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**Lessons for the Criminal Justice System from Twenty Years of
Policing Reform**

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**Keynote Address
“New Beginnings” -- the First Annual Conference of the
New York Campaign for Effective Crime Policy
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I am delighted to be here, home again in New York City, and am particularly honored to be invited to address, "New Beginnings," the first conference of the New York Campaign for Effective Crime Policy.

I commend you for bringing together this wonderfully-broad based coalition -- including judges, legislators, prosecutors, educators, labor leaders, researchers, crime victim advocates, and criminal justice policy experts -- to engage in a reasoned discussion of one of the most important issues facing our Nation: how to provide both safety and justice.

At every level of government, this issue is on the front burner. In Washington, D.C., the new Congress is attempting to make fundamental changes in the Crime Act of 1994 that was supported by a broad bipartisan coalition a year and a half ago. In California, as jails and courts are struggling with expanded caseloads caused by that state's three-strikes law, the legislature has had to reduce funds for state college campuses so they can pay for prison campuses.

Despite welcome drops in violent crime rates -- particularly in our cities -- and long term declines in property offenses, we retain the unwelcome distinction as the most violent society. Of particularly pressing concern in our pluralistic society is the fact that one in three African American males between the ages of 20 and 29 is now under criminal justice supervision. Today, America is home to 7.5 million males between the ages of 14 and 17, an age group responsible for a disproportionate amount of crime. Our demographers remind us that over the next decade, the number of people in those high-crime years will increase by more than 23%.

Given these developments, it is no wonder that many people despair of our ability as a nation to secure both safety and justice.

Yet, as I travel around the country in my new position, and listen in on criminal justice discussions at the state and local level, I am struck by the fact that the nation is actually engaged in two conversations, quite different from each other. One is the conversation of community policing; the other is the conversation of imprisonment. I would like to ask you today to reflect on these two conversations and think about their implications for your work as you lay the foundation for your new coalition.

If we were to ask objective observers, what are the two major reforms -- or movements -- within the field of criminal justice over the last twenty years, I don't think it would be hard to find consensus. Most observers would nominate the reform of the policing profession that has led to community policing, and the reform of sentencing practices that has led to a quadrupling in

the number of individuals held in prison over the last twenty years. Each has had a profound, and perhaps irreversible, impact on the way we think about our response to crime.

We should recognize how different these two movements are. Community policing is based on the notion that government and community should work closely together, that the police and the community are co-producers of safety. The processes of government -- in this case, of policing -- are opened up to public involvement and scrutiny. In an operational sense, community policing engages the police and community in the art of "problem-solving," where the unit of work is a particular problem of crime and disorder, as identified by the police-community partnership. Narrow benchmarks of police productivity such as response time, arrests, or patrol strength have been put into perspective and now compete with measures of fear, urban disorder, citizen satisfaction, and amelioration of quality of life conditions.

Within the policing organization itself, emphasis is placed on flexibility and innovation. Discretion is prized; risk-taking is encouraged; accountability is pushed downward within the chain of command. In community after community across the nation, as community policing takes hold, we are witnessing a remarkable phenomenon: the public is expressing satisfaction with the police at higher levels than before, tensions are lessened, and there is an old-fashioned American sense of optimism, on the part of the public and the police, that together they can make a difference, and indeed are making a difference.

Now let's look at the imprisonment movement, the second great criminal justice reform of the past two decades. The expanded use of prison reflects a much more pessimistic view of our ability to have an impact on crime. We have severely restricted the exercise of discretion -- by judges, correctional officials, and parole or probation officers. Risk-taking is discouraged, and, particularly in the community corrections setting, the risk of failure looms larger and larger as caseloads increase and resources dwindle.

Enhanced discretion, risk taking, local accountability, performance measures based on community and customer satisfaction, all seem remote and empty concepts in our sentencing conversation. We have no vocabulary for expressing the idea that the community has a role to play in the sentencing process, and still have not figured out a comfortable role for the victim in criminal justice proceedings. Finally, in our political discourse, many of our colleagues feel that we cannot make a difference -- that the impulse to punish with more and more imprisonment cannot be reversed, and perhaps cannot even be slowed down.

