); within precinct weekly differences accounted for 28% of the variance.

*Predicting Low Seriousness Case Filing Counts*

**Table 5-8: Full Models, Data Set 2, Total, Low-level Case Filings**

	Model 1: Total Low Level Cases		Model 2: Total Low Level Cases	
	B	SE	B	SE
<b>Level 1 predictors</b>				
Pre/post-implementation	19.90**	6.76		
Post-implementation Red Hook precincts	-3.49	4.86	-3.51	2.92
Temperature	.236**	0.086	.199*	.092
Weeks			.140***	.031
<b>Level 2 predictors</b>				
Red Hook (vs. non-Red Hook) precinct cases	-5.00	3.35	-4.96	8.78

\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

In Model 1, with the variable of primary interest, Red Hook precinct interaction, added at level 1, there was no statistically significant difference in the volume of low seriousness cases

during the post-implementation period in Red Hook precincts, as compared to filings in other precincts (Table 5-8). Post-implementation there was a significant increase in the total number of low-level cases across all Kings County precincts. Results here do not support the hypothesis that the number of low-level cases filed in Red Hook precincts would increase significantly following the implementation of community prosecution via the RHCJC.

Using a weekly variable for time rather than pre-post (Model 2 in Table 5-8) shows a similar result: no change in numbers of these types of cases filed weekly in Red Hook precincts after the RHCJC was started, while cases filed from arrests made by Kings County precincts generally experienced a significant weekly increase of .14 per precinct.

*Predicting Total Misdemeanor Case Filings*

**Table 5-9: Full Model, Data Set 2, Total Misdemeanor Case Filings**

	Model 1		Model 2	
	B	SE	B	SE
<b>Level 1 predictors</b>				
Pre/post-implementation	40.536***	9.63		
Post-implementation Red Hook precincts	-8.955	5.912	-8.845	5.942
Temperature	.539***	.125	.417**	.127
Weeks			.268***	.072
<b>Level 2 predictors</b>				
Red Hook (vs. non-Red Hook) precinct cases	-17.033	8.256	-17.034	8.264

\*p < .05, \*\*p < .01, \*\*\*p < .001

Models 1 and 2 in Table 5-9 both controlled for temporal linear trend, seasonal variations and enduring differences between Red Hook and non-Red Hook precincts. Post Implementation in Red Hook, there was no significant change. The hypothesized increase in total misdemeanor filings did not appear.

**Hypotheses 1 and 2 Prediction: Increased Proportion of Total Filings Made Up of Low-Level Criminal Case Filings by Red Hook Precincts with the Implementation of Community Prosecution**

*Analysis of Variance: Proportion of Low-level Cases*

The “proportion low” variable represented the proportion of all cases whose seriousness charge was a B misdemeanor or lower produced by each precinct each week. The unconditional

**Table 5-10: Decomposition of Variance and Reliability: Proportion of Total Filings, Low-level Cases**

	Within precinct variance	Between precinct variance	Intra class correlation	X <sup>2</sup>	P value	Reliability
Model 1: Proportion Low-level Cases	.009	.003	.289	258.60	<.001	.915
Model 2: Proportion Misdemeanor and Lower Cases	.0069	.00076	.100	84.77	<.001	.74

model for this variable had a reliability estimate of .915, indicating a fair amount of week-to-week consistency for each precinct in this proportion (see Table 5-10, Model 1). On the average, about 29% of the cases produced by Kings county precincts were low-level cases. The amount of variance attributable to the average difference between precincts was small (.003) but significant ( $p < .001$ ). Approximately 29% of the variance in the proportion of low-level cases was accounted for by differences between precincts, while about 69% was due to differences within precincts.

*Analysis of Variance: Proportion of Misdemeanor Cases to Total Cases.*

Table 5-10, Model 2 shows that the unconditional Model had a reliability estimate of .74, indicating some consistency in the proportion of misdemeanor cases to total cases filed from Kings County precinct arrests (see Table 5-4, Model 5). A grand mean of .763 indicated that

about 76% of the cases filed from arrests made by these precincts had an A misdemeanor or lower as the highest count charged. Approximately 10% of the variance in the proportion of misdemeanor cases is due to differences between precincts, while about 89% of the variance is due to differences within precincts and over time.

*Predicting a Larger Proportion of Low-level Cases to Total Cases*

No significant change was seen in the proportion of low-level cases in Red Hook precincts following the implementation of the RHCJC (Table 5-11) .

**Table 5-11: Full Model Proportion Low-level Cases to Total Cases**

	Model 1		Model 2	
	B	SE	B	SE
<b>Level 1 predictors</b>				
Pre/post-implementation	.095**	0.035		
Post-implementation Red Hook precincts	.064	0.055	.064	.055
Temperature	.0009	0.0006	.0007	.0006
Weeks			.0006*	.0002
<b>Level 2 predictors</b>				
Red Hook (vs. non) precinct cases	.016*	0.023	.016	.023

\*p < .05, \*\*p < .01, \*\*\*p < .001

*Predicting a Larger Proportion of Misdemeanor Cases*

Looking at the proportion of misdemeanor filings, results indicated that after the court was implemented, the proportion of Red Hook precincts cases which were misdemeanors increased significantly ( $p < .01$ ). Post-implementation in Red Hook precincts, the proportion of misdemeanor cases increased .038 (Table 5-12). This is after controlling for overall Red Hook vs. non-Red Hook differences, seasonality and temporal shifts. These results also showed a 9% increase in the proportion of misdemeanor filings countywide between the pre and post-implementation periods.

**Table 5-12: Full Model, Proportion of Misdemeanor Cases to Total Cases**

	Model 1		Model 2	
	B	SE	B	SE
<b>Level 1 predictors</b>				
Pre/post-implementation	.092**	.029		
Post-implementation Red Hook precincts	.038**	.013	.038**	.013
Temperature	.0009	.0006	.0007	.0006
Weeks			.0006**	.0002
<b>Level 2 predictors</b>				
Red Hook (vs. non) precinct cases	.001	.018	.001	0.018

\*p < .05, \*\*p < .01, \*\*\*p < .001

In sum, there was little evidence to support the hypotheses predicting increases in either the total number or proportion of “petty” cases filed in Red Hook in the post-implementation period. This variable concentrated on B misdemeanor and lower level cases. On the other hand, the “misdemeanor and below” measure, when proportions were considered, did show the hypothesized post-implementation effect. There was a significant increase of about 4% in the proportion of misdemeanor cases filed in Red Hook in the post-implementation period. Although the pre/post variable showed that the proportion of misdemeanor to total cases filed also increased .09 for all Kings County precincts generally, the interaction variable indicates a significant additional increase in misdemeanor filings in Red Hook of .038. The analysis controlled for differences based upon location alone (Red Hook vs. non-Red Hook precincts). It is therefore arguable that the additional post-implementation increase found in Red Hook may be attributable to the enhanced version of community prosecution found there. This finding lends some support to the hypothesis that the introduction of community prosecution/community court model in Red Hook was associated with and may have caused an increase in the proportion of minor cases filed from Red Hook arrests.

### **III. Changes over Time in Red Hook Community Justice Center Caseload Post-implementation**

One limitation of the Kings County court filings data (Data Set 2) described above was that they provided only 13 weeks of post-implementation data. Although these data allowed comparisons with the pre-implementation period, the relatively short timeframe did not permit examination of more gradual shifts in processing that may have taken place subsequent to implementation of community prosecution. More specifically, subsequent to implementation, changes in prosecution may only have taken place slowly, i.e. amounting to a sleeper effect in the sense that as the approach became routinized over time, an effect should become more pronounced. Alternatively, changes may have taken place immediately but then faded over time, i.e. a decay effect explained by an initial implementation effect that dissipated as the operation of the court became more routine.

The third set of data drew from the records of the RHCJC itself. These community court data provided almost one full year of post-implementation information, from April 2000 through March of 2001 (n = 4,088).<sup>52</sup>

The community court data included arrest and charging information for all cases entering the RHCJC at the level of D and E felonies, A, B and unclassified misdemeanors, violations and infractions. They also included some individual level case and defendant information, such as age, race, place of residence and prior criminal history.

This analysis had two goals: to describe evolving trends in the entering caseload type (expecting increasing numbers and proportions of less serious cases) and to see how

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<sup>52</sup> Although the full data set purported to have data covering a three year period, closer inspection revealed missing data in critical areas. The usable data necessary for this analysis is complete only for the first 51 weeks of the court's operations.

demographics and prior records of defendants also may have shifted over time in the post-implementation period. (See Appendix 3 for a list of variables.)

Conceptually, Data Set 3 is a subset of the arrests and filings data used in the preceding analyses: just those filings actually processed by the RHCJC (Table 5-13). Not all arrests enter the courts and not all eligible felony and misdemeanor cases end up in the RHCJC during the weekday periods of operation.<sup>53</sup> It is expected that analyses of these data should show that community prosecution produces a court caseload which, over time as the innovation gains operational solidity, increasingly represents “quality of life,” or low-level offenses that motivated the community strategy.

#### **Table 5-13 - Analytic Model Hypotheses 1 & 2, Data Set 3**

*Dependent variables:* (Aggregate level) Proportion low seriousness cases (B misdemeanor and lower vs. A misdemeanor and above); low seriousness case volume; proportion misdemeanor and lower cases (vs. felony cases). (Case level) volume, misdemeanor and lower cases (vs. felony cases); Probability of low seriousness cases (B misdemeanor and below vs. A misdemeanor and D and E felony); probability of misdemeanor (vs. felony) cases.

*Independent variables:* Level 1: Linear (weeks) and quadratic (weeks squared) temporal trends; and dummy variables representing the following descriptive information about defendants in each case: residence (Red Hook or not); priors; male; minority; African American; Hispanic; young; young African American male; young Hispanic male; young minority male (or not). Level 2: Precincts (n=4 including “missing precinct”)

*Units of analysis:* Weeks (n=51), nested within precincts (n=4)

*Locations included:* Treatment precincts 72, 76, 78; dummy (missing precinct) control.

*Data begin and end dates:* Post-implementation 4/2000-3/2001

*Analysis strategy:* Analyses describing shifts in the probability of being referred to the RHCJC for a low-level charge, while controlling for factors other than time. HLM trend analyses using weekly data.

Fifty-one weeks of data were analyzed in two different ways. First, the data were aggregated by week and by Red Hook precinct (n=3). HLM examined trends over time. Second,

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<sup>53</sup> The court closes at 5 pm each day. Cases that originate in Red Hook on Friday evenings, and during weekends are sent to the central Kings County court. These cases are generally retained there, and therefore do not become a part of the RHCJC caseload.

an HLM Bernoulli probability model used individual, case level variables to look for changes in the relative frequency of key individual defendant attributes over time. Was the Red Hook caseload progressively transformed over time in response to community prosecution aims? The rationale underlying these analyses was the expectation that a caseload increasingly dominated by lower level crime should emerge gradually over time as the innovation became fully operational.

For the case-level model, at level one, the dependent variables were: the probability that an individual processed through the RHCJC would have a low (B misdemeanor, punishable by a maximum of 30 days in jail) as opposed to medium (A misdemeanor, punishable by up to a year in jail or D or E felony) seriousness case over the year of data (51 weeks); and whether the most serious charge would be a misdemeanor or less as opposed to a D or E felony charge. The aggregated Model looks for weekly changes in the volume and proportion of “low” level cases and misdemeanor and lower level cases over the same 51 weeks.

### **Independent Variables**

The independent variables used as controls were the same in both analyses:

1. Time (sequence): weeks since the first available week of data, controls for linear temporal trend;
2. Sequence squared: the square of the number of weeks, to control for quadratic temporal trends;<sup>54</sup>
3. Demographic and defendant characteristics: background dummy variables: Race/ethnicity (African American or Hispanic (1) vs. other (0)), Young (24 and younger=1, over the age of 24=0), male (male=1, female =0), Prior convictions (=1, none=0), Resident of Red Hook (=1, elsewhere=0).

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<sup>54</sup> The sequence and sequence squared variable were each grand mean centered to separate out the linear and curvilinear trends.

The data were grouped within the three Red Hook precincts. Dummy variables were used for individual precincts. A final dummy represented those cases missing a precinct location (approximately 22% of cases). If the community prosecution/court initiative focused more exclusively on quality of life offenses over time, the volume and proportion of low-level cases should increase over time. Although such evidence would not be conclusive proof of a community prosecution impact, absent any noticeable shift in caseload composition or volume, or absent any evolving trend in the Red Hook caseload from 2000-2001, it would be difficult to infer that the introduction of community prosecution made any difference at all.

**Hypothesis 1 Prediction: Increase in Total Low-level Criminal Case Filings in the Post-Implementation Red Hook Community Justice Center Caseload over Time**

*Analysis of Variance: Total Low-level Cases, Individual Level Model, Red Hook Community Justice Center Data (Data Set 3)*

**Table 5-14: Decomposition of Variance and Reliability: Total, Low-level Cases**

	Within precinct variance	Between precinct variance	Intra class correlation	X <sup>2</sup>	Odds Ratio	P value	Reliability
Model 1: Total Low-level Cases – Individual Model (Bernoulli)	.080			58.85	.731	<.001	.946
Model 2: Total Low-level Cases – Aggregate Model	22.147	2.215	.090	17.99		<.001	.830

Employing a Bernoulli probability model on an individual level data set, the first analysis examined changes over time in the probability that individual defendants would be charged at a low level (B misdemeanor or lower = 1, 0 = a more serious charge of A misdemeanor or non

violent D or E felony). (See Table 5-14, Model 1.) A reliability estimate of .946 indicated a fair amount of consistency, on average, within each district that defendants would be charged with low-level misdemeanors.<sup>55</sup> The odds ratio of .731 indicates that with no predictors, the probability of being charged with a “B” misdemeanor or lower as opposed to something more serious was approximately 42%. The variance component (.080) was significant (p<.001), indicating that significant differences in the probability of low seriousness charges existed across the three Red Hook precincts that were not attributable to sampling error.

*Analysis of Variance: Total Low-level Cases, Aggregate Model*

The aggregate unconditional model indicates that on average, each precinct files just over 8 low-level cases each week. The reliability estimate of .830 indicates a fair amount of consistency across weeks in each precinct. Ninety-one percent of the variance is attributable to within precinct differences over time (Table 5-14, Model 2).

*Predicting the Total Number of Low-level Cases, Probability Model*

**Table 5-15: Full Models, Total Low-level Cases**

	Model 1: Individual Level Model (Bernoulli)		Model 2: Aggregate Model		
	B	SE	OR	B	SE
<b>Level 1 predictors</b>					
Study week	-.0007	.010	.999	.158	.100
Study week squared	-.00006	.0001	.999	-.002	0.001
Young	-.074	.137	.928	7.83	4.98
Hispanic	.208*	.089	1.23	.277	4.58
African American	.156	.097	1.16	-5.16	5.13
Minority				4.34	5.51
Male	.207*	.091	1.23	-7.15*	3.33
Prior record (y,n)	-.056	.073	.944	3.88	2.43
Resident of catchment area	-.273***	.068	.760	-3.79	2.39
Young minority male	.029	.158	1.02	"-6.87"	6.01
<b>Level 2 predictors</b>					
All precincts					

\*p < .05, \*\*p < .01, \*\*\*p < .001

<sup>55</sup> The data are interpreted using the “unit specific” Model because this approach allows for control of random effects attributable to the different precincts.

The passing weeks did not lead to an increase in the probability of individual defendants being charged with “low” level offenses after controlling for demographic characteristics of the offender, prior record, and precinct. Neither the linear nor quadratic effect of time was significant (Table 5-15, Models 1).<sup>56</sup>

*Predicting Weekly Count of Low-level Cases, Aggregate Model*

Looking at case composition by week showed no linear or quadratic increase over time in the volume of low-level cases (Table 5-15, Model 2). In sum, neither the case analysis nor the weekly counts analysis found an increasing probability over time of lower as opposed to moderate seriousness charges.

**Hypothesis 1 Prediction: Increase in Total Misdemeanor Criminal Case Filings in the Post-Implementation Red Hook Community Justice Center Caseload over Time**

The above analyses were repeated using a different cut-off point to distinguish “low-level offenses.” Here, all misdemeanors and below were separated from D and E felony charges.

*Analysis of Variance: Total Misdemeanor Case Filings, Individual Model, Red Hook Community Justice Center Filings, Post-implementation 2000-2001 (Data Set 3)*

**Table 5-16: Decomposition of Variance and Reliability: Total Misdemeanor and Lower Cases**

	Within precinct variance	Between precinct variance	Intra class correlation	X <sup>2</sup>	Odds Ratio	P value	Reliability
Model 1: Total Misdemeanor Cases – Individual Model (Bernoulli)	.321			80.76	6.83	<.001	.967
Model 2: Total Misdemeanor Cases – Aggregate Model	63.488	28.497	.309	67.44		<.001	.956

<sup>56</sup> There was a significant increase in the probability of both Hispanics and males being charged with low level offenses (Hispanics .208, p. < .05; males .207, p. < .05). Residents of Red Hook, however, were significantly less likely to be charged with such offenses (-2.73, p. < .001).

A reliability estimate of .967 from the unconditional model showed strong week-to-week consistency within precincts in the probability of a lower level charge (Table 5-16, Model 1). The odds ratio of 6.83 corresponds to an 87% probability of a low level (A misdemeanor or below) charge. The significant ( $p < .001$ ) variance component (.321) suggested differences across precincts in the probability of misdemeanor cases being filed beyond sampling error alone.

*Analysis of Variance: Total Misdemeanor Case Filings, Aggregate Model*

The unconditional Model had a grand mean of 17.9, indicating that on the average, arrests from each Red Hook precinct resulted in just under 18 misdemeanor or lower cases filed in the RHCJC each week. The reliability estimate of .956, demonstrates consistency across precincts each week. The variance component of .309 reveals that approximately 69% of the variance in the volume of misdemeanor and lower cases filed each week is attributable to within precinct week-to-week differences (Table 5-16, Model 2).

*Predicting Misdemeanor Filings, Individual Level*

Time had no significant linear or quadratic impacts on the probability a case was charged as a misdemeanor (Table 5-17, Model 1).<sup>57</sup> The probability of being charged with a misdemeanor as opposed to a felony did not increase over the first 51 weeks of implementation.

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<sup>57</sup> The only variable that was significant was the Red Hook resident variable, OR .785, indicating that residents were 24% less likely than non-residents to be charged with a misdemeanor, as compared to a felony. Stated a different way, residents were 24% more likely to be charged with a felony if their case went through the RHCJC than non-residents were, after controlling for time, whether offenders were black, Hispanic, male, young, had prior convictions, or were young minority (African American or Hispanic) males. This outcome is consistent with results using the alternate seriousness cut point.

*Predicting Misdemeanor Weekly Filings, (Aggregate Model)*

The weekly counts of misdemeanor and lower cases presented results different from those seen with the individual case analysis probability model. Controlling for features of the

**Table 5-17, Full Models, Total Misdemeanor and Lower Cases**

	Model 1: Total Misdemeanor and Lower Cases, Individual Level Model (Bernoulli)			Model 2: Total Misdemeanor and Lower Cases, Aggregate Model	
	B	SE	OR	B	SE
<b>Level 1 predictors</b>					
Study week	.016071	.016	1.01	.374*	.169
Study week squared	-.0003	.0002	.999	-.005	.003
Young	-.080	.190	.922	16.59	8.41
Hispanic	.245	.129	1.27	1.74	7.73
African American	.067	.138	1.06	-7.30	8.83
Minority				3.31	9.33
Male	-.009	.132	.990	-9.99	5.63
Prior record (y,n)	-.0003	.107	.999	4.76	4.10
Resident of catchment area	-.240*	.100	.785	-8.39*	4.06
Young minority male	-.176	.219	.838	-13.79	10.16
<b>Level 2 predictors</b>					
All precincts					

\*p < .05, \*\*p < .01, \*\*\*p < .001

weekly composition of cases, a significant, but minimal, linear impact (b=.374, p<.05), for week showed about one additional low level case every three weeks (Table 5-17, Model 2). This outcome indicates relative stability of the misdemeanor filings during the first 51 weeks of implementation, while the small but steady increase may be interpreted to provide some evidence to support the hypothesis that over time, the volume of these cases would increase as the court became more established.

In sum, when low-level cases were defined as those charged at the misdemeanor level or below vs. felony charges, and viewed in weekly windows, there is a small increase in the volume of the misdemeanor charges over time. Using a different cut point, however, (B misdemeanor or

lower) there was no effect of time passing for either individual cases or weekly snapshots of cases.

**Hypothesis 1 Prediction: Increase in Proportion of Low-level Criminal Case Filings in the Post-Implementation Red Hook Community Justice Center Caseload over Time**

The next analysis revisits weekly caseloads post-implementation, but looks at proportions of low-seriousness cases rather than counts. Neither cutting point for low-level cases yielded significant linear or quadratic time effects, while controlling for key features of the weekly case composition.

*Analysis of Variance: Proportion of Low-level Cases, Red Hook Community Justice Center Filings, Post-implementation 2000-2001 (Data Set 3)*

The unconditional model showed the weekly proportion averaged .416, revealing that over 41% of cases filed in the RHCJC from arrests made by the feeder precincts each week are at the level of B misdemeanor or lower (Table 5-18, Model 1). The reliability estimate of .876 shows strong week-to-week consistency in this proportion for individual precincts.

Approximately 82% of the variance is attributable to differences over time.

*Analysis of Variance: Proportion of Misdemeanor and Lower Cases, Red Hook Community Justice Center Filings (Data Set 3)*

**Table 5-18: Decomposition of Variance and Reliability: Proportion Low-level Case Filings**

	Within precinct variance	Between precinct variance	Intra class correlation	X <sup>2</sup>	P value	Reliability
Model 1: Proportion, Low-level Cases - Aggregate Model	.024	.003	.126	23.01	<.001	.876
Model 2: Proportion Misdemeanor Cases - Aggregate Model	.009	.004	.300	68.20	<.001	.954

According to the unconditional model, over the period, on average, the weekly caseload was 86% misdemeanors or lower (Table 5-18, Model 1). The reliability estimate of .954 indicates strong week-to-week consistency within precincts; 70% of the variance in this weekly proportion arose from within precinct differences over time.

*Predicting Weekly Proportion, Low-level Cases*

The full model (Table 5-19, Model 1) showed no linear or quadratic impacts on the weekly proportion of B misdemeanor and lower case filings.<sup>58</sup>

*Predicting Weekly Proportion, Misdemeanor Filings*

The full model (Table 5-19, Model 2) found no significant effects. Contrary to Hypothesis 1, the expected increase in the proportion of misdemeanor and lower cases did not

**Table 5-19: Full Models, Proportion Low-level Case Filings to Total Case Filings**

	Model 1: Proportion, Low-level Cases to Total Case Filings		Model 2: Proportion, Misdemeanor and Lower Level Cases to Total Case Filings	
	B	SE	B	SE
<b>Level 1 predictors</b>				
Study week	.001	.002	.003	.003
Study week squared	-.00002	.00003	-.00006	.00006
Young	-.058	.108	.106	.163
Hispanic	.087	.099	.045	.150
African American	.128	.113	-.065	.169
Minority	-.168	.119	.142	.181
Male	-.077	.072	-.222*	.109
Prior record (y,n)	.025	.052	.206*	.079
Resident of catchment area	.022	.052	-.126	.078
Young minority male	-.049	.130	-.166	.197
<b>Level 2 predictors</b>				
All precincts				

\*p < .05, \*\*p < .01, \*\*\*p < .001

<sup>58</sup> Two demographic variables did yield significant effects. Being male (not female) results in a significant effect (b= -.222, p<.05) that indicates that males are 22% less likely than females to be charged with a B misdemeanor or lower when their cases are referred to the RHCJC. In addition, having a prior record increased the likelihood of being charged with a low as opposed to moderate level crime (b=.206, p<.05) by over 20%.

occur when weekly proportions of these cases are considered over the first 51 weeks of RHCJC operation.

#### **IV. Summary of Findings Relating to Hypotheses 1 and 2**

The complementary analyses (see Table 5-20) presented in this chapter tested hypotheses derived from assumptions implicit in the community prosecution strategy: that the enforcement emphasis on low-level crimes associated with community prosecution would produce greater numbers and larger proportions of minor level arrests and criminal filings in the Red Hook precincts after implementation of the community prosecution/court initiative compared to the pre-implementation state of affairs, and when compared to trends in other non-Red Hook, Kings County precincts. Hypothesis 1 suggests that compared to the pre-implementation period, Red Hook precincts would produce an increased volume of low-level arrests and criminal cases and these would comprise a larger proportion of total cases filed. Although one might argue that the initial filings in the RHCJC might reach a modest, but fixed level during the early stages of implementation as the innovation puts its features in place, it is harder to argue that low-level arrests would be similarly contained by the innovation's initial capacity. The analysis of the NYPD data (Data Set 1), comparing only the 3 Red Hook precincts to each other, pre-and post-implementation, revealed only one finding of statistical significance. The post-implementation volume of misdemeanor arrests by Red Hook precincts increased. This finding seems to support the hypothesis that Red Hook police practices changed to comply with the prosecutors' intensified focus on quality of life crime by making a greater number of misdemeanor arrests. Since this data set concerns only Red Hook precincts, however, it provided little insight into the

arrest practices of the other precincts in Kings County, which could have experienced a similar change. According to New York’s Department of Criminal Justice Services, for all of Kings

**Table 5-20: Summary of Findings**

	Low-level Charges (B Misdemeanor and Lower)		Misdemeanor and Lower		Drug Charges	
	<i>Volume (total)</i>	<i>Proportion</i>	<i>Volume (total)</i>	<i>Proportion</i>	<i>Volume (total)</i>	<i>Proportion</i>
<b>NYPD (Data Set 1)</b>	Not applicable (n/a)	n/a	<b>Significant increase</b>	Non-significant	Non-significant	Non-significant
<b>Kings County (Data Set 2)</b>						
<i>Pre/post Model</i>	Non-significant	Non-significant	Non-significant	<b>Significant increase</b>	n/a	n/a
<i>Weekly Model</i>	Non-significant	Non-significant	Non-significant	<b>Significant increase</b>	n/a	n/a
<b>RHCJC (Data Set 3)</b>						
<i>Individual Model</i>	Non-significant	n/a	Non-significant	n/a	n/a	n/a
<i>Weekly Model</i>	Non-significant	Non-significant	<b>Significant increase</b>	Non-significant	n/a	n/a

County misdemeanor arrests between 1998 and 2001 fluctuated, but there were fewer total misdemeanor arrests in 1998 and 1999 combined (109,521)--the pre-implementation period-- than there were in 2000 and 2001 combined (125,715)--post-implementation. (See Table 5-21). The increase in misdemeanor arrests found in this research may simply be a countywide trend. The increased proportion of misdemeanor to total arrests post-implementation that seemed to be the trend in Kings County as a whole<sup>59</sup> however, was not found for Red Hook precinct arrests in this research. Another explanation of this outcome may be that Red Hook precincts were simply making more total arrests--both misdemeanor and felony--after the court

<sup>59</sup> Based upon the Kings County arrest figures recorded by the New York Department of Criminal Justice Services for the period from 1998-2001, the proportion of misdemeanor to total arrests in Kings County was higher during the post-implementation period: 1998 (.587); 1999 (.60); 2000 (.663); 2001 (.656).

opened. This would seem unrelated to the prosecutorial focus on low-level crime, reflecting instead an enforcement focus on the Red Hook area.

**Table 5-21 - Kings County, New York Adult Arrests (1998-2001)<sup>60</sup>**

	Total arrests	Felony	Misdemeanor
<b>1998</b>	95,671	39,480	56,191
<b>1999</b>	87,740	34,410	53,330
<b>2000</b>	98,662	33,230	65,432
<b>2001</b>	91,852	31,569	60,283

On the other hand, the Kings County data (Data Set 2), which compares post-implementation Red Hook precinct filings to pre-implementation Red Hook filings and all non-Red Hook filings, revealed an increase, not in the volume of misdemeanor cases filed, but in the proportion of cases accounted for by misdemeanors. The result was the same whether time was measured as pre/post-implementation or as elapsed weeks from the beginning of the data series. If one assumes that available enforcement resources produce a relatively consistent level of arrests, it makes sense that with no infusion of resources, the composition of the incoming cases would be more likely to change than the overall number.

This outcome provided some support for both Hypotheses 1 and 2, indicating that although there was a trend of an increasing proportion of misdemeanor filings over time for the whole county, the post-implementation increase in Red Hook filings was significantly larger than the overall trend. The proportion of misdemeanor to total cases increased as compared to both pre-implementation Red Hook precinct filings and to all Kings County filings. The post-implementation Red Hook increase suggests that although community prosecution practiced

<sup>60</sup> New York State, D. o. C. J. S. (2007). Adult Arrests, Kings County, N.Y., 1998-2007.

across Kings County, (and order maintenance policing practiced throughout New York City) each may have led to increased proportions of misdemeanor cases, the Red Hook version of community prosecution produced a slight, but significant additional effect within the constraints of early implementation. Red Hook community prosecutors appear to have sent a significantly higher proportion of misdemeanor (and lower) arrests to court after the RHCJC opened. Their fellow Kings County prosecutors sent lower proportions of low-level filings to the main Kings County court.

Finally, analysis of the RHCJC data (Data Set 3) found no significant differences over time in the probability that an individual defendant in the Red Hook caseload would be charged with a low-level offense, regardless of how “low-level” was defined. The weekly aggregate model, however, revealed a different trend: a small, but statistically significant increase in the volume of misdemeanor cases over the course of the fifty-one week observation period. This outcome may be interpreted as supporting Hypothesis 1, that the post-implementation Red Hook caseload was gradually becoming more misdemeanor focused over time, or that as the capacity of the new court system evolved, low-level cases increased. In short, while the proportion of misdemeanor cases to total cases did not increase significantly, the number of low-level cases processed by the RHCJC increased with court capacity.

This effect varied depending on how the definition of low-level was adjusted. Significant effects surfaced only when defining low-level cases as those charged at the level of misdemeanor or lower vs. D and E felonies. The split between A and B misdemeanors produced no significant outcomes, providing little support for the view that the implementation of the RHCJC led to increased use of petty charges as the primary reason to refer an individual to court.

Although statistically significant differences in the hypothesized direction were found for only four of the eighteen tests in the collective analyses, these small differences do lend some support to the idea that something different was beginning to happen in the early stages of implementation of community prosecution through the RHCJC. The focus of the prosecutor on low-level crime seems to have resulted in a perceptible increase in attention to low-level matters in Red Hook.

## CHAPTER 6

### THE IMPLICATIONS OF COMMUNITY PROSECUTION FOR DEFENDANT MIX IN THE RED HOOK CRIMINAL CASELOAD

#### Overview

Hypotheses 3 and 4 suggested adopting community prosecution and focusing on lower level offenses, through the RHCJC, would result in negative side-effects from police enforcement, which in turn, would be reflected in the make-up of the defendant caseload entering the RHCJC after arrest.

Hypothesis 3 predicted that the police officers' emphasis on enforcement of nuisance level offenses in Red Hook would increase criminal cases involving community residents generally, and young, minority individuals in particular. This "net-widening" hypothesis was derived, in part, from focus group discussions with residents. They believed that the community court's operation actually encouraged police to stop and to arrest young, minority residents for petty offenses. Once stopped, police could legally search for "other things." This view suggested that the charges lodged against these defendants would likely be the most petty offenses allowing for an arrest, thus more easily creating opportunities for police searches. Hypothesis 4 predicted the more typically understood version of net-widening: arrests of more defendants with no prior convictions.

Each defendant characteristic was treated in turn as an outcome to see how the likelihood of that type of defendant appearing in the caseload may have changed over time. These two hypotheses were examined using individual level criminal filing data in two different ways: In the first analysis, criminal court filings from all Kings County precincts were used to contrast defendant attributes before and after community prosecution was implemented. This tested whether the make-up of the entering Red Hook caseload changed in the hypothesized directions

after the community prosecution/court initiative started (See Table 6-5, Data Set 2.) The second analysis looked for post-implementation changes over time in the attributes of defendants entering the community court (see Table 6-6, Data Set 3.)

I. **Net Widening Measured As Differences in Defendant Attributes After Implementation of Community Prosecution in Red Hook**

The criminal court filing data collected for all Kings County (Data Set 2) permitted a comparison of defendants in Red Hook before and after implementation and from post-implementation Red Hook vs. all non-Red Hook precinct arrests. The hypotheses predicted an increase in resident, minority and young or first time defendants after the RHCJC started.

**Table 6-1 - Analytic Model, Hypothesis 3 & 4, Data Set 2**

*Dependent variables:* Proportion of defendants in criminal filings with specific attributes: Ethnicity (minority, specifically African American and Hispanic), resident of Red Hook vs. non-resident; age (young - 24 and under); gender; prior criminal convictions.

*Independent variables:* Pre- vs. post, (0 vs. 1); Red Hook vs. non-Red Hook precinct, (0 vs. 1); Pre/post interaction, Red Hook precinct, post (during 2001=1, all else=0); sequence: time, measured in weeks; age: (24 and under= 1 vs. 25 and above=0); gender: (male=1 vs. female=0); prior criminal convictions: yes=1 or no=0; Red Hook resident vs. non-resident, (1 vs. 0); race/ethnicity: (African American or not, (1 vs. 0); Hispanic or not, (1 vs. 0).

*Units of analysis:* Individual cases: pre- (n=19,296); post (n=22,989): pre-implementation (n=14 weeks), post-implementation (n=13 weeks); nested within precincts (n=23)

*Locations included:* “Treatment” precincts 72, 76, 78; “control” areas: all other Brooklyn precincts, (n=20)

*Data begin and end dates:* Pre-implementation: 7/01/98-9/30/98; Post-implementation: 1/1/2001-3/31/2001

*Analysis strategy:* Logistic multilevel regression: HLM Bernoulli

**Independent Variables in Data Set 2**

The independent variables representing the possible impact of community prosecution were constructed in the following manner:

- 1) Pre/post: The pre/post-implementation variable assigned a score of (0) to all pre-implementation cases (1998), and a value of (1) to all cases brought during the post-implementation period (2001);
- 2) Location (Red Hook vs. non-Red Hook): The three Red Hook precincts were represented as (1); the non-Red Hook Kings County precincts were represented as (0), without regard to when the arrest took place;
- 3) Time/Location Interaction: Defendants cases filed in Red Hook post-implementation were assigned a value of (1); all other cases were scored (0).
- 4) Age: This variable controlled for effects that could have been attributed to the age of the defendant. The dichotomous variable identified a “young” group, including defendants age 24 and younger, and assigned a value of (1) vs. an older group, age 25 and over assigned a value of (0).
- 5) Gender: controlled for differences attributable to gender. Male was represented as (1), female represented as (0).
- 6) Race/ethnicity: controlled for differences attributable to ethnicity, specifically whether the defendant was African American, represented as (1) or not (0); Hispanic represented as (1) or not (0).
- 7) Prior convictions: controlled for differences in arrest practices that might have been attributable to prior contacts with police. A defendant with a prior misdemeanor or felony conviction was scored (1), while a defendant with no priors was scored (0).

The analysis of the RHCJC data (Data Set 3) supplemented the above analysis by examining data that included almost one full year of post-implementation data, maintained by court personnel. In theory, this passage of time could have allowed the community prosecution

policies to take hold and influence the make-up of the entering criminal caseload. Alternatively, analysis could have shown that community prosecution policies were either not effectively implemented initially, or weakened over time. The underlying aim of this analysis was to detect trends showing differences in the defendant make-up of the RHCJC caseload.

### **Independent Variables in Data Set 3**

The independent variables intended to measure the impact of community prosecution on the make-up of the RHCJC caseload included:

1. Sequence (measured by weeks since the first week of implementation). The purpose of this independent variable was to determine whether changes in caseload type, if any, were speeding up, slowing down, or remained consistent after the court had been running for awhile.

#### **Table 6-2 - Analytic Model, Hypotheses 3 & 4, Data Set 3**

*Dependent variables:* Probability of defendants in criminal filings with specific attributes: Ethnicity (minority, specifically African American and Hispanic), resident of Red Hook vs. non-resident; age (young - 24 and under); gender; prior criminal convictions.

*Independent variables:* Sequence of weeks in which cases enter Red Hook sample; week/misdemeanor and lower level charge interaction; age: (24 and under= 1 vs. 25 and above=0); gender: (male=1 vs. female=0); prior criminal convictions: yes=1 or no=0; Red Hook resident vs. non-resident, (1 vs. 0); Red Hook precincts: (72<sup>nd</sup>=1, 76<sup>th</sup>=2, 78<sup>th</sup>=3, all else = 0);

*Units of analysis:* Individual cases: post-implementation only (n=4,088), by week (n=51), nested within precincts (n=3)

*Locations included:* Treatment precincts 72, 76, 78; no control

*Data begin and end dates:* Post-implementation: 4/2000-3/2001

*Analysis strategy:* Logistic regression: HLM Bernoulli

2. Time/Misdemeanor Interaction: This analysis examined the interaction between time (sequence) and misdemeanor and lower offense charges, to determine whether any trends existed in how the different offender types were charged over time.

3. Age: This variable controlled for effects that could have been attributed to the age of the defendant. The dichotomous variable identified a “young” group, including defendants age 24 and younger, and assigned a value of (1) vs. an older group, age 25 and over assigned a value of (0).
4. Gender: controlled for differences attributable to gender. Male was represented as (1), female represented as (0).
5. Race/ethnicity: controlled for differences attributable to ethnicity, specifically whether the defendant was African American, represented as (1) or not (0); Hispanic represented as (1) or not (0).
6. Prior convictions: controlled for differences in arrest practices that might have been attributable to prior contacts with police. A defendant with a prior misdemeanor or felony conviction was scored (1), while a defendant with no priors was scored (0).
7. Location: controlled for precinct related differences.

Two dummy variables were assigned to the three Red Hook precincts to control for any differences attributable to different practices across precincts. Similar to the analysis of Hypotheses 1 and 2, a fourth precinct variable, “other,” was created to represent those cases for which the precinct number was not recorded in the data set (approximately 22% of the cases). The hypotheses predicted that defendants who were young, minority or male, or with no criminal history, would have a greater likelihood of being prosecuted and that the charges leveled would be more minor, as reflected in the changed nature of filings entering the RHCJC.

**Hypothesis 3 Prediction: Increased Proportion of Young Defendants in Criminal Filings with the Implementation of Community Prosecution in Red Hook**

The first analysis asked whether the criminal caseload in Red Hook became increasingly younger over time compared to filings originating in other precincts and the filings produced by Red Hook precincts in the pre-test period.

*Analysis of Variance: Probability of Young Defendants in Red Hook Caseload, Kings County Court Filings (Data Set 2)*

The unconditional model had a reliability estimate of .951, showing strong temporal consistency at the precinct level in the odds of processing a young defendant. (Table 6-3, Model 1). The

**Table 6-3: Young Defendants: Decomposition of Variance and Reliability (Data Set 2)**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P Value	Reliability
Model 1: (Data Set 2)	.064	.505	33%	441.34	.001	.951

odds ratio of .505 indicated the overall probability of a young defendant was approximately 33%. Across precincts, there were significant (p<.001) differences in the portion of young defendants.

*Predicting Probability of a Young Defendant in Red Hook Caseload, Kings County Court Filings (Data Set 2)*

The analysis did not find that the Red Hook caseload became younger over time compared to the caseloads originating from arrests made by other Kings County precincts. Younger defendants did not appear to be more likely to be targeted by Red Hook precincts as reflected by the make-up of the criminal caseload. (Table 6-4, Model 1)<sup>61</sup>.

<sup>61</sup> Young defendants were significantly less likely to have prior convictions, but were significantly more likely to be African American, Hispanic or male.

**Table 6-4: Full Model, Data Sets 3&4, “Young” Variable**

	Model 1 (Data Set 2)			Model 2 (Data Set 3)		
	B	SE	OR	B	SE	OR
<b>Level 1 predictors</b>						
Young						
Resident	-.016	.046	.983	.275**	.080	1.31
Priors	-1.15***	.022	.314	-1.88***	.092	.152
African American	.568***	.037	1.76	.690***	.116	1.99
Hispanic	.523***	.038	1.68	.805***	.103	2.23
Male	.396***	.030	1.48	.424***	.103	1.52
Pre/post (Data Set 2 only)	.026	.022	1.02			
Post-implementation Red Hook (Data Set 2 only)	.053	.080	1.05			
Week2 (Data Set 3 only)				.010*	.004	1.01
Week x Misdemeanor (Data Set 3 only)				-.008*	.003	.992
<b>Level 2 predictors</b>						
Red Hook Precincts (Data Set 2 only)	-.215	.198	.806			

\*p < .05, \*\*p < .01, \*\*\*p < .001

*Analysis of Variance: Probability of Young Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings, (Data Set 3)*

The unconditional reliability estimate (.949) indicated very strong week-to-week consistency within precincts in the proportion of young defendants (Table 6-5), but precincts differed significantly from each other (p<.001) in the average age of their defendants. The odds ratio of .404 translated to a 29% probability of a defendant in the RHCJC caseload being young.

**Table 6-5: Young Defendants: Decomposition of Variance and Reliability (Data Set 3)**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P Value	Reliability
Model 1: (Data Set 2)	.104	.404	29%	71.25	.001	.949

*Discussion: Probability of Young Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings (Data Set 3)*

The full model (Table 6-4, Model 2) suggested a statistically significant weekly trend toward 1% more defendants per week being young. This provides slight, but technically

significant support for the local worry that young people were increasingly referred to the community court over time. It also appeared that the tendency over time was to charge young offenders more seriously, as there was a corresponding decrease of approximately 1% in the probability that young defendants would be referred for a charge of misdemeanor or less.<sup>62 63</sup>

**Hypothesis 3 Prediction: Increased Proportion  
of Red Hook Resident Defendants in Criminal Filings with  
the Implementation of Community Prosecution in Red Hook**

*Analysis of Variance Probability of Red Hook Resident Defendants in Red Hook  
Caseload, Kings County Court Filings (Data Set 2)*

The reliability estimate of .989, showed strong consistency over time, within each precinct in the proportion of Red Hook resident defendants (Table 6-6, Model 1). The odds ratio of .054 indicated that Red Hook residents were defendants in about 5% of the cases across the entire county. There were significant (p<.001) differences across precincts in the portion of Red Hook residents processed through the courts.

**Table 6-6: Red Hook Residents-Decomposition of Variance and Reliability (Data Set 2)**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 1: (Data Set 2)	2.24	.054	5%	9897.94	.001	.989

<sup>62</sup> Although the D and E felonies that the court handles are the most minor of felonies, and there may be little difference in the sanction they would receive whether the charge was a misdemeanor of D or E felony, it is nonetheless, clearly preferable to avoid a felony conviction of any type. So even a slightly higher tendency for young offenders to be so charged exposes them to all of the negative ramifications attached to a felony conviction, particularly the impact it could have on future employment options.

<sup>63</sup> Young defendants who resided in Red Hook were more likely to appear in the RHCJC caseload, as were young Hispanics and African Americans, as compared to young others and young males compared to females. Young offenders with prior convictions had a lower probability of appearing in the caseload than young offenders without priors.

*Predicting Probability of Red Hook Resident Defendants in Red Hook Caseload,  
Kings County Court Data (Data Set 2)*

**Table 6-7: Full Model, Data Sets 2 &3, “Red Hook Resident” Variable**

	Model 1 (Data Set 2)			Model 2 (Data Set 3 )		
	B	SE	OR	B	SE	OR
<b>Level 1 predictors</b>						
Young Resident	-0.028	.047	.972	.267**	.080	1.30
Priors	-.098*	.044	.905	.013	.072	1.01
African American	-.028	.065	.971	.068	.094	1.07
Hispanic	.879***	.061	2.40	.685***	.084	1.98
Male	.186**	.056	1.20	-.110	.083	.895
Pre/post (Data Set 2 only)	-.092	.053	.911			
Post-implementation Red Hook (Data Set 2 only)	-.119	.087	.887			
Week (Data Set 3 only)				.011**	.003	1.01
Week x Misdemeanor (Data Set 3 only)				-.007*	.003	.992
<b>Level 2 predictors</b>						
Red Hook Precincts (Data Set 2 only)	3.37***	.578	29.184			

\*p < .05, \*\*p < .01, \*\*\*p < .001

The post-implementation Red Hook measure did not yield a significantly higher probability that Red Hook residents would be part of the incoming criminal caseload after the RHCJC opened (Table 6-7, Model 1). This finding does not support one of the net-widening features of the hypothesis--that residents would be more likely to be “swept” into the court system as a result of the implementation of community prosecution through the RHCJC.

*Analysis of Variance: Increased Probability  
of Red Hook Resident Defendants in Red Hook Caseload,  
Red Hook Community Justice Center Filings (Data Set 3)*

At the precinct level, the post implementation data series showed strong week-to-week consistency in the proportion of Red Hook resident defendants making up the entering Red Hook criminal caseload (reliability estimate of .910) (Table 6-8). The odds ratio of 1.03 indicated that the probability of RHCJC defendants being made up of Red Hook residents was about 51%.

There were significant differences ( $p < .001$ ) across the three Red Hook precincts in this probability, which is not explained by sampling error alone.

**Table 6-8: Red Hook Residents-Decomposition of Variance and Reliability (Data Set 3)**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 2: (Data set 3)	.045	1.03	51%	31.73	.001	.910

*Predicting Probability of Red Hook Resident Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings (Data Set 3)*

The same approach applied earlier to the analysis of the Kings County data was adapted to the RHCJC data post-implementation (See Table 6-7, Model 2). Cases referred to the RHCJC were slightly, but statistically significantly ( $B = .011$ ,  $p < .01$ ) more likely to be comprised of Red Hook residents over time. At the same time residents were less likely ( $B = -.007$ ,  $p < .05$ ) to be referred for misdemeanor charges over time. This outcome lends slight support to the idea that residents were increasingly likely over time to be charged at a more serious level.

**Hypothesis 3 Prediction: Increase in Proportion of African American Defendants in Criminal Filings with the Implementation of Community Prosecution in Red Hook**

**Table 6-9: African American Defendants-Decomposition of Variance and Reliability (Data Set 2)**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 1: (Data Set 2)	2.01	1.03	50%	9754.01	.001	.998

*Analysis of Variance: Probability of African American Defendants in Red Hook Caseload, Kings County Court filings 1998/2001 (Data Set 2)*

The probability that an individual processed through Kings County court system would be African American showed strong consistency at the precinct level over time (reliability estimate of .998), (Table 6-7, Model 1). The odds ratio of 1.03 indicated that the probability of

the defendants in Kings County court being African American was just over 50%. There were significant ( $p < .001$ ) differences across precincts in the probability of defendants being African American.

*Prediction the Probability of African American Defendants in Red Hook Caseload, Kings County Court filings, (Data Set 2)*

The full model for the African American defendant variable (Table 6-10, Model 1) controlled for all of the demographic variables noted in the other models for this analysis, with the exception of the Hispanic variable, with which it is correlated, because it is merely a different form of the same dependent measure.<sup>64</sup> According to this model, there was a significant change found in the Red Hook caseload during the post-implementation period, but it was the opposite of the anticipated outcome: the probability of a defendant being African American as opposed to non-African American decreased by 24% over the time period examined. The hypothesis that the opening of the community court in the Red Hook community would result in an increase in the probability of African Americans being referred to court is not supported. The meaning of this decrease is subject to interpretation, but it may simply mean that a different racial/ethnic group is more likely than an African American to be a defendant of the RHCJC, post-implementation.<sup>65</sup>

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<sup>64</sup> The African American dummy variable is defined vs. non-African Americans, which includes a substantial percentage of Hispanics. The Hispanic dummy variable is defined similarly vs. non Hispanics, including a substantial percentage of African Americans. HLM analysis did not allow the use of these variables as a control for each other because the variables were correlated.

<sup>65</sup> According to this model, an African American defendant is significantly ( $p < .001$ ) more likely to be young and to have prior convictions than a non African American defendant. An African American defendant is also 20% less likely than defendants of other nationalities to be male rather than female. In other words, it appears that African American females make up a significantly higher proportion of the category of African American defendants than non African American females. There is no significant difference in the probability that the defendant population would include African American offenders from pre to post test, nor is there any significant difference attributable to whether the court referral was made by Red Hook vs. non Red Hook precincts.

**Table 6-10: Full Models, Data Set 2 & 3, African American Defendants**

	Model 1 (Data Set 2)			Model 2 (Data Set 3)		
	B	SE	OR	B	SE	OR
<b>Level 1 predictors</b>						
Young	.223***	.026	1.24	.163	.091	1.17
Resident	-.628***	.049	.533	-.379***	.076	.684
Priors	.268***	.024	1.30	.167*	.081	1.18
Male	-.223***	.031	.799	-.211*	.091	.809
Pre/post (Data Set 2 only)	-.018	.024	.981			
Post-implementation Red Hook (Data Set 2 Only)	-.277***	.083	.757			
Week 2 (Data Set 3 Only)				-.00005	.004	.999
Week x Misdemeanor (Data Set 3 Only)				-.004	.003	.995
<b>Level 2 predictors</b>						
Red Hook Precincts (Data Set 2 Only)	-.648	.872	.523			

\*p < .05, \*\*p < .01, \*\*\*p < .001

*Analysis of Variance: Probability of African American Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings, (Data Set 3)*

When the RHCJC data are examined for the same effect during the 51 week implementation period, Red Hook precincts showed strong week-to-week consistency (reliability estimate of .990) in the proportion of African American defendants (Table 6-11). There were significant differences ( $p < .001$ ) across precincts in the fraction of African American defendants. Overall, about 28% of the RHCJC defendant population was African American.

**Table 6-11: African American Defendants-Decomposition of Variance and Reliability (Data Set 3)**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 2: (Data Set 3)	.584	.389	28%	251.09	.001	.990

*Discussion: Probability of African American Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings, (Data Set 3)*

According to the full model (Table 6-10, Model 2) the probability of an African American defendant being referred to the RHCJC did not increase over time. In addition,

African American defendants did not experience an increased likelihood of being charged with petty offenses. There was no support for the proposition that African Americans were progressively targeted or inadvertently “swept up” as the community prosecution/ court initiative evolved.<sup>66</sup>

**Hypothesis 3 Prediction: Increased Proportion  
of Hispanic Defendants in Criminal Filings with the  
Implementation of Community Prosecution in Red Hook**

*Analysis of Variance: Probability of Hispanic Defendants  
in Red Hook Caseload, Kings County Court Filings (Data Set 2)*

As we have seen with other defendant characteristics, we see (Table 6-12) also for Hispanic defendants: strong consistency in the portion of these cases over time at the precinct level (reliability estimate .994). In Kings County, 22% of the defendant population was Hispanic. Differences across precincts were significant (p< .001).

**Table 6-12: Hispanic Defendants-Decomposition of Variance and Reliability**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 1: (Data Set 2)	.757	.292	22%	5156.17	.001	.994

*Predicting Probability of Hispanic Defendants in Red Hook Caseload,  
Kings County Court Filings (Data Set 2)*

Looking at the Kings County court data which compares Red Hook precinct generated cases post-implementation with pre-implementation cases and with non-Red Hook precinct cases, Hispanics were about 23% more likely (p<.001) than non-Hispanics (including Whites, African-Americans and others) to appear as defendants in the range of cases being examined

<sup>66</sup> According to the full model (Table 8, model 1), an African American resident of Red Hook had a significantly lower probability of being referred to the RHCJC than a African American non-resident; but the probability increased significantly if an African American defendant had prior convictions.

here (Table 6-13, Model 1). It was hypothesized that the opening of the RHCJC would have a greater impact on minority residents, specifically Hispanics and African Americans, than on White residents and residents of other backgrounds. These data suggest that there was a negative impact on Hispanics in the sense that greater numbers were found in the post-implementation Red Hook caseload.<sup>67</sup>

**Table 6-13: Full Models, Data Sets 2 & 3, “Hispanic” Defendants**

	Model 1 (Data Set 2)			Model 2 (Data Set 3)		
	B	SE	OR	B	SE	OR
<b>Level 1 predictors</b>						
Young	.110***	.027	1.11	.436***	.081	1.54
Resident	.897***	.045	2.45	.649***	.068	1.91
Priors	-.098***	.025	.906	.371***	.074	1.45
African American						
Hispanic						
Male	.128***	.033	1.13	.188*	.085	1.20
Pre/post (Data Set 2 only)	-.056*	.026	.945			
Post-implementation Red Hook (Data Set 2 Only)	.234**	.076	1.26			
Week 2 (Data Set 3 Only)				-.010**	.003	.989
Week x Misdemeanor (Data Set 3 Only)				.008*	.003	1.00
<b>Level 2 predictors</b>						
Red Hook Precincts (Data Set 2 Only)	.736	.482	2.08			

\*p < .05, \*\*p < .01, \*\*\*p < .001

The pre/post-implementation variable showed Hispanic defendants were less likely to be defendants in Kings County (5%) in the later period, so time differences alone are not responsible for the outcome. No significant differences between Red Hook and non-Red Hook arrest practices appeared when time was not a factor, so location alone is also not responsible. Given these two points, it can be argued that the increasing relative involvement of Hispanic in the post-implementation Red Hook caseload may be attributable to the opening of the RHCJC.

<sup>67</sup> Hispanics who were young, resided in Red Hook or were male were significantly more likely to be defendants than older Hispanics, non residents or females. Hispanic defendants were less likely to have prior convictions.

*Analysis of Variance: Probability of Hispanic Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings, (Data Set 3)*

As before, with other defendant attributes, the portion of Hispanic defendants showed strong week-to-week consistency at the precinct level, and significant ( $p < .001$ ) differences across the Red Hook precincts (Table 6-14)(reliability estimate .978). 46% of defendants in the RHCJC caseload were Hispanic.

**Table 6-14: Hispanic Defendants-Decomposition of Variance and Reliability**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 2: (Data Set 3)	.209	.843	46%	143.10	.001	.978

*Predicting Probability of Hispanic Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings, (Data Set 3)*

As RHCJC operations continued (Table 6-13, Model 2), Hispanic defendants were about 1% less likely with each passing week ( $p < .01$ ), but more likely ( $p < .05$ ) over time to be charged with a misdemeanor offense or lower. Arrests for these offenses are arguably easy to make since they may involve minor infractions that could easily be ignored, i.e. the arrest depends heavily on the discretion of the officer. This slight trend seems to support the beliefs of the focus group members. They suggested that these arrests were a pretext so police could search for other things.

**Hypothesis 3 Prediction: Increased Proportion of Male Defendants in Criminal Filings with the Implementation of Community Prosecution in Red Hook**

**Table 6-15: Male defendants-Decomposition of Variance and Reliability (Data Set 2)**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 1: (Data Set 2)	.044	5.15	83%	357.95	.001	.891

*Analysis of Variance Probability of Male Defendants in Red Hook  
Caseload, Kings County Court Filings (Data Set 2)*

The reliability estimate of .891, showed strong consistency over time, within each precinct in the proportion of male defendants (Table 6-15, Model 1). The odds ratio of 5.15 indicated that just over 83% of the defendants in Kings County court were male. There were significant ( $p < .001$ ) differences across precincts in the portion of male defendants processed through the courts.

*Predicting Probability of Male Defendants in Red Hook Caseload,  
Kings County Court Data (Data Set 2)*

**Table 6-16: Full Model, Data Sets 2 & 3, Male Defendant Variable**

	Model 1 (Data Set 2)			Model 2 (Data Set 3)		
	B	SE	OR	B	SE	OR
<b>Level 1 predictors</b>						
Young	3.96***	.030	1.48	.405***	.102	1.49
Resident	.206***	.056	1.22	-.109	.083	.896
Priors	.290***	.027	1.33	.135	.088	1.14
African American	-2.69***	.043	.764	.122	.105	1.13
Hispanic	-.068	.046	.933	-.142	.112	.867
Male						
Pre/post (Data Set 2 only)	.098**	.027	1.10			
Post-implementation Red Hook (Data Set 2 only)	-.108	.090	.896			
Week (Data Set 3 only)				-.001	.004	.998
Week x Misdemeanor (Data Set 3 only)				-.002	.003	.997
<b>Level 2 predictors</b>						
Red Hook Precincts (Data Set 2 only)	-.313*	.149	.730			

\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

The post-implementation Red Hook measure showed that there was no significant difference in the probability of a male defendant in Red Hook being referred to court post-implementation (Table 6-16, Model 1). This finding does not support the hypothesis that males

would be drawn into court more often as a result of the implementation of community prosecution through the RHCJC<sup>68</sup>.

*Analysis of Variance: Probability of Male Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings (Data Set 3)*

The post implementation data was consistent through the passing weeks at the precinct level in the proportion of male defendants (reliability estimate of .841) (Table 6-17). The odds ratio of 3.90 indicated a 79% probability of a RHCJC defendant being male. There were significant differences (p<.001) across precincts in this probability, which is not explained by sampling error alone.

**Table 6-17: Male Defendants-Decomposition of Variance and Reliability (Data Set 3)**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 2: (Data set 3)	.036	3.90	79%	18.00	.001	.841

*Predicting Probability of Male Defendants in Red Hook Caseload, Red Hook Community Justice Center Filings (Data Set 3)*

The same approach was adapted to the Red Hook Community Justice Center data post-implementation (See Table 6-16, Model 2). The time variables did not show a trend of any change over time in the probability of male offenders being referred to the RHCJC, nor was there a change in the probability of males being referred for low-level offenses.

<sup>68</sup> There was a significantly higher probability that a male Kings County defendant would be: young, a resident of Red Hook, or have a prior criminal convictions when controlling for the other variables. Interestingly, when a male is Black, he has a 23% lower probability of being a Kings County defendant than a male who is not Black. Although this seems counter intuitive, since Black males clearly are arrested far more than Black females (20,492 cases for males compared to 4406 cases for females), it is interpreted to mean that Black females have a higher probability of being a defendant relative to Black males than females of other racial/ethnic groups have relative to males. There is, however, no difference in probability between Hispanic and non Hispanic males.

## II. Net-Widening: The Impact of Prior Criminal Convictions on Court Referral

After the implementation of community prosecution in Red Hook, did the RHCJC bring more defendants into the criminal justice system with no prior convictions?

### Hypothesis 4 Prediction: Increased Proportion of Defendants with no Prior Criminal Convictions

*Analysis of Variance: Probability of Defendants without Prior Convictions in Red Hook Caseload, Kings County court filings (Data Set 2)*

**Table 6-18: Prior convictions-Decomposition of Variance and Reliability**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 1: (Data Set 2)	.058	.924	48%	607.48	.001	.952

The unconditional model for this defendant feature showed strong consistency over time within precincts (reliability estimate .994) and significant differences ( $p < .001$ ) across precincts (Table 6-18). Across all the defendants in the range of cases examined here, about 48% had prior criminal convictions.

**Table 6-19: Full Model, Data Sets 2&3, Prior Convictions**

	Model 1 (Data Set 2)			Model 2 (Data Set 3)		
	B	SE	OR	B	SE	OR
<b>Level 1 predictors</b>						
Young	-1.15***	.022	.314	-1.87***	.092	.153
Resident	-.095*	.043	.908	.020	.072	1.02
<b>Priors</b>						
African American	.380***	.033	1.46	.603***	.100	1.82
Hispanic	.177***	.035	1.19	.680***	.091	1.97
Male	.288***	.027	1.33	.134	.088	1.14
Pre/post (Data Set 2 only)	.074**	.021	1.07			
Post-implementation Red Hook (Data Set 2 only)	-.159*	.073	.852			
Week 2 (Data Set 3 only)				.003	.004	1.00
Week x misdemeanor (Data Set 3 only)				-.001	.003	.998
<b>Level 2 predictors</b>						
Red Hook precincts (Data Set 2 only)	.380*	.152	1.46			

\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

*Predicting Probability of Defendants without Prior Convictions in Red Hook Caseload, Kings County Court Filings (Data Set 2)*

Results (Table 6-19) support Hypothesis 4. After the RHCJC started defendants in Red Hook were 14% less likely to have prior convictions. This finding lends support to the idea that the RHCJC facilitated net-widening, that is, to draw in more defendants without prior experience with the criminal justice system. This effect is net of (against the background of) enduring Red Hook vs. non-Red Hook differences: defendants from Red Hook precincts generally were 46% more likely to have one or more priors than those arrested by non-Red Hook precinct police. The effect is also net of a post-implementation increase of 7%, across precincts, in defendants with priors.

**Table 6-20: Prior convictions-Decomposition of Variance and Reliability**

	Between precinct variance	Odds ratio	Probability	X <sup>2</sup>	P value	Reliability
Model 2: (Data Set 3)	.092	.802	45%	75.69	.001	.978

*Analysis of Variance: Probability of Defendants without Prior Convictions in Red Hook Caseload, Red Hook Community Justice Center Filings (Data Set 3)*

As before with Data Set 3 (RHCJC data) and defendant attributes, so too with priors there is strong week-to-week consistency within precincts (Table 6-20, Model 2) (reliability estimate .978) on the proportion, and significant variation ( $p < .001$ ) between precincts of defendants with records of prior convictions.

*Predicting Probability of Defendants without Prior Convictions in Red Hook Caseload, Red Hook Community Justice Center Filings (Data Set 3)*

Results showed (Table 6-19, Model 2), no change over time once the RHCJC was functioning in the likelihood of defendants with no prior criminal record, nor was there any

difference over time in how they were charged. While the caseload drawn from Red Hook precinct arrests increasingly included Hispanic defendants after the community prosecution was implemented compared to past practices and compared to non-Red Hook precinct cases, after the court opened, there was no indication that net-widening progressively increased.

### III: Summary

#### Hypothesis 3: Defendant Characteristics Post Implementation

##### *Young Offenders Post-implementation*

**Table 6-21: Hypothesis 3: Data Sets 2 and 3 Comparative Statistics**

<i>KINGS COUNTY DATA (Kings County and Red Hook Precincts) Pre-and Post-implementation</i>			<i>RED HOOK DATA (Red Hook Precincts Only) Post-implementation Only</i>		
	% of Kings County Court Defendant Population Overall	Post-implementation Red Hook Referral Population, Changes in Probability	% of RHCJC Defendant Population	Week (sequence), Probability of Court Referral, Changes Over Time	Week/Misdemeanor Interaction, Changes Over Time in Misdemeanor vs. Low-level Felony Charging
<b>Hypothesis 3</b>					
<b>Model 1:</b>					
Young	33%	No effect	29%	<b>1% increase</b>	<b>1% decrease</b>
<b>Model 2:</b>					
Red Hook Resident	5%	No effect	51%	<b>1% increase</b>	<b>1% decrease</b>
<b>Model 3:</b>					
African American	50%	<b>24% decrease</b>	28%	No effect	No effect
<b>Model 4:</b>					
Hispanic	22%	<b>26% increase</b>	46%	<b>1% decrease</b>	<b>1% increase</b>
<b>Model 5:</b>					
Male	83%	No effect	79%	No effect	No effect

Hypothesis 3 suggested that one of the net-widening consequences of the community prosecution strategy would be an increase in the charging of young people, age 24 or younger, in the RHCJC. This hypothesis was based, in part, upon the strong beliefs expressed by members of focus groups, consisting of community members, conducted in Red Hook in 2003. Analysis of Kings County court filings 1998/2001 (Data Set 2) (Table 6-21, Model 1) failed to support

this hypothesis. The RHCJC data similarly failed to show strong support for this hypothesis. There was a small, but statistically significant increase in the probability of younger defendants over time. In addition, a slightly decreasing trend was detected in the probability that young defendant referral would be for low-level crimes. It could be argued that these findings provide some support for the hypothesis, but the size of the effect makes the argument less than compelling. It would be equally as plausible to interpret this finding as indicative of the relative stability of the proportion of young defendants in the RHCJC caseload over the first year of operation.

#### *Red Hook Residents Post-implementation*

Another potential net-widening effect posited by Hypothesis 3 concerned Red Hook residents. Would community prosecution draw more neighborhood residents into the criminal court caseload over time? The Kings County data (Data Set 2) does not support this hypothesis (Table 6-21, Model 2). But, after community prosecution began, the RHCJC caseload was made up more often of Red Hook residents. At least over the course of the first year, residents seemed to be experiencing a small but steady increase in criminal filings for more serious offenses as compared to RHCJC defendants who did not reside within the jurisdiction of the RHCJC. However again, the effect size is so small that it is equally arguable that the population of Red Hook residents in the caseload was relatively stable over this first year.

#### *Minority Defendants in the Post-implementation Court Caseload*

Did the initiation of the community prosecution/court initiative result in an increase in numbers or proportions of minority defendants in the Red Hook caseload when compared to the caseload without the implementation of the innovation? The overall Kings County court data offer some support for this proposition (Table 6-21, Model 4). The proportion of Hispanic

defendants in the Red Hook caseload increased 26% during the post-implementation period as compared to the caseload generated from pre-implementation Red Hook precinct arrests and all non-Red Hook precinct arrests. Contrary to the hypothesis that the new community prosecution/community court approach would draw in African American defendants in larger numbers however, the probability of African American defendants appearing in the entering caseload decreased 24%. The explanation for these findings may be related to the demographic make-up of Kings County, Red Hook and the newly formed jurisdiction of the RHCJC.

African Americans accounted for a larger portion of the population in Kings County overall than of the jurisdiction carved out for the RHCJC. The reverse was true for Hispanics, however. In the 2000 census, African Americans were 36% of the Kings County population, while Hispanics were slightly less than 20%. African Americans also made up over 50% of the Kings County defendant population, while Hispanics comprised only 22%. Initially, the RHCJC was intended to focus on the neighborhood traditionally referred to as Red Hook, which, according to the 2000 census had a population of 10,215, the majority of which resided in the predominantly African American Red Hook Housing project. The jurisdiction of the court, however, was ultimately expanded to include additional adjoining neighborhoods (Fagan and Malkin, 2003, pp. 943-946) to form a court with a volume of matters sufficient to justify the use of resources involved. As a result, African Americans represented slightly less than 18% of the population of 32,974 persons residing within the primary Red Hook zip code,<sup>69</sup> while Hispanics residents comprised just over 25% of the population. Hispanics outnumbered African Americans in all but one of the zip codes in the RHCJC's jurisdiction. The jurisdiction of the Red Hook court included all of the area policed by the 76<sup>th</sup> precinct, but only parts of the 72<sup>nd</sup> and 78<sup>th</sup>

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<sup>69</sup> The zip code areas that are within the jurisdiction of the RHCJC include: 11231 (Red Hook); 11215 (Park Slope, Prospect Park, Windsor Terrace); 11220 (Sunset Park); 11232 (Park Slope) and 11217 (Boerum Hills, Cobble Hill, Gowanus, Wykoff Gardens)

precincts. Ultimately, because the jurisdiction of the court included areas where substantial populations of Hispanics resided, the police focus in the post-implementation period on referring arrests within the RHCJC multi-precinct jurisdiction resulted in an increased focus on crime problems in Hispanic areas. At the same time, the addition of these other neighborhoods to create the community court's jurisdiction resulted in diluting the African American population of defendants, which would not have been originally anticipated from the proximity of the African American residences to the new court's location. In short, while the areas policed by the 3 Red Hook precincts did not change, the make-up of the newly created court's jurisdiction may have resulted in altering post implementation arrest practices such that Hispanics were increasingly drawn in to the Red Hook caseload.

The Red Hook court data (Data Set 3) did not show evidence of a growing trend in cases involving Hispanic defendants once the RHCJC was underway—at least as judged by the court's first 51 weeks of operation (very early days). These data showed only very slight changes in the composition of the defendant caseload in the community court in the first year: These minor changes are not strong evidence that the Hispanic effect found in the Kings County data dissipated over the first year of operation. Rather, it can be argued that the effect remained stable. In other words, the creation of the Red Hook court jurisdiction built-in such an effect by the fact of its creation—influenced by the population of the catchment area it served.

#### *Male Defendants Post-Implementation*

Contrary to Hypothesis 3, there was no difference in the probability of male defendants appearing in either the post-implementation, Red Hook caseload (Data Set 2); nor were males more likely to appear in the RHCJC caseload over time (Data Set 3) (Table 6-21, Model 5).

### Hypothesis 4: Defendants’ Prior Criminal Convictions Post-implementation

Table 6-22: Hypothesis 4: Data Sets 2 and 3 comparative statistics

<i><b>KINGS COUNTY DATA</b></i> <i>(Kings County and Red Hook precincts)</i> <i>Pre and post implementation</i>			<i><b>RED HOOK COURT DATA</b></i> <i>(Red Hook precincts only)</i> <i>Post test only</i>		
% of Kings County Court Defendant Population Overall	Post-implementation Red Hook Referral Population, Changes in Probability		% of Red Hook Court Defendant Population	Week (sequence), Probability of Court Referral, Changes Over Time	Week/Misdemeanor Interaction, Changes Over Time in Misdemeanor vs. Low Level Felony Charging
<i><b>Hypothesis 4</b></i>					
<i><b>Model 5:</b></i>					
Prior Convictions	48%	<b>14% decrease</b>	45%	No effect	No effect

Would the initiation of the community prosecution/court program in Red Hook draw in “non criminal” defendants with no previous criminal contacts; individuals unlikely to be arrested and convicted without the new focus on low-level crime (Hypothesis 4)? Support was found in Data Set 2 only (Table 6-16.) Post-implementation, the probability that an individual without prior convictions arrested in Red Hook would be referred to court increased significantly. This was true despite the facts that Red Hook precinct referrals were more likely to involve defendants with prior convictions than non-Red Hook precinct referrals, and that defendants referred in the post-implementation period by either type of precinct were more likely to have prior convictions than in the pre-implementation period. These outcomes make the post-implementation Red Hook decrease in probability of court referrals for repeat offenders seem even more significant, as it could be attributable to factors surrounding the implementation of community prosecution through the RHCJC. There may in fact be a valid issue of net-widening. Data Set 3 does not, however, provide evidence of an increasing proportion of first time offenders over the first year of RHCJC operations.

In sum, the effects found in the Kings County data which seem to correspond with the implementation of community prosecution could be indicative of the initial impact of the innovation on the new court's caseload. The very small changes that were detected over the first 51 weeks of operation show that once the court was up and running, the variables explored in this research were handled in a consistent manner, with little change over time.

## CHAPTER 7

### COMMUNITY PERSPECTIVES ON QUALITY OF LIFE, FEAR OF CRIME AND JUSTICE AGENCIES IN RED HOOK NEIGHBORHOODS: THE RED HOOK COMMUNITY JUSTICE CENTER NEIGHBORHOOD SURVEYS 1999-2001

#### Overview

Beginning in 1995, CCI conducted a series of annual surveys in Red Hook. Respondents were primarily residents, although some local business owners and employees residing outside of Red Hook were also included. The surveys tapped views on community safety and related concerns. This chapter examines surveys from 1999 through 2001, the first completely post-implementation year for the RHCJC.<sup>70</sup>

The surveys used convenience rather than probability samples, therefore the results, including year-to-year shifts, are not representative of communitywide views or shifts in those views. Nevertheless, the survey results provide additional information about how some respondents viewed local conditions before and after the RHCJC started. The instruments appear in Appendix 4.

#### Survey Questions Relevant to Community Prosecution

This section looks at survey reports on 1) quality of life in Red Hook, 2) impressions of criminal justice agencies (police, courts and the district attorney); 3) fear of crime; and 4)

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<sup>70</sup> The surveys were administered by members of the Red Hook Public Safety Corps, over a period of two weeks, during the fall, each year. Fifty interviewers received one full day of training, and were placed in teams of five, which consisted of two pairs of interviewers and one team leader. They were then sent out in pairs to perform the survey; one person asked the questions, while the second person recorded responses. Because there is a substantial Spanish speaking population in Red Hook, one member of each pair was fluent in Spanish. The team leader oversaw results and kept a log of locations surveyed, to assure that the entire community had been covered. More specifically, interviews were collected on a convenience basis, as surveyors walked through the neighborhoods in Red Hook, going door to door in the public housing projects and to private residences. In addition, because residents might not have been at home during the day, interviewers included local businesses, banks, health centers and supermarkets as locations for soliciting interviews. Respondents include not only residents, but local business owners and employees as well.

perceived crime problems. Each topic area was represented by several survey questions deemed most relevant to this study (Table 7-1).

**Table 7-1: Selected Survey Questions**

<b>Quality of Life</b>	<b>Fear of Crime</b>
1) Satisfied with Red Hook as place to live/work?	1) Do you feel safe at home at night
2) Quality of life rating?	2) Do you feel safe at home during the day?
3) How has the quality of life changed?	3) Do you feel safe on the street at night?
	4) Do you feel safe on the street during the day?
<b>Attitudes Towards Criminal Justice Agents</b>	<b>Community Problems</b>
1) Towards the Red Hook police response?	1) Public drug sales?
2) Towards the police-community relationship?	2) Public drug use?
3) Towards the district attorney response to the community?	3) Public drinking?
4) Towards the court system-community relationship?	4) Littering

In addition to considering overall responses (for the non-probability samples from each year), responses were examined by residence of respondents and by respondents' race and gender to determine whether there appeared to be any important differences in response based on demographic background. It is important to keep in mind that Red Hook represents a collection of different types of neighborhoods, including White, Hispanic/Latino, and African American. As in other locations, including Red Hook, race/ethnicity is associated with neighborhood location.

### **Description of Survey Respondents (1999, 2000, 2001)**

Table 7-2 shows the demographic composition of survey respondents by year. The percentage of respondents who were White was small relative to African Americans and Hispanics, but increased over the years from 8% in 1999 to 16% in 2001. In addition, respondents who fell into the category of "other" varied slightly from 16% in 1999 to 14% in

2001<sup>71</sup>. Approximately 84% of respondents each year were residents living within the jurisdiction of the RHCJC. Percent female ranged from 60 to 53%.

**Table 7-2: Demographic Attributes of Survey Respondents**

	Total	African American	White	Hispanic	Other	Resident	Non-Resident	Male	Female
<b>1999</b>	n=980 100%	396 40%	86 8%	354 36%	144 16%	800 84%	154 16%	374 40%	564 60%
<b>2000</b>	n=1743 100%	723 41%	207 12%	600 34%	214 12%	1375 83%	284 17%	671 40%	1005 60%
<b>2001</b>	n=1169 100%	458 39%	193 16%	363 31%	155 14%	957 85%	167 15%	518 47%	592 53%

### I. Quality of Life in Red Hook, 1999-2001

*Are you satisfied with Red Hook as a place to live or work?*

**Table 7-3: Are you satisfied with Red Hook as a place to live or work?  
By Demographic Group and Year**

		African American		White		Hispanic		Male		Female		Resident		Non-resident	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1999</b>	No	66	17%	11	13%	56	16%	57	15%	98	18%	134	17%	23	15%
	Yes	212	54%	49	57%	206	58%	207	56%	326	58%	463	58%	77	50%
	Neutral	113	29%	26	30%	90	26%	108	29%	135	24%	198	25%	53	35%
	Total	391	100%	86	100%	352	100%	372	100%	559	100%	795	100%	153	100%
<b>2000</b>	No	131	18%	15	7%	83	14%	99	15%	148	15%	228	17%	24	8%
	Yes	366	51%	146	71%	298	50%	368	55%	519	52%	717	53%	163	58%
	Neutral	218	31%	45	22%	214	36%	198	30%	329	33%	415	30%	95	34%
	Total	715	100%	206	100%	595	100%	665	100%	996	100%	1360	100%	282	100%
<b>2001</b>	No	94	21%	18	9%	72	20%	82	16%	121	21%	177	19%	26	16%
	Yes	238	52%	137	71%	206	57%	306	60%	332	56%	552	58%	94	56%
	Neutral	123	27%	38	20%	82	23%	127	25%	136	23%	224	23%	47	28%
	Total	455	100%	193	100%	360	100%	515	100%	589	100%	953	100%	153	100%

Overall, there was little evidence that the implementation of community prosecution made respondents more satisfied from 1999 to 2001 (Table 7-3). Throughout, levels of

<sup>71</sup> The “other” category consisted of various racial/ethnic groups, none of whom comprised a significant percentage of the population of the jurisdiction. For this reason, their collective responses are not included in this research.

satisfaction with Red Hook as a place to live and work ranged from 50-70%, depending on the group. White respondents, who were more likely to reside in the gentrified neighborhoods<sup>72</sup> (Fagan and Malkin, 2003) seemed more satisfied by 2001.

**Table 7-4: How would you rate the quality of life over the past year?  
By Demographic Group and Year**

		African American		White		Hispanic		Male		Female		Resident		Non-resident	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>2000</b>	bad	168	23%	22	11%	157	26%	151	23%	222	22%	316	23%	44	16%
	good	549	77%	183	89%	440	74%	516	77%	774	78%	1046	77%	235	84%
	total	717	100%	205	100%	597	100%	667	100%	996	100%	1362	100%	279	100%
<b>2001</b>	bad	107	24%	23	12%	80	22%	111	22%	119	20%	207	22%	29	17%
	good	343	76%	169	88%	279	77%	401	78%	466	78%	740	78%	137	83%
	total	450	100%	192	100%	359	100%	512	100%	585	100%	947	100%	166	100%

*How Would You Rate the Quality of Life Over the Past Year?*

The majority of respondents, over 70% in all demographic groups, rated the quality of life as “good” in each of the two years for which data were available (Table 7-4). White respondents as compared to non-White respondents were more likely to rate local quality of life positively. White respondents were less likely than non-Whites to live in the Red Hook Houses, a large public housing project built in the 1930’s, so Whites overall may have experienced better living conditions than those experienced by their minority neighbors (Fagan and Malkin, 2003), which could have been the reason for their more favorable opinions.

*How Has the Quality of Life Changed in the Past Year?*

Respondents were asked whether the quality of life in Red Hook had changed in the last year, beginning in 1999 (Table 7-5.) With the exception of the relatively small percentage of non-resident respondents, whose responses did not change over time, similar percentages of all groups expressed the view that the quality of life had improved in 1999, 1 year prior to

<sup>72</sup> Slightly less than 28% of White respondents resided in the Red Hook housing projects, compared to just over 80% of Black and 60% of Hispanic respondents.

**Table 7-5: How has the Quality of Life Changed in the Past Year?  
By Demographic Group and Year**

		African American		White		Hispanic		Male		Female		Resident		Non-resident	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1999</b>	better	213	54%	47	55%	194	56%	208	56%	304	55%	456	58%	68	45%
	same	131	34%	26	31%	116	33%	125	34%	180	32%	241	30%	70	46%
	worse	47	12%	12	14%	194	11%	38	10%	72	13%	96	12%	14	9%
	total	391	100%	85	100%	349	100%	371	100%	556	100%	793	100%	152	100%
<b>2000</b>	better	335	48%	99	49%	264	45%	309	47%	457	46%	632	47%	116	42%
	same	254	36%	77	38%	233	40%	249	38%	369	38%	494	37%	130	47%
	worse	116	16%	27	13%	88	15%	98	15%	154	16%	215	16%	30	11%
	total	705	100%	203	100%	585	100%	656	100%	980	100%	1341	100%	276	100%
<b>2001</b>	better	192	43%	90	49%	165	47%	235	47%	257	45%	418	45%	72	45%
	same	188	42%	85	46%	141	40%	197	40%	250	43%	383	42%	76	48%
	worse	64	14%	9	5%	46	13%	63	13%	69	12%	119	13%	11	7%
	total	444	100%	184	100%	352	100%	495	100%	576	100%	920	100%	159	100%

implementation, each at approximately 55-58% (Table 7-5). The percentage of all respondent groups who believed things were better in 2000 and 2001 compared to the previous year decreased to between 43 and 49%.

## **II. Community Attitudes about Representatives of Criminal Justice Agencies, 1999-2001**

Key elements of the community prosecution strategy were intended to improve relationships between agency representatives and the community, and enhance these agencies reputations for handling neighborhood problems. If the strategy was successful, community members would have viewed agencies as more responsive. Community justice practitioners believe that neighborhood residents tend to be very concerned about the low-level, quality of life crime that makes everyday life less enjoyable (Boland, 1998, p. 254 ; Goldkamp, et al. 2001, p. 26-27). If this was true for Red Hook, a positive response to increased police emphasis on low-level crime might be expected. Attitudes toward official criminal justice agencies were the topic

several questions in the community surveys that were asked in all three years (1999, 2000 and 2001).<sup>73</sup> Changes over time might reflect shifting community-wide views.

- 1) “In your experience, is police response excellent, good, satisfactory or unsatisfactory in your neighborhood?” (good, bad, neutral)
- 2) “Would you characterize the relationship between the police and your community as...?” (Positive, neutral, negative)
- 3) “Would you characterize the District Attorney's Office's response to complaints and issues raised by the Red Hook community as...?” (Positive, neutral, negative)
- 4) “Would you characterize the relationship between the court system and your community as...?” (Positive, neutral, negative)

In addition, a fifth question was included: “Have you heard of the Red Hook Community Justice Center...?” (yes/no) The purpose of this question was to determine whether the responses to the other survey questions could have been associated with opinions of respondents about the changes made in Red Hook, as opposed to experiences with the main Kings County system only.

**Table 7-6: Have You Heard of the Red Hook Community Justice Center?  
By Demographic Group and Year**

		African American		White		Hispanic		Male		Female		Resident		Non-resident	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1999</b>	yes	179	52%	20	38%	90	37%	117	42%	214	47%	299	48%	34	30%
	no	164	48%	33	62%	156	63%	160	58%	245	53%	325	52%	78	70%
	total	343	100%	53	100%	246	100%	277	100%	459	100%	624	100%	112	100%
<b>2000</b>	yes	358	52%	58	31%	192	34%	237	38%	422	45%	568	45%	71	29%
	no	327	48%	130	69%	374	66%	389	62%	526	55%	709	55%	174	71%
	total	685	100%	188	100%	566	100%	626	100%	948	100%	1277	100%	245	100%
<b>2001</b>	yes	304	76%	85	54%	199	66%	291	66%	349	69%	561	71%	68	51%
	no	95	24%	71	46%	102	34%	149	34%	158	31%	234	29%	65	49%
	total	399	100%	156	100%	301	100%	440	100%	507	100%	795	100%	133	100%

<sup>73</sup> These questions are direct quotations from the Red Hook surveys, 1999-2001 (See Appendix 6)

*Have You Heard of the Red Hook Community Justice Center?*

CCI publicized the RHCJC project before it opened, and sought community input about structure and operations, so it made sense to expect residents would be aware of the RHCJC as early as 2000. In 2000, the first year of court operations, awareness was no higher than 51% for any group (Table 7-6). Awareness among respondents seemed more widespread by 2001 after the court had been running for over a year, ranging from 51% to 76% of respondents.

In both years, African American respondents were more likely to be aware of the RHCJC, compared to Whites and Hispanics. Red Hook resident respondents were more likely to be aware of the court than non-residents in both years.

**Table 7-7: How would you rate the Red Hook police response?**  
**By Demographic Group and Year**<sup>74</sup>

		African American		White		Hispanic		Male		Female		Resident		Non-resident	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1999</b>	bad	111	28%	15	18%	105	30%	101	27%	165	30%	235	30%	33	22%
	good	254	65%	62	73%	217	63%	234	64%	358	64%	496	63%	103	69%
	neutral	29	7%	8	9%	25	7%	33	9%	35	6%	56	7%	13	9%
	total	394	100%	85	100%	347	100%	368	100%	558	100%	787	100%	149	100%
<b>2000</b>	bad	176	25%	22	11%	149	25%	156	24%	219	22%	319	24%	46	17%
	good	453	64%	161	81%	386	65%	436	66%	667	68%	879	66%	190	73%
	neutral	82	11%	17	8%	56	10%	69	10%	98	10%	137	10%	25	10%
	total	711	100%	200	100%	591	100%	661	100%	984	100%	1335	100%	261	100%
<b>2001</b>	bad	121	27%	23	12%	59	17%	103	20%	118	21%	195	21%	22	14%
	good	261	59%	145	77%	252	71%	332	66%	393	68%	616	67%	106	70%
	neutral	61	14%	20	11%	43	12%	70	14%	64	11%	108	12%	24	16%
	total	443	100%	188	100%	354	100%	505	100%	575	100%	919	100%	152	100%

*How Would You Rate the Red Hook Police Response?*

At least 63% of the respondents in each category rated the police response as “good” in 1999 (pre-implementation.) Perceptions of police responsiveness varied only slightly from year to year (Table 7-7). No clear overall trends appeared.

<sup>74</sup> To simplify, response categories were changed from “excellent”, “good” and “satisfactory” to “good” and from “unsatisfactory” to “bad”.

White respondents tended to be slightly more positive about police response overall, and the difference between Whites and African Americans grew over time. In 1999 73% of White respondents rated police as responsive, compared to only 63% of Hispanics and 65% of African Americans. In 2000, White approval reached a high of 81% compared to only 65% of Hispanics and 64% of African Americans. In 2001 (post-implementation) 77% of Whites as compared to only 60% of African Americans thought police responded effectively to their calls for service.

*How Would You Rate the Relationship between the Police and the Community?*

A principal aim of the community prosecution/court approach would include improving the relationship between police and the community. Because the police continue to have more direct contact with residents than either community court judges or community prosecutors, it is relevant to ask whether the changes in the administration of criminal justice associated with the community court in Red Hook created more positive interactions between police and community members. Unfortunately, this did not appear to be the case.

**Table 7-8: How would you Rate the Relationship between the Police and the Community?  
By Demographic Group and Year**

		African American		White		Hispanic		Male		Female		Resident		Non-resident	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1999</b>	negative	133	34%	15	18%	106	31%	112	30%	176	32%	257	33%	35	24%
	positive	143	36%	36	42%	131	38%	134	37%	218	39%	291	37%	60	40%
	neutral	116	30%	34	40%	109	31%	121	33%	162	29%	235	30%	53	36%
	total	392	100%	85	100%	346	100%	367	100%	556	100%	783	100%	148	100%
<b>2000</b>	negative	198	28%	18	9%	148	25%	158	24%	235	24%	337	25%	39	15%
	positive	284	40%	137	69%	201	34%	289	44%	402	41%	541	41%	133	51%
	neutral	226	32%	45	22%	236	40%	208	32%	344	35%	448	34%	88	34%
	total	708	100%	200	100%	585	100%	655	100%	981	100%	1326	100%	260	100%
<b>2001</b>	negative	132	29%	26	14%	79	22%	132	26%	129	22%	226	24%	35	23%
	positive	155	35%	89	47%	155	43%	193	38%	252	43%	379	41%	64	41%
	neutral	161	36%	74	39%	124	35%	181	36%	202	35%	321	35%	55	36%
	total	448	100%	189	100%	358	100%	506	100%	583	100%	926	100%	154	100%

In 1999, less than 43% of all respondents were positive about the police-community relationship (Table 7-8). In 2001, the post-implementation year, less than 48% of all respondents were positive.

Race/ethnicity made some difference. In all 3 years, a larger percentage of Whites than African Americans and Hispanics were positive about police-community relationships.

Overall, White respondents tended to be less critical of police than African American respondents were, but there is little change in the opinion of any racial/ethnic group about the police-community relationship over time. In addition, views about the police-community relationship did not vary by residence, nor did it change over time. Female respondents, however, seemed to be less critical of this relationship after community prosecution was implemented, while there was no perceptible change in the opinion of male respondents.

*How Would You Characterize the District Attorney's Response to  
Community Complaints and Issues?*

**Table 7-9: How Would you Characterize the District Attorney's Response to Community Issues and Problems?  
By Demographic Group and Year**

		African American		White		Hispanic		Male		Female		Resident		Non-resident	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1999</b>	negative	106	29%	17	22%	80	28%	86	27%	149	29%	212	30%	26	22%
	positive	89	24%	19	25%	71	24%	69	22%	130	26%	169	24%	29	25%
	neutral	173	47%	41	53%	138	48%	159	51%	232	45%	333	46%	61	53%
	total	368	100%	77	100%	289	100%	314	100%	511	100%	714	100%	116	100%
<b>2000</b>	negative	142	21%	20	10%	104	19%	105	17%	186	19%	246	19%	35	14%
	positive	186	27%	99	51%	109	19%	176	28%	253	27%	341	27%	78	31%
	neutral	357	52%	75	39%	352	62%	346	55%	511	54%	690	54%	141	55%
	total	685	100%	194	100%	565	100%	627	100%	950	100%	1277	100%	254	100%
<b>2001</b>	negative	110	25%	23	13%	73	21%	120	24%	103	18%	197	22%	28	19%
	positive	140	32%	68	37%	117	34%	149	30%	200	36%	303	33%	47	31%
	neutral	188	43%	90	50%	157	45%	227	46%	260	46%	402	45%	75	50%
	total	438	100%	181	100%	347	100%	496	100%	563	100%	902	100%	150	100%

This survey question appeared directly relevant to the main questions of this research. Closer interaction between the prosecutor and the community was thought necessary to improve the prosecutor's ability to address serious local crime problems. By placing prosecutors in the Red Hook court building, planners hoped to enhance the prosecutor's effectiveness by facilitating direct interaction with the community. It appeared (Table 7-9) that over time, White and Hispanic respondents were increasingly likely to see the prosecutor's response as positive. Over time, African Americans views became slightly more positive.

It appears that the perception of the District Attorney's responsiveness to the community improved somewhat after the introduction of community prosecution in Red Hook. A substantial percentage of the respondents, however, about 40% or more, in all demographic groups, were "neutral", or had no opinion about prosecutors. Police responsiveness showed fewer holding a neutral view. Perhaps the average Red Hook respondent was far less likely to have had contact with a prosecutor, even a community prosecutor, than with a police officer, so fewer had firsthand knowledge to gauge the quality of the prosecutor response to the community. The percentage of neutral respondents changed little over time. Following program implementation, the prosecutor may have become more knowledgeable about the community (at least the vocal portion) but the community-as reflected in these potentially unrepresentative data was not more knowledgeable about the prosecutor.

*How Would You Characterize the Court System-Community Relationship?*

The implementation of the community court facilitated access to court proceedings, and provided a variety of important social services for the Red Hook community. Prior to the opening of the court, Red Hook residents were required to make their way to the large and impersonal Kings County court, far from their neighborhood. Did the RHCJC result in more

positive opinions about the court-community relationship? Survey responses across the demographic categories suggested that it did (Table 7-10).

**Table 7-10: How would you Characterize the Court System-Community Relationship?  
By Demographic Group and Year**

		African American		White		Hispanic		Male		Female		Resident		Non-resident	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1999</b>	negative	100	27%	13	17%	80	27%	93	29%	133	26%	207	29%	21	18%
	positive	10	29%	16	21%	72	24%	76	24%	140	27%	183	25%	33	27%
	neutral	163	44%	47	62%	148	49%	152	47%	245	47%	331	46%	67	55%
	total	370	100%	76	100%	300	100%	321	100%	518	100%	721	100%	121	100%
<b>2000</b>	negative	146	22%	20	10%	97	17%	107	17%	181	19%	242	19%	37	15%
	positive	184	27%	101	52%	128	23%	176	28%	271	29%	355	28%	80	31%
	neutral	346	51%	74	38%	339	60%	343	55%	493	52%	676	53%	136	54%
	total	676	100%	195	100%	564	100%	626	100%	945	100%	1273	100%	253	100%
<b>2001</b>	negative	86	20%	14	8%	43	13%	85	17%	70	13%	138	15%	18	12%
	positive	163	37%	72	40%	146	42%	194	39%	225	40%	362	40%	55	37%
	neutral	191	43%	95	52%	155	45%	219	44%	265	47%	400	45%	76	51%
	total	440	100%	181	100%	344	100%	498	100%	560	100%	900	100%	149	100%

Across demographic groups, positive opinions about this relationship increased in 2001 compared to 1999 by an average of 14 percentage points. Red Hook residents' opinions about the court shifted from 25% positive in 1999 to 40% positive in 2001. At the same time, large fractions of each group held neutral views. Among those who expressed an opinion about the relationship between the court and the community, potentially, over time, these non-representative data suggest an increasing appreciation for the court system after the RHCJC opened.

### **III. Summary: Impact of Community Prosecution as Reflected in Red Hook Neighborhood Surveys**

The community prosecution/community court initiative, which was initiated in Red Hook, has resulted in physical changes for the Red Hook community. The new court structure

has placed within easy proximity a variety of court-based matters, as well as many human and social services, which had in the past been located only in downtown Brooklyn, making them quite challenging for residents of Red Hook to access. If this were all the initiative was meant to do, it would clearly be a success. However, quite a bit more was expected.

Community prosecution as it was practiced in Red Hook was intended to address the low-level crime believed to underlie the more serious crime problems, and respond to, reduce or to eliminate it. This was to be accomplished in part through improved relationships between criminal justice agents and the community, which would hopefully engage them in the effort. This was expected to result in making the community a safer and more satisfying place to live. The CCI survey included questions related to the identified goals and sought insight into whether respondents drawn from the community were aware any of the proposed effects of community prosecution. These surveys, however, were not necessarily representative of community views because they were based on convenience samples.

The relationship between community respondents and the court system was the only agency relationship showing improvement. All respondent groups were more positive about the court after the RHCJC had been in operation for over a year. Although the percentage of respondents remaining neutral was relatively high, the appreciable increase in approval over time suggests that a change may have occurred.

The community prosecution/court initiative, however, did little to improve respondents' feelings about police and the prosecutor. Respondents were generally less happy with the police-community relationship than they were with the police response, and most did not see improvement in either.

All respondent groups found the prosecutor somewhat more responsive in 2001 than in 1999. But at the same time, across demographic categories, high percentages of respondents were neutral, expressing no opinion about the prosecutor. One would expect that if community prosecution efforts were successful in creating increased interaction between the prosecutors and the community outside of the courtroom, the percentage of “neutral” respondents would decrease, but this was not the case. It is, therefore, difficult to argue that there is convincing evidence of either increased interaction or an improvement in the opinion of prosecutors in the eyes of these respondents.

When questioned about their satisfaction with Red Hook as a place to live or work, pre-implementation levels of satisfaction were relatively low, followed by almost no noticeable post-implementation change. In response to a question about whether the quality of life had improved, it seemed that the most noticeable changes had occurred prior to implementation; higher percentages of all respondent groups believed that things had gotten “better” in 1999. The 2000 and 2001 results indicate that a smaller percentage of respondents noticed quality of life changes in Red Hook after community prosecution began.

### **Race/ethnicity Based Differences in Survey Responses**

Hypothesis 3 suggested that minority community members might be experiencing some net-widening as a result of the new policy. The demographic information elicited by the survey questions allowed limited inquiry into the perceptions of minority residents. White respondents opinions tended to improve more than minority ones in the post-implementation period. This was true for 12 out of the 15 questions examined. Whites experienced increased levels of satisfaction with Red Hook as a place to live and work, and believed the quality of life was better in 2000 and 2001, while minorities experienced no such change. It is also noted that White respondents

were consistently more positive and less negative in their assessment of criminal justice agents than African American and Hispanic respondents<sup>75</sup>.

These survey findings have important limitations, the most significant of which may be that White respondents make up a relatively small percentage of the overall sample. They constituted only 8% of the sample in 1999, 12% in 2000 and 16% in 2001, so the outcome may not be representative of the true feelings of the White community members who live or work in Red Hook. If the findings did reflect actual differences along racial/ethnic lines, some of these might arise from where the respondents resided. Fewer White respondents lived in the Red Hook housing project than either African Americans or Hispanics. A number of known maintenance and safety issues appeared in this location. These problems may have contributed to a lower level of satisfaction for minority respondents.

The relationship between the minority respondents and criminal justice agents, most notably the police, is different for White respondents. Research has consistently found that minorities, particularly African Americans and Hispanics, have less favorable attitudes about police than Whites do. These differences seem to be attributable to differences in how they believe they are treated by police and the criminal justice system generally (Payne, 2007, p. 143). Further exploration of this issue is undertaken using the focus group data in the next section.

The surveys also included questions about levels of community fear over time, as well as questions about the problems in the neighborhood, and whether they had grown less troublesome. These questions were meant to find out whether respondent perceived positive changes after the community court/prosecution initiative began. Results indicated some positive change.

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<sup>75</sup> The exception to this would be the 1999 opinion about the court, which included only 76 White respondents, of which 62% had no opinion. Obvious problems exist with the validity of this answer.

Over the 3 year observation period, respondent groups reported progressive reductions in levels of nighttime fear. Respondent groups indicated that they felt safer, both at home and on the streets of Red Hook at night, after the RHCJC opened. When questioned about community problems, including public drug sales, use, drinking and littering, these problems were rated as significant by most residents prior to the implementation of RHCJC. In 2001, across all categories for all problems, modest percentage reductions were found. However, the majority of survey respondents continued to perceive these issues as problems in 2001.

Taken together, these findings are interesting because they are consistent with the notion that implementation of the community prosecution/court initiative in Red Hook resulted in decreased levels of fear and the perception of a reduction of low-level problems in community. The results of these inquiries are not shown in this research, however, because these outcomes have so many potential causes unrelated to the target intervention. Combined with the potentially unrepresentative nature of the samples, it is probably unwise to give them much significance.

## **CHAPTER 8**

### **PERSPECTIVES ON COMMUNITY PROSECUTION IMPACT OF THE RED HOOK COMMUNITY FROM RESIDENT AND EMPLOYEE FOCUS GROUPS**

#### **Overview**

To provide additional context, this chapter reports on focus groups conducted by the author with Red Hook community members. Respondents were questioned about their feelings about the neighborhood: the problems, quality of life, and safety, and whether those feelings had changed over time due to justice system improvement efforts. They were asked to discuss their understanding of community justice, whether they perceived changes in the administration of justice in their community, and if so, how they felt about it. Although the information produced through these community-based discussions cannot be considered representative of how the entire Red Hook community has responded to community prosecution in Red Hook, they at least provided an additional glimpse, in narrative form, of how some of the residents of the affected area perceived the initiative in May of 2003.

#### **Background of Focus Group Members**

With the assistance of CCI and the president of the Red Hook Tennant's Association, two focus groups were formed in Red Hook, Kings County (Brooklyn) New York. These groups included:

- 1) Eighteen African American tenants of the Red Hook Houses, a section eight housing project which is home to over 75% of the population of Red Hook. The group members all indicated that they had lived in Red Hook for substantial periods of time. The average length of residence reported by participants was 27.8 years, while the group member who had lived in Red Hook for the longest period had been a resident for 53 years.

2) Twelve members of the Red Hook Public Safety Corps, a group of mixed ages made up of African American and Hispanic New York City residents. Seven of the group members had lived in Red Hook for 12 years or more, while the others lived in similar neighborhoods. The PSC was comprised of individuals who participated in Americorps, a federal government initiative that offers a small stipend and college scholarships in return for a commitment to perform service in specific communities in the United States. The PSC was stationed in the RHCJC, and was sponsored by the Kings County District Attorney and CCI.

### **Focus Group Guides**

The focus groups were guided by general questionnaires used by the researcher to direct the discussion to address a small number of themes, while leaving room for open ended discussion of the selected topics (see Appendix 6). The questionnaire began with background questions, such as where the respondents lived, how long they had lived there, and whether or not they had children, and then moved to substantive areas relating to the hypotheses explored in the research and the types of problems that existed in the neighborhood. There was a set of questions about community problems; in addition to questions about criminal justice agencies and agents, and their experiences with them and how the experiences affected their everyday lives (did they feel safer?). A separate version of the questionnaire was created for each of the three groups. Although the basic questions for each session were similar allowing for comparison of responses between groups, a section of each questionnaire was tailored to each specific group to tap their unique experiences and perspectives. For example, the tenants of the Red Hook housing project were asked about how community justice affected their lives there and members of the Public Safety Corps were asked about their role in the community as employees of the RHCJC. The script was used as a reference to assure that the focus group covered all of

the essential areas. The discussion was somewhat free-flowing, allowing some latitude to explore the areas that each group seemed most interested in talking about.

Only the researchers and the group members attended the focus groups. In the interest of confidentiality and to encourage openness in responses, local criminal justice agents as well as, employees of CCI were excluded from the sessions. Further, each participant was given a written confidentiality agreement, assuring them that their responses would be kept confidential, which they were given an opportunity to read and discuss prior to signing them. While the insights received from the groups were discussed with the above noted agents in a general way, no individual level or specific information was shared with any of these agents. Each session was tape recorded and transcribed for internal research purposes only; the transcripts were not shared with any officials.

The focus group sessions lasted from one and one half to two hours per group. They were conducted at times that were convenient for each group, so the resident group was conducted after 6:00 pm to accommodate work and school commitments, while the RHCJC group was conducted during court working hours. Participation with focus groups was strictly voluntary. Each group was compensated in a different manner for their time. The residents of the housing projects received \$25 dollar gift certificates for stores located in nearby neighborhoods. The Red Hook Public Safety Corps members were provided with refreshments, and the time we spent with them was considered a part of their working hours by their employers.

#### **I. Impact of Community Prosecution on Red Hook Community Members**

The Red Hook Housing projects were home to a stable population of mostly African American and Hispanic residents. Almost all of the participants of the tenant group had lived in

the neighborhood for more than ten years, and indicated that they enjoyed living there, that their neighbors were friendly and that generally, everyone got along. They considered their neighborhood quiet and relatively safe.

### **Focus Group Member Opinions about Low-level Arrests**

Members of both groups believed that low-level arrests had increased since the RHCJC opened. The tenant group indicated that the focus on low-level crime seemed to have started around 1998, but they were particularly sensitive to being cited for matters that were referred to the community court after it opened in April of 2000. Instead of being grateful for this new police focus on quality of life crime, the tenants tended to view the low-level arrests for matters such as walking their dogs without a leash or “loitering” as harassment or as irritating police action that made their lives more miserable. “I got a ticket for spitting on the sidewalk...I called the [police] woman’s supervisor because the woman, I mean, she spoke to me like I was a piece of trash.” Referring to the issue of loitering, another resident stated, “...this is where I live. Why I can’t stand there and relax? I come home from a hard day of work, I want to sit down and watch the kids play or play my Gameboy or something, don’t bother me. But they want to say there’s no loitering.” Another added, “We being (sic) told what not to do in our own community... It’s a hot summer night and you wanted to go outside. You can’t sit in front of your building, you can’t sit in the park, what are you supposed to do, go back upstairs? Don’t have a backyard...and we need to go outside this community and see... [Other] people are enjoying their community (sic). But we can’t enjoy ours. It’s like a separate country for us.”

PSC focus group members also expressed some frustration with the practice and theory underlying quality of life arrests. They were familiar with the “broken windows” rationale, actually explaining it fairly well, even offering some justification for the strategy of increasing

low-level arrests. However, overall the emphasis on low-level crime received mixed reviews from the group. One member stated, “I mean, a lot of the reasons why you get picked up for those things and get arrested and get sentences, some of them just don’t make sense and that’s the truth...Getting a ticket for biking on the sidewalk I mean it’s not something that I want to happen to me but I understand as to why they have them laws and why those laws are enforced.” PSC focus group members seemed to believe that on occasion, stopping minor offenders might lead police to uncovering more serious offenders. One member commented, “Enforcing the quality of life crimes can reduce the actual serious crimes, I mean in my opinion. I mean, you have to stay on those little crimes ‘cause many residents like why they bothering me just because I have a beer...That same person...probably has drugs in his pocket...The same one peeing in the elevator is most likely the drug dealer who doesn’t even live in Red Hook.” When asked whether they felt that the same types of laws were enforced in more affluent neighborhoods, members complained about what they perceived as differential treatment. One participant told a story about standing on the corner waiting for a bus in a White neighborhood, near a group of White teens who were smoking marijuana. She stated that she could smell it easily from where she was standing, and “police officers roll right past like they wasn’t even there and I’m like if I smell them and I’m at the bus stop, I know when you rolled past in your car, you smelled it... You had to.” She believed that officers in Red Hook driving past a similar situation would have responded much differently.

### **Focus Group Member Opinions about the Connection Between Demographics and Court Referral**

Members of both groups also expressed the opinion that they were being treated more harshly by police because they were African American or Hispanic. The tenant group expressed the belief that young African American males were actually being targeted for low-level arrests,

many of whom had no prior criminal contacts: “A lot of times people don’t realize this, the police, when they come and snatch a lot of these young brothers off the streets and put em through the system...so they can have something on them.” Another resident added, “...that’s very bad you know, they take a young person that never been through the system before, dragged through the system...I mean, they target us and they do that to us and I think that’s a very bad thing...That’s going on in this community and all African American communities.” Hispanic group members believed that they were also being targeted. One Hispanic PSC member stated, “And goodness knows if you start speaking Spanish, cause then there’s a problem. And it’s been done. Many, many times it’s been done. ‘We [referring to police] heard there was a Hispanic walking around and you fit the description.’ ‘How so?’ ‘Cause you Hispanic.’ ‘How do you know that?’ ‘Oh, you just said ‘Hola.’ ” Opinions such as these underlie Hypothesis 3, which, posits that minority youth were being treated more harshly by police due to community prosecution in Red Hook.

Much of the police contact complained of by members of both groups involved police stops that did not result in arrests. Members described innocently visiting a building located in the Red Hook houses to see a friend or relative and being stopped, thrown up against the wall and questioned by police. One Red Hook tenant complained “...you know, it doesn’t make a difference if you live there. They could see you coming in and outta that building 10 times in the past week if they’re in the mood they’re gonna stop and harass you regardless. They won’t even ask to see your I.D...I can come out of a family member’s building and before I can say anything or say I got my I.D. in my pocket, they are already putting their hands in my pocket and not for no I.D. They just looking for stuff that’s not there.” Reported interactions such as these may explain the differing opinions about the relationship between police and the community held by

minority versus White respondents that is reflected in the survey responses. Minority group members seemed to feel that they are treated more harshly by police generally and that the community prosecution/court initiative had exacerbated this. Although the quantitative data described in earlier chapters offers only slight support for these differences, the types of encounters described by the focus group members would not result in arrests, so they would not be reflected in the arrest or court records from which the data were drawn.

### **Focus Group Member Opinions about Community Relations with Criminal Justice Agents**

Since the opening of the RHCJC, the Red Hook community has been receiving resources from state and local government agencies that had in the past not been readily available to them. The focus group respondents unanimously expressed appreciation for the RHCJC's humane treatment of defendants, the access it provided to the courts for a range of legal issues including housing, minor youth crime and family issues, the services that are available to both defendants and residents, and the employment opportunities created by the Red Hook Public Safety Corps. Judge Calabrese, who presides over the court, was seen as being fair.

Members of both focus groups identified the police as the primary agent of criminal justice with whom community members came into contact. This was true despite the fact that the District Attorney placed a field office in the RHCJC building in order to facilitate more direct contact with community members. Even the PSC members, who actually work for the District Attorney, indicated that they didn't think that community members were aware of community prosecution because the attorneys basically stay in their offices, rarely venturing outside to meet the residents. One member stated, "It's like, what I do behind a desk? In an enclosed office? How are you reaching out to the community? It's so easy to sit in your office and implement all this programming, but when are you gonna get out there and actually see the results of what

you're doing?" Another stated, "It's not as if they go into the community and say 'here we are, how can we help you?' " Members of the resident group confirmed that overall they had little direct contact with prosecutors. (This sentiment was also reflected in the community survey discussed in Chapter 7.) Responses such as these provide little evidence that community prosecution in Red Hook has resulted in either increased interaction between the prosecutors and the community, or a belief among participants that the prosecutor was playing a new and more active role in the community.

Given this shared perception, it appeared that the relationship between the community and the police was critical to the delivery of the community prosecution initiative in Red Hook. However, rather than being seen as a valued resource, the police are described by both groups as being one of the neighborhood problems. Tenants spoke of being disrespected in their interactions with police, and Red Hook Public Safety Corps members speak of being profiled and handled roughly by the police because they "fit the demographic" of someone who committed a criminal act. A young Hispanic lady described her experience: "I come out of the building, you know, minding my own business and the cop grabs me by the arm very roughly like into the wall, 'where were you? What are you doing here?'... I was being totally disrespected because I fit someone else's description. And it was embarrassing, 'cause people were coming out of the building...I felt like you supposed to protect me. Who's going to protect me from you?" Both groups expressed anger about a specific form of disrespect by police. They describe officers driving their patrol cars on the sidewalks at a high rate of speed in a way that they believe endangered pedestrians, particularly children. Members of both groups characterized the police cars as "zooming" down the sidewalk. They complained that if residents were arrested

and cited for riding their bikes on the sidewalk, it was hypocritical for police to engage in what was perceived to be much more dangerous behavior with impunity.

Despite their issues with certain aspects of police behavior, both groups indicated that the recent increase in police presence made them feel safer. According to one tenant, “...just seeing them now and then does make me feel safer. Their presence is very much needed.” Another added, “I gotta say this here, look, we need police. We have to have the police here, but it’s the things that they’re doing, like how we saying about that targeting and everything.” While this sentiment was echoed by the PSC, some members believed that the police were acting more reasonably since the RHCJC opened: “...some of you may not agree with this, but I’ve seen a more kind police department. I’ve seen officers who are more willing to embrace and get to know you better. Maybe it’s because I’m a justice center employee and they see me here...” Some other members agreed that police were “acting a whole lot better...” and that if people approached them with respect, officers respected them in return. They attributed this to officers receiving education on how to treat residents, and to the new level of accountability to which they were being held by their superiors.

### **Focus Group Members’ Opinions about Quality of Life, Feelings of Safety in the Neighborhood and How They Have Changed**

Conversations with both focus groups indicated that those who were residents were content, even happy, living in the Red Hook community, mainly because of the relationships they had formed with their stable group of neighbors over time. Since almost all of the resident respondents had lived in Red Hook a minimum of 10 years, they were present during a period of time when Red Hook was considered a pretty dangerous place to live.

The non-residents from the PSC discussed their initial feelings of apprehension at the prospect of working in Red Hook, because of the negative things they had heard. One member

was told, “oh, you gonna go to Red Hook? It’s very dangerous. You shouldn’t walk out at night...” However, once she began to work in the neighborhood, she began to feel safe there, “I...feel like I can come here not only to work, I can bring my children here, I can bring them to the centers.” Another non-resident talked about becoming familiar with the neighborhood while administering the community survey, “ I got a good impression of the neighborhood, the people and I see it as being vital, I see it as growing...and I feel safe...I’m glad to be a part of this.”

Similar to the survey results discussed earlier, the primary crime issues identified by focus group members included drug sales and use, crack cocaine being the drug of choice. Graffiti and littering were noted as community problems as well.

Tenants indicated that the crime problem had been much more serious in the past. PSC member residents were more vocal: “...[Red Hook] always had ongoing shootouts and right if you dared to walk down here you were gonna get grazed by a bullet...It was really the O.K. corral...every time you walked out, you risked your life.” “Red Hook is a neighborhood that is still in transition, so I remember the, you know, the crack of the eighties, with the big crack surge of the eighties and the early nineties and I remember Patrick Daley being shot...remember the problems when you were young where you couldn’t even walk out of your apartment without having to step over someone and you couldn’t wait for your elevator because the light was out because you don’t know who’s lurking in the shadows. So now you’re confident to come out of your apartment and go to the incinerator...” Other members of the tenant focus group were in agreement, stating, “...I can come in at ...3 o’clock in the morning from church I don’t have to worry about someone pulling a gun on me...” These clear illustrations of improved feelings of safety both at home and on the streets of Red Hook bolster the results of the Red Hook survey, which also indicated clear improvements in feelings of safety.

Similar to the survey outcomes, however, respondents disagreed somewhat on when the changes began to occur, but agreed it was in the early to mid-nineties. Several members pinpointed the beginning of change just after the murder of Patrick Daley, a local school principal, which was the incident that District Attorney Hynes cites as the starting point for the RHCJC idea. “After our principal was killed, they realized okay, we’ve dropped the ball what has been going on in Red Hook all these years. You would call the police; there was no type of police response. I mean, the drugs, when I say people were actually using drugs in the hallway, you’d empty your trash and they were sitting on the floor with a syringe in their arm and no one cared.” It did not appear that the community members interviewed specifically connected the opening of the court with feeling safer, but rather, the court was considered one of the changes that took place as part of the “ongoing transition” that Red Hook was experiencing, which also included more police presence, better lighting, and new businesses moving into the area, as well as a steady growth in real estate values, and an influx of new residents. The PSC participants saw the improvements being made in the neighborhood as a form of urban renewal intended to make the area more attractive to affluent White people. One resident added, “...a lot has changed since then, I notice that...we’re getting lots of new faces and that’s because it’s like an invasion of White people that are moving into the neighborhood...As a result of that, I notice, okay, a lot more police presence okay, there’s a lot more going on...everything is being fixed...but it’s sad it had to come to that for us to get any... [help]”. Another added, “Red Hook is prime real estate, when you go to the “back” of Red Hook, you have the most beautiful waterfront view, so you know developers, they want this back area” “...a lot of people are fearful, like where we gonna go, where we gonna live?”

## II. Summary

Observations made by focus group members seemed, indirectly at least, to support Hypotheses 1-4. Taken together with the results from the Red Hook survey, both seem to paint a similar picture of life in Red Hook. There seemed to be consensus among focus group members who perceived an increase in low-level arrests since the RHCJC opened, particularly more often being cited for minor matters such as unleashed dogs, loitering and riding their bicycles on the sidewalk. Most residents seemed to view this focus as harassment, which interfered with their enjoyment of their neighborhood. Malkin's (2003) qualitative study of the RHCJC and the community response to its quality of life orientation found similar reactions from community members.

In classes and interviews, defendants expressed concern over "quality of life" policing, complaining about the numbers of tickets and the focus on minority populations. In classes defendants also often offered their own assessment of neighborhood problems. They frequently raised race and class issues, stating, for example, that they believed they were part of a social system that allows them to be targeted in order to provide police overtime and quotas.

Consistent with Hypotheses 3 and 4, which looked for "net-widening," members of both demographic groups also believed that they, as minority members, and specifically young, African American and Hispanic males were treated differently by police; that they were more likely to be stopped and cited for low-level crimes since the Red Hook brand of community prosecution was put into place. They believed that these minor incidents were used as a pretext to pull their youth who had no prior contacts into the system so they could, "have something on them." The police stops that they described as being a part of their everyday lives may offer some clarity as to why minority respondents seem less appreciative of their relationship with police than White respondents in the Red Hook community survey, yet the quantitative findings from post-implementation, Red Hook cases show only a slight trend of increased probability of

Hispanic defendants being drawn into court. Minority respondents expressed a belief that they were targeted by police generally, not only in Red Hook after the court opened, so similar treatment in post-implementation Red Hook to what they already perceived negatively in Kings County generally would still be negative. In addition, the differences in treatment they claimed to receive in Red Hook may not show clearly when described by arrest and case processing data, since much of what they complain about involves street stops not necessarily resulting in arrests. Only direct conversation with these individuals may reveal the true frequency of these interactions, and such incidents go far in coloring the feelings of these respondents about the police.

In addition, questions about the nature of relationships between the community and criminal justice agents revealed that although the RHCJC and its judge were seen in a favorable light, the community prosecutors were barely noticed, as they were described as rarely interacting with the community. These outcomes were also evident in the Red Hook community survey. The relationship between the minority respondents and the police, as the main contact with criminal justice, was not seen as favorable by focus group members. Only some of the PSC focus group members thought that the police were more approachable, but one acknowledged that this might have been because they knew she worked for the court. The resident group found relations with the police to be pretty negative, indicating that officers did not try to interact with them, instead choosing to stay in their cars. When asked about their opinion of community policing, they characterized it as having police “on the edge” of the community. They felt that the officers made no attempt to interact with them in positive ways and were unnecessarily rough and disrespectful towards them when making quality of life arrests and citations.

Finally, residents of the Red Hook housing project seemed content with their quality of life in Red Hook, primarily because they had stable, friendly neighbors. Little of their contentment had anything to do specifically with the RHCJC, however, except as a part of a transition that the neighborhood was going through. Similar to the survey responses discussed in Chapter 7, focus group members universally reported feeling safer both at home and on the streets of Red Hook; however, the origin of the changes seem to predate the opening of the community court/prosecution program.

There was some resentment on the part of the long term housing project residents, and the PSC members, who believed that the revitalization was driven by an interest in attracting more affluent residents to the area, with the result that long term residents would ultimately be displaced. Such an outcome would be far more appealing to White residents, who are far more likely to own property in the more gentrified area of Red Hook known as the “back.” The different, more positive feeling that White vs. minority survey respondents had about “improvements” in community problems such as drugs and littering seems to lend credibility to this perception. Only White respondents reported that these issues had improved post-implementation. Minority respondents observed no difference. Improvements, both completed and pending, were an encouraging sign of increasing property values. White residents may have been more likely to appreciate whatever differences there may be.

## CHAPTER 9

### **CONCLUSION AND IMPLICATIONS OF COMMUNITY-ORIENTED PROSECUTION FOR THE ROLE OF THE PROSECUTOR AND THE COMMUNITY**

This research examined an example of community prosecution in Red Hook, New York and explored some of the implications of this general national direction for the role of prosecutors as they turn toward the community, at least as they may have played out in one site. Similar to other historical factors that led to the growth of prosecutorial power, community prosecution stands to increase the domain, and influence of the American prosecutor. Although past changes in the role of prosecutors mainly affected courtroom performance, community prosecution theoretically moves prosecutors to the outside world as it involves more direct community contact, as well as toward interaction with a wider range of agencies and organizations--with prosecutors playing the leading role in these new relationships. As officials already subject to criticism for a dominant role in criminal justice affairs, prosecutors now stand to wield even greater influence. Ostensibly intended to benefit the community by helping to create better and safer living conditions, community prosecution may simply result in making prosecutors an even larger force, by allowing them to exert control over policing decisions and to have direct access to the community.

Across the United States, prosecutors' venture into "the community" has resulted in an interesting array of collaborations with other agencies, such as the City Attorney and the Liquor Control Board, organizations such as the YMCA as well as with a variety of community members--with prosecutors taking the lead in various types of cooperative efforts. As a result, the prosecutor has developed a variety of new tools for handling low-level crime (Irons-Guynn and Dote, 2002, pp. 108-120). In some jurisdictions, the implementation of community courts has created a new kind of working relationship between the court system and the prosecutor in

the interest of addressing community problems. This research examined a specific community prosecution program as an illustration of the national movement. It was not meant to be a program evaluation of community prosecution or community court (the available data would not support such an inquiry); rather it was a case study of a version of community justice and of the effect of a changing prosecutorial role, that has generated national interest.

Kings County is recognized for being one of the early “pioneering” community prosecution sites. Community prosecution was implemented there in 1991, utilizing zone prosecution to organize case processing in a manner that designated specific prosecutorial “teams” to handle cases from specific locations in this very large county,<sup>76</sup> allowing them to become familiar with those communities and their crime problems. The intent was to facilitate interaction between these prosecutors and their assigned community zones, so prosecutors could proactively target community problems, hopefully resulting in more effective and efficient case processing and making the neighborhoods safer. Kings County’s community prosecution effort also includes programs that target the county’s crime related issues, including a diversion program for drug offenders (DTAP) and a re-entry program for felons being released from prison (ComALERT). Low-level crime is also a focal point in all of Kings County as a part of its community prosecution effort. The Red Hook version of community prosecution incorporates all of these, while going quite a bit farther.

Red Hook provides perhaps the most high profile example in the United States of the coupling of community prosecution with community court, offering an instructive example of the efforts of a large prosecutor’s office in a large jurisdiction to deal with low-level crime in a small, targeted area. The Kings County prosecutor is one of relatively few prosecutors who were instrumental in the initiation, planning and operation of community courts within their

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<sup>76</sup> According to the 2000 census, Kings was the seventh largest county in the U.S., with a population of 2,456,326.

jurisdictions. Similarly in Travis County, Texas, Nassau County, New York and Portland, Oregon, community prosecutors provided much of the impetus for the creation of community courts. Prosecutors in these sites were involved to some degree in planning the operations of the courts. In Red Hook, as in the other three sites, community prosecution cases make up a substantial proportion of the community court caseload, thus the community prosecutors interact with the same judge on a regular, sometimes daily, basis. Prosecutors in these locations have indicated that community courts are an important part of their overall community prosecution strategy. In Portland, for example, community prosecutors cite the expedited and specialized handling of low-level cases as an asset in their focused strategy to handle that type of crime, as well as the restorative sanctioning that is now at their disposal (Goldkamp, et al. 2001, p. 65). Nassau County community prosecutors utilize the community court as an important tool in their handling of low-level juvenile crime (Irons-Guynn and Goldkamp, 2004, p. 66).

This study explored the impact of prosecutors expanded role on the content of the caseload by examining changes in the nature of the work they dealt with. At its most basic, the question addressed by this research was—if the prosecutor now means to be focused on low-level crime as a top priority, this should be reflected in the resulting caseload. Added to this approach, the research sought evidence that the community was aware that changes had been made, as reflected in the qualitative data: the neighborhood survey and the focus groups conducted with residents and workers in Red Hook. If both types of data sources revealed no evidence of changes in the court caseload or in the views of residents, it would be difficult to argue that community prosecution had made a meaningful difference in Red Hook.

It has already been acknowledged that the conclusions that can reasonably be drawn from this research have their limitations. Five sources of data were used to attempt to compensate for

shortcomings in each one taken separately. Ideally, the quantitative data would have allowed for a much longer period of observation than three months to compare Red Hook and non-Red Hook case processing and caseload characteristics. It would have been interesting to view the outcomes over several years post-implementation, in order to allow the initiative time to “take root.”

With regard to the qualitative sources, a probability based survey would have allowed for conclusions to be drawn that were more clearly representative of community sentiment. In addition, it would have been beneficial for this research had there been an opportunity to conduct additional focus groups, to tap into community sentiment in greater detail. A focus group consisting of more affluent, White community members would have provided the contrast necessary to make a more complete analysis of the relative impact of community prosecution on the various members of the RHCJC community.

Unfortunately, as is often the case with research, it was not possible to access the ideal data sets. However, the available data arguably provided enough information to begin to look at the Red Hook version of community prosecution and its implications for the community. In a sense, the research took the approach that evidence of the impact of this innovation could be deduced from its “footprints,” or from the conclusions implicit in what was and was not found. The following highlight the findings from the analyses presented relating to the four hypotheses.

### **Hypotheses 1 and 2**

Hypotheses 1 and 2 posited that the new emphasis of the prosecutor on low-level crime through the community court would result in more low-level arrests than previously or more minor cases compared to nearby areas not covered by the RHCJC. Findings indicated:

1. The volume of misdemeanor arrests increased in Red Hook after the court was implemented; the proportion of misdemeanor arrests to total arrests did not, however, appear to shift (NYPD Data Set).
2. The proportion of misdemeanor case filings from Red Hook precincts were higher than in surrounding parts of Kings County after the RHCJC was implemented. There was no relative increase in the volume of these cases (Kings County Data Set).
3. A small, but statistically significant weekly increase in the volume of RHCJC misdemeanor cases occurred over the first year of implementation, but there was no increase in the proportion of misdemeanor case filings to total case filings (RHCJC Data Set).

Findings 1 and 3, based on data sets allowing before and after comparisons only, suggest that the prosecutor's policy change influenced police arrest practices and caseload volume correspondingly. The observed differences, however, could simply reflect a police response to the more convenient location for processing low-level cases through the RHCJC. Police may have produced more misdemeanor arrests knowing that the new community court provided avenue for processing them expeditiously and more thoroughly (in a fashion similar to the "if you build it, they will come" theorem.) Previously, misdemeanor cases for Kings County were handled by a single misdemeanor court in downtown Brooklyn. This court processes an extremely large volume of misdemeanor cases, precluding the personal attention afforded to each case in the far more intimate RHCJC setting<sup>77</sup>.

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<sup>77</sup> Court observations by the researcher in both the Kings County Misdemeanor Court and the RHCJC in May, 2003 formed the basis of this argument.

Since neither of these analyses (Findings 1 and 3) provided evidence of an increased proportion of misdemeanor arrests or cases after the RHCJC was up and running, the increased volume of misdemeanors may have reflected countywide trends in the post-implementation year. According to the New York Department of Criminal Justice Services, total arrests in Kings County corresponding with the post-implementation period (combined years of 2000 and 2001) examined in Data Set 1 (190,514) increased by over 7,000 cases in comparison to the corresponding pre-implementation period (1998 and 1999) when there was a total of 183,411 arrests. Further, misdemeanor arrest figures drawn from the New York Department of Criminal Justice Services indicated an increase in misdemeanor arrests for Kings County overall for the post-implementation period (125,715) over the pre-implementation study years (109, 521) examined in this research. Misdemeanor arrests increased in New York City generally, which has been attributed to “order maintenance” policing as practiced throughout New York City since 1994 (Harcourt, 2002, at pp. 49.) This police practice, of course, significantly predates the Red Hook community prosecution/community court initiative.

In short, one reasonable interpretation of these findings relating to Hypotheses 1 and 2 is that Red Hook policing practice was not affected by the prosecutor’s wishes or the presence of the community court. Perhaps the observed post-implementation increase in misdemeanor arrests in Red Hook was simply part of a citywide trend.

Finding 2 indicated that although there was an increase in the proportion of misdemeanor filings across all Kings County precincts, an additional, significant increase in the proportion was evident in the post-implementation period in Red Hook precinct generated cases. Perhaps beyond the countywide increase in the proportion of misdemeanor cases attributable to community justice practices adopted throughout Kings County, the Red Hook initiative drove that proportion

even higher. This appears to provide evidence that the initiative increased the emphasis on misdemeanor cases. The increased emphasis, however, did not show when the focus was shifted lower on the misdemeanor scale, to petty offenses (B misdemeanors and lower), which could be considered more indicative of quality of life arrests.

Case filings differ from arrests as a measure of the impact of community prosecution because prosecutors, rather than the police, control the decision. The increase in the proportion of misdemeanor cases filed may reflect, to some degree, the manner in which the prosecutor elected to handle arrests produced by the police. In light of the fact that there was no evidence that the proportion of misdemeanor arrests changed in a significant way, the increase may simply suggest an enhanced prosecutorial focus on minor criminal matters, evident at a decision point controlled by the prosecutor.

### **Hypotheses 3 and 4**

The changes in arrests and case processing discussed above have presumably created some impact on the Red Hook community and its members. Did the processing changes noted above also influence the composition of defendants, and thereby make Red Hook residents or defendants like them on key factors, more likely to be targeted? Hypotheses 3 and 4 ask about these possible changes. For example, because many of the lower severity offenses are overlooked in communities where crime is less of an issue, it was likely that under quality of life scrutiny, individuals not generally perceived of as criminals might engage in behaviors that lead to arrest. Critics of quality of life policing and related community justice efforts have worried that the broad reach of enforcement of these initiatives may sweep law abiding citizens into the system, thus “widening the net” of the criminal justice system.

The reasons for net-widening have been debated. For example, Harcourt (2002) argues that quality of life arrests are often used as a pretext to stop young minority males suspected of more serious criminal behavior. Hypothesis 3 specifically posited that the prosecutor-initiated focus on misdemeanor crime would result in penalties for the Red Hook community: increased arrests of young people, minority group members and/or more Red Hook residents. If members of these groups were being arrested more often than before or were being arrested for the first time as a result of this new policy, then the prosecutor's new focus might have been producing the effect on the community that skeptics feared: net-widening.

Analysis of the Kings County Data Set (Data Set 2) suggested possible net-widening, but for only one minority group: Hispanics.

1. The relative probability of Hispanic offenders appearing in the entering caseload generated from Red Hook precinct arrests increased significantly in the post-implementation period. The increase was relative to Red Hook practices in the past, and to non-Red Hook past and current practices (Kings County Data Set).
2. The increased Hispanic defendant effect appears to have been a concomitant of the implementation of the Red Hook innovation. It remained fairly consistent, but showed a small, but statistically significant weekly decrease in the probability of Hispanics being part of the RHCJC caseload over the first year of implementation, according to the Red Hook court data.
3. Contrary to Hypothesis 3, there was a significant post-implementation decrease in case filings for African Americans (Kings County Data Set).

4. There was a small, but significant weekly increase in the probability of Red Hook residents and defendants under the age of 25 being drawn into the RHCJC caseload over the first year of implementation (RHCJC Data Set).

One might argue that findings 1 and 3 are interrelated, and arise from the demographic make-up of the RHCJC jurisdiction, as compared to the rest of Kings County. But, the analysis controlled for differences in the processing of cases arising due to location only (Red Hook vs. non-Red Hook (Kings County) precincts) at level 2. There was no significant difference between the precinct types in the probability of court referral for Hispanics when time was not considered. The analysis also controlled for the passage of time. There is no evidence to indicate that the difference observed was due to changes in practices over time only, without regard to whether the precinct was Red Hook or non-Red Hook. The pre/post-implementation measure indicated that during the post-implementation period, the probability of court referral for Hispanics decreased slightly, but significantly in the Kings County overall.

It is arguable, however, that the creation of the jurisdiction of the RHCJC in such a way that Hispanics formed the predominant minority group changed the arrest practices of the Red Hook precincts, post-implementation. Since the jurisdiction of the court included the entire 76<sup>th</sup> precinct, but only parts of the 72<sup>nd</sup> and 78<sup>th</sup> precincts, but the geography of the precincts themselves did not change, possibly the availability of the court to process arrests from Hispanic neighborhoods influenced police to make more arrests there, thus altering their focus to concentrate more on Hispanic offenders. At the same time, the addition of these neighborhoods to the jurisdiction of a court initially focused on the predominantly African American neighborhood of Red Hook meant that African Americans comprised a smaller percentage of the

jurisdiction's population, which perhaps resulted in a related decrease in the proportion they comprised of the post-implementation defendant population drawn from Red Hook arrests.

These findings therefore could actually support the net-widening hypothesis, that something about the operations of the RHCJC, specifically the manner in which the court's jurisdiction was carved out, produced a significant increase in the probability of Hispanics having cases filed against them, as opposed to other racial/ethnic groups.

Finding 2 may indicate that the Hispanic effect was dissipating over time. There was evidence of a small, but significant weekly decrease in the probability of Hispanic defendants as the first year of the RHCJC advanced. This finding does not offset, however, the significant difference in Hispanic defendants appearing in the RHCJC after the court was implemented, compared with traditional Kings County practices.

An additional finding suggested that when Hispanics were referred to court, they were increasingly referred for the more petty offenses (B misdemeanor or lower.) Because such offenses are easily overlooked, in the discretion of an arresting officer, this slight, but disturbing finding may suggest increasing harassment of Hispanics. However, this also is a small effect which may have little "real world" meaning.

Finally the contention of Hypothesis 3 that the community prosecution/court approach would have a disproportionate impact on local Red Hook residents and younger offenders received only slight support. There was no evidence of an increased probability that either group would appear in the post-implementation Red Hook caseload when it was compared to caseloads generated from arrests made in non-Red Hook precincts or in Red Hook precincts before implementation. But, there was a small, but significant weekly increase over the first year of the RHCJC in the probability of young or Red Hook residents appearing as defendants. For both of

these groups, the increase in these arrests was not for the more petty offenses as expected, but for more serious offenses (A misdemeanors, D and E felonies).

Such differences occurring over a short period may not provide enough evidence to argue that the RHCJC resulted in an increasing tendency to criminalize these groups. It does, however, suggest attention should be paid to assure that if a trend exists, it does not continue to worsen.

Hypothesis 4 tested the possibility that one impact of the RHCJC opening would be net-widening of the more commonly understood type: individuals with no prior criminal convictions would increasingly be drawn into the criminal justice system as a result of the focus on low-level crime. The analysis of the data reflecting court referrals for all of Kings County indicated:

1. When viewing the post-implementation caseload referred to court from arrests made by Red Hook officers, the defendants were significantly less likely to have prior criminal convictions (Kings County Data Set.)

The analysis controlled for effects due to age, race/ethnicity and gender. It also controlled for the possibility that ongoing court referral or arrest practice differences between Red Hook and non-Red Hook precincts could have created this effect. However, it appeared that the defendants referred to court from Red Hook precinct arrests were actually more likely to have prior convictions than defendants drawn from non-Red Hook precinct arrests. Neither is this effect attributable to time related trends, since post-implementation, the group of defendants arrested by Kings County precincts generally were more likely to have a history of criminal convictions than the group defendants who had been arrested by them before the court opened. The interaction of time and location, post-implementation defendants drawn from Red Hook precinct arrests, produced this outcome. This finding may be interpreted as providing support for the net-widening hypothesis.

## **Qualitative, Descriptive Findings**

Non-probability, qualitative data sources (community survey and focus groups), were used in this research to provide some context for the findings based on the quantitative data. Assuming that the misdemeanor focus employed in Red Hook resulted in the changes in the arrest practices and caseload characteristics described above, several questions logically followed. Were community members aware of a difference in criminal justice practice in their neighborhood and if so, did it translate into improved quality of life, better community/criminal justice relationships, decreased fear or the identification and reduction of community problems? Despite the limitations of the non-probability community surveys and focus groups, overall, there was not a great deal of evidence that the prosecutor's efforts in implementing its community prosecution/court initiative in Red Hook accomplished these articulated goals.

The CCI surveys suggested that the community prosecution/court initiative did not result in improved perceptions about quality of life in Red Hook or perceptions of the police. Views of the prosecutor/community relationship improved only minimally, but there was evidence to indicate that the community opinion about the court system did improve.

Slightly more than half of the respondents surveyed seemed relatively satisfied with Red Hook and content with the quality of life prior to implementation, but these perceptions did not increase post-implementation.

Hypotheses 3 raised issues of race and/or ethnicity based differential enforcement of the low-level crime focused community prosecution/court initiative in Red Hook and net-widening. For this reason, it seemed important to explore the question of whether some community members experienced this initiative differently than others. Findings from the CCI survey did seem to indicate that survey responses differed according to race/ethnicity.

On most questions, White respondents seemed more content than minority respondents appeared to be. For example, the community prosecution/court initiative did not appear to improve the relationship between minority respondents and police, however, White respondents were more satisfied with police initially, and seemed more appreciative of the prosecutor in the post-implementation period than the minority respondents.

Survey questions also included an inquiry about community problems and levels of fear. Since these matters can be impacted by so many different influences, and since this non-probability convenience sample fails to assure the representativeness of the response, little reliance is placed on this outcome. The findings indicated that these respondents agreed that public drug sales and use, public drinking and littering were major problems in Red Hook, but there was only a trace of a trend that they believed that these matters were becoming less of a problem over time. Responses also indicated that groups questioned each year were feeling safer, particularly at night, and on the street over time and post-implementation. These findings need to be explored more systematically using probability based research designs.

The second qualitative data set--the focus group-- conducted in Red Hook in May of 2003, provides a narrative view of how these attending community members—all non white--perceived community prosecution.

Focus group members perceived more police presence and police contact for minor criminal matters, after the court started. They complained of racial targeting and harassment because of the increased focus on low-level criminal matters. They noted that it was difficult to enjoy life in their community when they were stopped and cited for matters like being in the park after dusk on a summer night, when there was no place else for them to go to socialize with friends and neighbors. Many respondents believed that police used minor criminal incidents to

justify stopping and arresting them so that they could search for more serious violations, or simply to “get something on them,” like an arrest record, creating justification for later contacts. Focus group members believed that these negative interactions increased after the court was opened, and that the intensified minor crime focus resulted in drawing more of them--minority group members--into the criminal justice system.

African American respondents seemed particularly unhappy with the nature of the police contact subsequent to the court’s opening. Even though the quantitative data offered only partial support for the targeting hypothesis, as misdemeanor court referrals increased only for Hispanics, focus group members explained that increased arrests were not the only possible harmful result of an intensified focus on minor crime. One of the most significant complaints voiced by these respondents was being stopped by police when they were innocent of any wrongdoing. Since these stops did not result in arrests, the arrest and court data could not document this problem. From the perspective of law abiding residents, as suggested by their comments in the focus groups, it was questionable whether the improvements in feelings of safety that they seem to associate with the implementation of the community prosecution/court initiative offset the fear and humiliation they associated with being increasingly subject to random police stops, justified by suspicions of involvement in a wide variety of minor crimes.

Consistent with the survey outcomes, focus group respondents generally indicated that they were satisfied with their quality of life in Red Hook. However, this satisfaction apparently had little to do with the court. Survey responses indicated that levels of satisfaction did not improve post-implementation, suggesting that their feelings were not linked to the court. There were no follow up questions to capture why they were generally content. Focus groups allowed additional questioning. Responses indicated that the group members attributed their satisfaction

to feelings of closeness with their neighbors, not to any differences resulting from the community prosecution/court initiative.

Also consistent with survey responses, focus group respondents were feeling safer. They no longer felt fearful when out late at night and felt more comfortable in the hallways of their buildings, while in the past, they dealt with fearful aspects of their home environment. It was not clear, however, that these improved feelings of safety were directly linked to the community prosecution/court initiative. Rather positive neighborhood changes started in the mid 1990's and the improvements in safety were viewed in the context of a broader transition, of which the initiative was only a part.

The survey findings further did not provide evidence that the implementation of the community prosecution/ court resulted in improved relationships between minority respondents and either the police or the prosecutor, as the architects of the initiative would have hoped. There was, however, a positive response to the RHCJC. Focus group respondents added some perspective to these feelings. Police were described as being unresponsive to calls for service. They complained that police made no effort to get out of their cars and get to know them in benign social situations, and described community police as being more like police "on the edge" of the community. In addition, police were also seen as being unnecessarily rough and disrespectful in their treatment of minority community members. In his research on the RHCJC, Fagan's (2002, p. 931-934) interviews with Red Hook residents uncovered a similar response. Focus group members complained of being routinely stopped, pushed against the wall and searched. In the context of being cited for violations, they complained that officers were unnecessarily rude in the process.

Focus group respondents did not seem to notice any real difference in prosecutors' response to the community. There was no evidence of increased interaction between these respondents and prosecutors. Even the PSC focus group members, who actually work for the prosecutor, indicated that the prosecutors tended to stay in their offices; that they were not out in the community talking to people.

The overriding reality affecting these findings may be that police actions may greatly overshadow any prosecutorial actions.

The RHCJC itself and the judge were clearly seen in a more positive light. As compared to the court that handles misdemeanor cases for rest of Kings County, the group members were grateful for the more humane treatment they received from the RHCJC. They felt that the judge took time with them and treated them fairly.

Focus group responses offer some additional explanation for race/ethnicity based differences in responses between White and minority community members. These differences are interesting on many levels.

The original idea for establishment of the community court in Red Hook came about in response to issues mainly affecting the minority population residing in the housing project. Characterized in the 1980's by Life magazine as one of the most dangerous locations in the United States, the projects were overwhelmed by the crack epidemic. The accidental murder of a popular high school principal during a drug related drive by shooting was the catalyst for the program. The court, however, had to draw from a larger population than was represented by the projects to justify its expense. So the jurisdiction was expanded to include not only the area

identified as Red Hook, but several more affluent neighborhoods located nearby (Fagan and Malkin, 2003, pp. 943-946).<sup>78</sup>

Although this was logistically and fiscally necessary, the differential responses between White and minority respondents in the surveys, highlighted by the focus groups, raised the issue of whether, by creating an additional constituency with vastly different interests and far more resources, the original motivation for the community prosecution venture became lost in something that looks more like gentrification. In his study of the Red Hook community, Fagan (2003) also noticed these different interests:

The inclusion of these other neighborhoods, however, each with stronger political and social capital, may disadvantage Red Hook in its fight for social and economic resources. At the least, for those in the community who were told that this is the "Red Hook Community Justice Center," it has seemed either confusing, or representative of the way Red Hook is always left behind in reality (Fagan and Malkin, 2003, p. 945)

Such differences are evident not only as between Red Hook and the additional neighborhoods that make up the jurisdiction of the court, but also in the divisions within the Red Hook community itself:

Newer arrivals, gentrifiers, and older residents who live in the private houses at one end of Red Hook are mobilized mainly through their aspirations to transform the neighborhood into one more "Brooklyn residential brownstone" neighborhood. In contrast, the residents of public housing (which comprise the neighborhood's majority) are more concerned with maintaining the public housing projects, and the creation of new opportunities, such as jobs and after-school programs... (Fagan and Malkin, 2003, pp. 917-918)

Focus group members worried that the improvements that were being made in the neighborhood--including the increased criminal justice presence through the RHCJC--were not for them. They sadly noted that it took the murder of the school principal to draw attention to their plight. They also observed more White newcomers moving in to take advantage of the

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<sup>78</sup> The jurisdiction of the RHCJC includes the following neighborhoods: Park Slope, Sunset Park, Carroll Gardens, Cobble Hill, Gowanus, Windsor Terrace, Wykoff Gardens, Boerum Hill

improved community with its beautiful waterfront views. And they feared that they would ultimately be displaced from their homes, and have no place to go. These types of issues probably contributed to how differently the mostly African American and Hispanic housing project residents responded to the increased presence of police in the community, in comparison to the response of their more affluent, mostly White, neighbors.

### **Implications for the Role of the Prosecutor**

The findings of this research are potentially useful for those involved in the community prosecution/court initiatives. For example, one of the objectives of the Red Hook version of community prosecution was to facilitate interaction between prosecutors and the community, by placing a team of prosecutors in a pilot office in the RHCJC building. Findings indicate that simply locating a prosecutor in the target neighborhood does not strengthen links with the community. Although the Chief of the Red Hook prosecution team indicated in an interview that she was active in the community through attendance at community meetings, it appears that there was a lack of grassroots contact. Ordinary citizens in both the focus groups and the convenience sample surveys showed little awareness of these efforts (although surveys based on probability samples might have shown otherwise.) The most important representative of the criminal justice system in Red Hook continued to be the police. And the enhanced focus on minor crime did not improve the community's view of them.

The post-implementation police-community contact may have increased far more than suggested by the minor arrest increase detected in this research. Members of both focus groups felt that after the court was implemented, minority community members increasingly endured police stops on a routine basis. The minor crime focus may have enabled police to increase surveillance efforts by making more investigatory stops. Though these stops may, in some

instances, have resulted in the discovery and prevention of some serious crime, respondents felt the stops amounted to harassment of many innocent people. Harcourt's (2001, p. 101) research on New York City's order maintenance policing led him to a similar conclusion. What really drove any effects of this initiative was the "enhanced powers of surveillance" afforded by the quality of life initiative. It gives police a legitimate reason to search and seize based upon suspicion of having committed a low-level crime.

Perhaps prosecutors need to be cognizant of what might be a tendency on the part of some police to further alienate the community by using the minor crime focus to justify more stops and searches, hoping to make more arrests for serious matters. The relationship between criminal justice and the community may have grown less trusting. When people feel that they are being targeted unfairly (Tyler, 2005, p. 338-339; Sunshine and Tyler, 2003,) it can have an adverse impact on the legitimacy of the criminal justice system. When citizens lose respect for police, they are also likely to become less cooperative--the exact opposite of the stated goals of community prosecution.

Despite all of this, the focus group members stated that they really wanted the police to be present in their community, but in a positive way. They reminisced about the old days when the officers assigned to walk a beat in the neighborhood took the time to get to know them, and earned their respect and cooperation. It seems clear that the community would be open to a different approach by police, one that emphasizes relationship building, which could improve the prospects of reaching the goal of community participation in dealing with local crime issues.

This leads to what is perhaps the most significant finding from this research which is the role of the police in community justice initiatives. Through the initiation of this neighborhood based style of community prosecution, the Kings County prosecutor hoped to have more direct

contact with the community. That might have allowed prosecutors to actually bypass the police and get directly to the heart of criminal matters in Red Hook. But there is no evidence that this took place, or that it was feasible to do because of the omnipresent front-line presence of the police in Red Hook. It appears from these findings that prosecutors need to recognize the importance of the role of the police in any community-based endeavor, because as that relationship goes, so goes the community impression of what is being done. At least, this seems to be true given the form of community prosecution implemented in Red Hook.

Perhaps a more direct approach to community engagement is required to reach past community meetings with their politically active member base to the less visible majority. For example, in Nassau County, New York, community prosecutors carried a reduced caseload while spending most of their time working with neighborhood youth in a variety of enrichment programs, including sports and vocational training. Their daily presence in the community seemed to give them a direct community connection that is probably not possible without leaving the office. Or, perhaps if prosecutors actually rode along with police or located their offices in police precincts, as was done in Portland, Oregon, this would facilitate not only more direct contact with the community, but allow the cultivation of a more concerted community response between prosecutors and police. This would allow the prosecutor more input into and more awareness of how the police were handling their part in the initiative.

### **Suggestions for Future Research**

Future studies on community prosecution programs similar to the Red Hook Model would benefit from looking at the dispositions produced by the community court in comparison to a traditional misdemeanor court, and a comparison of the impact of each on the recidivism of the offenders. Does the more treatment oriented approach that the prosecutor sought through this

innovation really deliver, and if so, does it benefit the offender and/or the community? The data sets used here did not allow any valid conclusions to be drawn on this question.

The prosecutor's close involvement with the initiation, planning and implementation of the RHCJC would also be an area for further exploration. The implications of this close connection between prosecutors and community courts are interesting. They raise questions about the appropriate degree of interaction between these two agencies, the amount of influence over the shaping of community courts that prosecutors should have, and how this collaboration affects both the rights of the defendant and the traditionally adversarial relationship between prosecutors and defense attorneys.

Research should consider whether the community benefited from a reduction in crime traceable to the intervention. Changes in community problems and fear are also of interest. Findings of this research suggest that fear may in fact have decreased after the court was implemented. Surveys with scientifically defensible probability samples and panel designs are needed.

Ethnographic based research would allow an in depth look at community needs and response to what was being done, enabling prosecutors to refocus their efforts towards the end of achieving their stated goals. Is the policy having a different impact on some members of the community than others? Is the manner in which it was implemented causing more problems than it is solving? Quantitative research can only detect outcomes for which data is kept. It is subject to the interpretation of the researcher, who may miss the real impact on real people. Discussion with the affected community seems to be the only way to understand how they are being impacted by initiatives that are meant to benefit them, but may actually have unforeseen side effects that undermine that intent.

## **Conclusion**

The purpose of this research was to study community prosecution as it was applied in one specific site, in order to explore its possible implications for the role of the prosecutor, as well as its impact on community members. The Red Hook community prosecution program used a misdemeanor focused approach, delivered through a community court, to deal proactively with neighborhood crime problems and to engage the community in responding to crime. While traditionally, prosecutors focus on serious felony crime, a focus on less serious matters is thought to be an effective approach to preventing more serious matters and clearing up neighborhood problems that interfere with community satisfaction. Prosecutors also hoped to make a more direct connection to the community and to improve the relationship between them and criminal justice agents. If they were successful in carving out this connection, the role of the prosecutor could expand past the police, who are generally the only CJ agents with whom most citizens deal directly. Potentially, this new role for prosecutors would expand their power and influence in the criminal justice system even beyond what they have enjoyed as a result of system changes such as the limitation of judicial discretion through determinate sentencing over the last several decades.

Early findings indicated that the initiative may have resulted in some changes in the Red Hook community. There was evidence that some goals were being met. More misdemeanor arrests were made, which may be interpreted as having occurred as a police response to the prosecutor's emphasis in the community court setting. A greater proportion of misdemeanor cases were filed after the program was implemented, possibly representing a result of the community prosecution influence. These findings may indicate that, during the early, first 51 weeks of implementation, the misdemeanor-focused strategy was at least beginning to take

shape. Unfortunately, findings also raise concerns about the possibility that this approach may have resulted in widening the criminal justice net in a neighborhood that already had negative feelings about criminal justice. The make-up of the caseload carved out of the Red Hook catchment area to initiate the community court operation produced a larger probability of Hispanic defendants and a smaller probability of defendants with prior convictions compared to the pre-implementation composition of the caseload produced by Red Hook arrests and the caseload produced from all other Kings County precinct arrests examined in this study. And these changes may indicate that the initiative resulted in drawing a different group of defendants into the criminal justice system as a result of the courts early stage operation in the location in which it was placed.

Perhaps the additional criminal justice presence in the neighborhood, through the RHCJC improved the image of the court system generally-though not necessarily the image of the prosecutor-and helped somewhat to reduce fear. It seemed that efforts to connect the prosecutor more directly with the community members were unsuccessful in getting past an increasingly negatively perceived relationship between the community and the police. If the Kings County prosecutor truly intended to forge a direct relationship with the community, a different approach would clearly be necessary. Options include a more grass roots involvement in community activities that may reach the less politically involved citizens—the majority of the community. A second option would be to require a closer partnership with police in reaching out to the community. Such an approach could serve the dual purpose of influencing the nature of the police interaction with community and improving the interaction between the two agencies. Either of these approaches could potentially go farther than the approach reflected in these data representing the very early days of community prosecution in Red Hook to expanding the role of

the prosecutor. Judging from its development and community involvement in other locations (E.g. Portland, Oregon; Austin, Texas and Denver, Colorado) community prosecution clearly offers the potential for this to happen. As of 2003, when the focus group discussions were conducted, the Red Hook innovation appeared to have only just scratched the surface in this regard.

Certainly, ongoing research in Red Hook will help solidify these early findings—this study was limited to a search for the “footprints” of prosecutorial impact of the Red Hook community prosecution/community court and as such, it would be inappropriate to draw conclusions about the longer term impact of the Red Hook initiative. Early findings suggest that some changes may have been minimal, some may have been administrative (or at least internal to the prosecutorial organization) and some may have been unmeasurable given the data available to this study.

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## APPENDIX 1

### DATA SET 1-ARREST DATA VARIABLES

Focus: Arrests

Time period: Discontinuous, 1998-2001

Units of Analysis: Precinct, Months

N of cases: 46 months of data for each of three precincts (2 months data missing), 138 months total.

Location: Three Red Hook police precincts: 72, 76, 78

Treatment variable: Score 0 for the 72<sup>nd</sup>, 76<sup>th</sup> and 78<sup>th</sup> precinct prior to implementation, (April 2000) score 1 after implementation.

Dependent variables: Level 1 tracks volume and proportion of crime type over time (monthly) and level 2 tracks by precinct

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<i>Felony - (specific offenses)</i>	<i>Misdemeanor - (specific offenses)</i>	<i>Violation</i>
Murder and non-negligent manslaughter, forcible rape, robbery, felonious assault, burglary, grand larceny-no vehicle, grand larceny-motor vehicle, possession of stolen property, dangerous drugs, dangerous weapons, other felonies (per month)	Burglar tools, possession of stolen property, sex crimes, dangerous drugs, dangerous weapons, petit larceny, theft of services, assault 3 <sup>rd</sup> , liquor laws, gambling, criminal mischief, criminal mischief, criminal trespass 2 <sup>nd</sup> - 3 <sup>rd</sup> , prostitution, resisting arrest, other misdemeanors (per month)	Totals only

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## APPENDIX 2

### DATA SET 2 – KINGS COUNTY COURT DATA VARIABLES

Focus: Charge seriousness (court filings)

Unit of Analysis: Individual cases that include low-level (D and E) felonies, misdemeanors, violations and infractions.

Time period: 2 quarters: (T-1) third quarter of 1998, the months of July, August and September; (T-2) first quarter of 2001, the months of January, February and March. Examine data weekly T 1 (n=14 weeks), T-2 (n=13 weeks)

N of cases: T-1 n=19,296, including 1,739 cases from Red Hook precincts (prior to initiation of community court); T-2 n=22,988, including 1,808 cases heard in community court.

Location: All of Kings County, including Red Hook

Treatment variable: At T-1: score 0 for all police precincts pre-treatment; At T-2: score 1 for 72<sup>nd</sup>, 76<sup>th</sup>, and 78th precincts post-treatment, 0 for all else (other Kings County precincts)

Control variable: Temperature for Monday of each week.

Dependent variables: Volume of cases low-level cases, proportion of low-level cases to total cases. Examine pre-and post-implementation.

#### Independent Variables

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<i>Arrest variables</i>	<i>Defendant variables</i>
Arrest date, precinct of arrest, first most severe arrest charge, charge severity- (felonies - D and E), (misdemeanors - A,B, unclassified), violation, infraction;	Age, gender, ethnicity (African American, White , Hispanic, Other), residence (RHCJC jurisdiction or not), prior convictions

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### APPENDIX 3

#### DATA SET 3 - RED HOOK COMMUNITY JUSTICE CENTER DATA VARIABLES

Focus: Charges, defendant demographics, prior convictions and dispositions

Unit of Analysis: Individual cases that include low-level felony (D and E felonies), misdemeanor and violation

Number of cases: n=4,088

Time period: April 2000 through March 2001, (11 months)

Location: Red Hook Community Justice Center catchment area (72<sup>nd</sup>, 76<sup>th</sup> and 78<sup>th</sup> precincts)

Dependent variables: volume and proportion of higher and lower level offenses, examined over time

Independent variables: race, age, gender, place of residence, prior criminal history, examined over time.

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<b>Defendant variables</b>	<b>Court Variables</b>
Age, gender, race (African American, White, Hispanic); prior convictions, residence (RHCJC jurisdiction or not)	Arresting precinct, first most severe arrest charges

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## APPENDIX 4

### DATA SET 4 - COMMUNITY DATA VARIABLES

Focus: Community opinion trends

Unit of Analysis: Place of residence, demographics, years

Time period: 1999-2001

N of cases: 1999 - (n=980); 2000 - (n=1743); 2001 - (n=1169); 2002-(n=1342)

Location: Red Hook Community Justice Center catchment area

Analysis: Descriptive, examine trends over time, pre-and post-implementation

Dependent variables: Race, place of residence

#### **Community Survey Questions**

Specific questions changed in relatively minor ways over time. Questions will be summarized generally.

General question categories:

Preliminary

- 1.) Do you live, work, own a business in the Red Hook (1997, 1998) /catchment area 1999-2002)?
- 2.) How many years have you lived/worked there?
- 3.) How do you feel about the neighborhood as a place to live/work? (very satisfied---very unsatisfied)
- 4.) Over the past year, how would you rate the quality of life? (very poor---very good)
- 5.) In the past year, has the quality of life gotten better, stayed the same or gotten worse?
- 6.) Rate issues as very big problem---not a problem (public: drug sales, fighting, drug use, drinking; mugging, littering, prostitution, domestic violence, child neglect/abuse...)

*Fear of crime/safety*

- 7.) How safe do you feel at night: on the street, in your home, in your lobby, in the parks...(very safe---very unsafe)
- 8.) How safe do you feel during the day?
- 9.) Out of concern for safety, do you do any of the following? (always, sometimes, never): avoid certain streets, stay in at night, not travel alone...carry a weapon.
- 10.) How worried are you about: someone breaking into your home (1997, 98, 99) robbery, assault (2000, 2001, 2002)?
- 11.) Have you been a victim within the last 12 months of: mugging/robbery, rape/sexual assault, burglary of home, car...been shot at, stabbed (yes/no)?
- 12.) Has anyone you know been a victim?
- 13.) Identify youth crime problems: trespassing, school fighting...public drinking (big problem—not a problem.

*Relationship with Criminal Justice agents*

- 14.) In your experience, how is the police response in your neighborhood over the past year (excellent---unsatisfactory, no opinion).
- 15.) How would you characterize the relationship between the police and your community over the past year? (Very positive---very negative).
- 16.) Characterize the District Attorney's response to complaints and issues.
- 17.) Characterize the relationship between the courts and your community.
- 18.) Have you heard about the RHCJC?
- 19.) Have you had a case processed through the court? (2001, 2002)

20.) How do you feel about having the court in your neighborhood?

21.) Have (2001, 2002)/will you use(d) the services?

22.) What (1997, 98, 99, 2000) (additional) (2001, 2002) services do you think should be offered?

Respondent demographics

23.) Gender

24.) Ethnicity

25.) Age (all but 1998)

26.) Do you live in the Red Hook Houses (all but 1998)

## APPENDIX 5

### THE EMERGING COMMUNITY ROLE OF THE PROSECUTOR: SUMMARY OF RESEARCH QUESTIONS, DATA COLLECTION AND ANALYSIS

Question	Hypothesis	Data Source/Sample	Data Content	Analysis
I. Does the prosecutor's community emphasis in the RHCJC produce a shift toward minor or "quality of life" criminal cases?	1. The prosecutor's community focus in the RHCJC produces a caseload that consists of more and/or a greater proportion of minor/misdemeanor cases seen there than before its implementation.	a) <b>Data Set 1:</b> Arrest Data; three Red Hook precincts (72nd, 76th, and 78th); monthly aggregate 1998-2001.	a) Number of arrests by month; total, arrest types, precinct making arrest	a) HLM. Show similarities and long term trends in 3 Red Hook precincts and changes associated with RHCJC in 2000. Also multiple dependant variables to identify whether changes are specific to lower level offenses.
		b) <b>Data Set 2:</b> New York Criminal Court Data-includes court filings for all D&E felony, misdemeanor and violation and infraction criminal cases for Kings County (Brooklyn) from the last quarter of 1998 (n=19,296) and the first quarter of 2001 (n=22,988) aggregated weekly.	b) All cases filed, criminal charges (type and severity), dates and location of arrest (precinct).	b) HLM analysis tests this assumption by contrasting a) court filing data in three Red Hook precincts before (T 1) and after (T 2) implementation of community court, while controlling for temperature.
		c) <b>Data Set 3-</b> RHCJC data; community court records from 4/2000 thru 3/2001 (all cases n=4,088)	c) Criminal case data, charge (type and severity), location of arrest.	c) HLM. Aggregating data into 46 months, trend analysis in types of cases processed in the RHCJC over time once RHCJC is established. Analysis of changes in nature of matters entering over time. Explain changes in trends per hypothesis that prosecutor community-focus should increasingly specialize in quality of life/minor offenses.

Question	Hypothesis	Data Source/Sample	Data Content	Analysis
	2. The prosecutor's community focus in Red Hook precincts produces a caseload that consists of more and/or a greater proportion of minor/misdemeanor cases when caseload characteristics in contiguous precincts are taken into account.	Data Set 2 - New York Criminal Court Data- court filing data, all Brooklyn precincts	Same as under 1(B)	HLM. Pre/post design placing possible Red Hook precinct changes in caseload in the context of other Brooklyn precincts within time slices (1998 and 2001 - before and during time when community prosecution is underway) and across time slices. Purpose is to determine whether any Red Hook changes are accounted for by caseload trends in surrounding non-Red Hook precincts by comparison of precinct changes in caseload attributes.
II. Does the hypothesized shift in targeted cases involve an expansion of the type of community members entering the criminal process?	1. The caseload of minor offenses resulting from prosecutor's community focus will involve more defendants from the Red Hook community and more defendants with attributes of residents in the community than before community prosecution in RHCJC and in contiguous areas.	a) Same as under 1(B)- Data Set 2- New York Criminal Court Data	a) Defendant demographics, priors	HLM. This analysis repeats the above analyses but focuses on defendant attributes (demographics, prior record), attempting to control for caseload attributes in those precincts prior to implementation of community prosecution and in other non-Red Hook precincts. By comparing Red Hook precincts (pre/post) in the context of contiguous precincts, analysis seeks to determine whether local effects are delivered.
		b) Data Set 3- RHCJC data	b) Defendant demographics, priors	HLM. Analysis of persons involved as defendants in cases processed in the RHCJC over time. Analysis of changes extent to which these involve area residents entering over time. Explain changes in trends per hypothesis that prosecutor community-focus should increasing involve residents.
	2. The caseload of minor offenses resulting from prosecutor's community focus will involve more defendants with no or few prior contacts with the justice system.	a) Data Set 2- New York Criminal Court Data	a) CJA-All cases filed, criminal charges, dates, defendant information, location (precinct).	a) HLM. This analysis repeats the above analyses but focuses on defendant attributes (prior justice history), by attempting to control for caseload attributes in those precincts prior to implementation of community prosecution and in other non-Red Hook precincts.

Question	Hypothesis	Data Source/Sample	Data Content	Analysis
		b) Data Set 3 – RHCJC data	b) Defendant demographics, prior convictions	b) HLM analysis in demographics and prior histories of persons processed in the RHCJC over time. Analysis of changes in prior justice histories of defendants entering over time. Explain changes in trends per hypothesis that prosecutor community-focus should increasingly involve large numbers of citizens with no or few prior criminal offenses in their histories.
III. To what extent does the prosecutor’s community orientation improve public perception of safety and satisfaction with justice agencies?	1. The shifts in prosecutorial emphasis toward quality of life concerns in the community should improve residents perception of safety and satisfaction with justice agencies	a) Data Set 4 - Community Data: RHCJC community survey repeated in years '99 through '01: '99n= 980, '00n=1743, '01n=1169.	a) Opinion poll of community members surveyed about community safety prior to and after 4/2000 court implementation. Survey used convenience sample	a) Descriptive, qualitative analyses capturing community views from areas in Red Hook. Although not rigorously designed, offered as qualitative data show signs possibly confirming empirical findings and/or reflecting on prosecutor’s community emphasis.
		b) Data Set 5: Participant Perspectives: Two focus groups include 18 tenants of Red Hook housing project and 12 members of RH PSC	b) Open discussions of themes relating to justice agencies and neighborhood safety	b) Descriptive, qualitative analysis to add citizen perspective relating to performance of prosecutor, other justice agencies and safety.

## APPENDIX 6

### PARTICIPANT PERSPECTIVES

#### FOCUS GROUP GUIDE FOR RED HOOK RESIDENTS MAY 9, 2003

*[Note: The topics to be treated in the focus groups are drawn from knowledge of the aims of the community justice movement with a focus on community prosecution, the evaluation issues and the operational challenges faced by community prosecutors in this country so far. Each session begins with an explanation of the focus group and its purpose, as well as some ground rules for how it will operate. Each participant is asked to sign a consent form that ensures anonymity, explains the independent role of the research team and states that no specific statement made by any individual in the session will be linked to that individual or shared with any official agency (police, prosecutor, drug court or other agencies). Each participant received a twenty-five dollar gift certificate for participating in the approximately two-hour session.]*

#### **I. Introduction:**

- Who we are and the purpose of the focus group
- Policy on confidentiality (provide confidentiality agreement for their signatures)
- Honorarium
- Participation is voluntary
- No statements will be attributed to specific individuals
- Questions
- Ground rules: be candid, take turns so we can get all views, about 90 minutes to 2 hours

**(Session is audio recorded from this point)**

#### **II. Background:** *Participants are asked to describe briefly where they reside, how long they have lived there and how they feel about the neighborhood, including the presence or absence of crime problems. They are also asked to describe drug and crime problems where they work.*

- Where do you live, and how long have you lived there?
- Do you work in the community?
- Are you married; do you have children?
- How would you describe your neighborhood?
- Is there a crime problem where you live and/or work? Describe it.
- Do you feel safe there during the day? At night?
- Do you feel comfortable having your children playing outside?
- Has the neighborhood changed in recent years? If yes, what do you think caused the change?

- Do your children attend the local public school? How do you feel about the school your children attend?

### **III. General Understanding of Community Justice**

- What do you think is the purpose of the community court (Why is it here?)
- Do you think it helps people with their problems?
- Do you think that community members who aren't arrested use the services offered here?
- Do you know anything about community police? What?
- Are you aware of more police out in the community?
- Do you think it is a good thing that they are there?
- Do you know anything about community prosecutors and what they do?
- Have you ever had any direct contact with a prosecutor? Was it positive or negative, and why?
- Are you aware of any of the programs offered by the prosecutor?

### **IV. The Community Justice Experience**

- Have you or has anyone you know used any of the services offered by the court?
- If yes, how were you treated? If not would you ever use the services? Why not?
- Did the court give you access to services that you wanted, but couldn't get for yourself before?
- Are neighborhood residents happy that the court is here?
- Are the police welcome in your community? If not, why not?
- Do you believe that they make the neighborhood safer?
- Do you believe that you can speak directly to a prosecutor about a problem in the community? Have you or has anyone you know ever done this?

### **V. Implications of Community Justice For Residents**

- Do you think that people are more likely to get stopped by police since the community court opened?
- Do you think people are more likely to be arrested for things that they wouldn't have been arrested for in the past since the court opened?
- Do you think people are more likely to be stopped or arrested in your neighborhood than in more affluent neighborhoods? If so, is this a good thing?
- Do you believe that people should be arrested for minor crimes like turnstile jumping or graffiti?
- Is there more, less or the same amount of crime in this area since the court opened?
- Is this community safer since the court opened?

- Have services to this community improved?
- Are the Red Hook Houses safer?
- Do you think the court, the police or prosecutors had anything to do with positive changes in your neighborhood?

## **VI. Community Involvement**

- Are you a member of any community groups? Why or why not?
- Do you attend community meetings? If not, why not?
- Do you know whether prosecutors, police or judges appear at these meetings?
- Do you see prosecutors, police or judges at neighborhood events?
- Do you believe that anyone cares about the problems in your community?
- Do you believe that the court, the police or the prosecutor has or will do anything to help with the problems?
- Do you believe that any community groups represent your interests?
- Do you believe that the community members who are involved with the court really know and represent the best interests of the community?
- Do you believe that you or people you associate with are being targeted by any community groups or the police?
- Do you believe that some of your neighbors are used by the police to get information about the activities of other neighbors?
- If so, do you believe that this is in the best interest of the neighborhood?

**FOCUS GROUP GUIDE FOR  
RED HOOK PUBLIC SAFETY CORPS  
MAY 9, 2003**

*[Note: The topics to be treated in the focus groups are drawn from knowledge of the aims of the community justice movement with a focus on community prosecution, the evaluation issues and the operational challenges faced by community prosecutors in this country so far. Each session begins with an explanation of the focus group and its purpose, as well as some ground rules for how it will operate. Each participant is asked to sign a consent form that ensures anonymity, explains the independent role of the research team and states that no specific statement made by any individual in the session will be linked to that individual or shared with any official agency (police, prosecutor, drug court or other agencies). The session took place during the work day. Participants were not compensated for participating in the approximately two-hour session.]*

**I. Introduction:**

- Who we are and the purpose of the focus group
- Policy on confidentiality (provide confidentiality agreement for their signatures)
- Honorarium
- Participation is voluntary
- No statements will be attributed to specific individuals
- Questions
- Ground rules: be candid, take turns so we can get all views, about 90 minutes to 2 hours

**(Session is audio recorded from this point)**

**II. Background:** *Participants are asked to describe briefly where they reside, how long they have lived there and how they feel about the neighborhood, including the presence or absence of crime problems. They are also asked to describe drug and crime problems where they work.*

- Where do you live, and how long have you lived there?
- Did you attend school in the community?
- Are you married; do you have children?
- How would you describe your neighborhood?
- Is there a crime problem in the Red Hook community? Describe it.
- Is there a drug problem in this community? Describe it.
- Do you feel safe there during the day? At night?
- Do you and your neighbors feel comfortable having your children playing outside?
- Has the neighborhood changed in recent years? If yes, what do you think caused the change?
- Do your children attend the local public school? How do you feel about the school your children attend?

### **III. Description of their Role in the Community**

- Describe the types of work you do in the community.
- Do you feel safe performing your job in the community?
- Do you believe that the community members want you around?
- Do you believe that the community is aware of what the court has to offer?
- Do you think it helps people with their problems?
- Do you think that many community members who aren't arrested use the services offered here?
- Are you aware of more police out in the community than before the court opened?
- Do you think it is a good thing that they are there?
- Do you believe that the residents are happy that they are there?
- Do the community prosecutors become involved in the neighborhood?
- Are you aware of how community members feel about the prosecutors?

### **IV. The Community Justice Experience**

- How did you feel about the court, police and prosecutors before you took this job?
- Did you or anyone you associate with ever have any negative interactions with any of them?
- How do you feel about them now?
- Do your friends and neighbors treat you differently because you work at the court? Describe.
- Are neighborhood residents happy that the court is here?
- Are the police welcome in your community? If not, why not?
- Do you believe that they make the neighborhood safer?

### **V. Implications of Community Justice**

- Do you think that people are more likely to get stopped by police since the community court opened?
- Do you think people are more likely to be arrested for things that they wouldn't have been arrested for in the past since the court opened?
- Do you think people are more likely to be stopped or arrested in your neighborhood than in more affluent neighborhoods? If so, is this a good thing?
- Do you believe that people should be arrested for minor crimes like turnstile jumping or graffiti?
- Is there more, less or the same amount of crime in this area since the court opened?
- Is this community safer since the court opened?
- Have services to this community improved?
- Are the Red Hook Houses safer?

- Do you think the court, the police or prosecutors had anything to do with positive changes in your neighborhood?

## **VI. Community Involvement**

- Are you or people you associate with a member of any community groups? Why or why not?
- Do you or people you associate with attend community meetings? If so, did you attend before you came to work at the court? If not, why not?
- Do you see prosecutors, police or judges appear at these meetings?
- Do you see prosecutors, police or judges at neighborhood events?
- Before the court opened, did you believe that anyone cared about the problems in your community? How do you feel now?
- Do you believe that the court, the police or the prosecutor has or will do anything to help with the problems?
- Do you believe that any community groups represent your interests or those of people you associate with?
- Do you believe that the community members who are involved with the court really know and represent the best interests of the community?
- Do people you associate with believe that they are being targeted by any community groups or the police?
- Do you believe that some of your neighbors are used by the police to get information about the activities of other neighbors?
- If so, do you believe that this is in the best interest of the neighborhood?

## APPENDIX 7

### TABLE OF CASES

Brady v. US, 397 US 742 (1970)  
Moses v. Kennedy, 219 F Supp 762 (DDC 1963)  
People v. Wabash, 12 Ill. App 263 (1883)  
Santobello v. New York, 404 U.S. 257 (1971)  
State ex rel McKittrick, 346 Mo 990, 144 SW 2d 91 (1940)  
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