I have come to believe that this pessimism is premature. I believe that there are many lessons that can be learned from the twenty year history that resulted in the community policing movement -- lessons that have applicability to the adjudication and sentencing functions of our criminal justice system -- lessons that ultimately will require a reconsideration of the very mission of the criminal justice system. Community policing views the community as a co-producer of safety. To be more effective, I believe that other components of the criminal justice system must view the community as a co-producer of justice.

I will not be talking with you today about alternatives to incarceration, intensive supervision, diversion, or other programs that are designed to reduce our reliance on imprisonment. As much as I applaud those who labor in these vineyards, and understand, from my own experience, the need for rational release decisions, I have come to the conclusion that programmatic efforts to provide alternatives to imprisonment for defendants who would otherwise be in jail or prison, can have only limited impact on the broader public debate over crime and justice. Indeed, because alternatives to incarceration are by definition never as risk-free as incarceration itself, they will always be measured by standards more applicable to imprisonment. Al Blumstein, one of our foremost criminologists, stated that we now live in a "pre-Galileo, prison-centric" universe, where our conceptions of how to achieve justice revolve around incarceration. I share his belief that we need to conceive of a post-Galileo world, where both safety and justice are achieved through a thousand complex interactions, and the agencies of the traditional criminal justice system explore new possibilities for defining their missions, operations, and expectations. This journey into a new and uncertain world holds enormous promise; we are fortunate that there are many pioneers, some of whom are sitting in this room, who have seen glimpses of that world, and I am honored to tell some of their stories today.

I think there are three essential lessons from the development of community policing that can be applied to the rest of the criminal justice system. In policing, we have learned to:

- View the community as a full partner;
- Focus on solving the problems that matter to the community; and
- Pay attention to little things

These are the lessons learned over two challenging decades of fundamental rethinking of the business of policing. Reinventing government services is difficult, but in the case of policing, the effort has certainly been worthwhile.

The first lesson is to **view the community as a full partner in producing public safety**. This takes many different forms around the country, but the essence is the same: listen to the people you serve, ask them what they think is important, value their priorities, explore their capacities to provide solutions. This approach to policing has obvious short term benefits -- the intelligence about criminal activity that is generated through community involvement is highly valuable itself. It also has benefits to the credibility of the organization -- just as businesses have discovered, as part of their re-engineering efforts that it pays to listen to the consumer, so too police agencies have learned the value of listening to the public they serve. At its core, however, the notion of community partnership extends far beyond narrow institutional interests or public relations -- the notion of partnership reflects the belief that ultimately the police cannot produce safety alone. Amitai Etzioni, one of our foremost sociologists, has provided a useful twist on the proverb that it takes an entire village to raise a child -- he says it takes an entire village to prevent a crime. Strong communities are safe communities. Communities that encourage people to use public spaces are safe communities. Communities that care for their young people are safe communities. A strong police department is one that recognizes this fact and works assiduously,

at every level, to promote the infrastructure of community life that reduces crime and fear and disorder.

Does this lesson of community policing have meaning for the other agencies of the criminal justice system? Around the country, there are a number of pioneers who are opening up their thinking to invite full dialogue with the community. In fact, there are enough prosecutors now exploring this interaction that we can comfortably say that we are witnessing the beginnings of a community prosecution movement. In Portland Oregon, Michael Shrunk, the District Attorney sent a senior prosecutor to a neighborhood office and gave him a simple instruction: talk to people in the community and see what we can do to make it safer.

For me, this story was reminiscent of the early days of community policing in New York City -- in 1984, we took the first ten officers out of their cars, off the 911 queue, put them on foot patrol, and told them to go knocking on doors asking the residents what their problems were and what the police should be doing. Then, and in every subsequent expansion of the community policing patrol experiment, we learned how distant we had become from the community because invariably the local precinct got a call from a resident saying there was someone at the door impersonating a police officer.

In Portland the response was similar: why should the district attorney be here, when no one has been arrested yet? In fact, he soon learned that there was much that could be done -- convening a group of local shopkeepers and devising strategies to increase surveillance, instituting code violation proceedings, checking the background of prospective business tenants, focusing the crime prevention and apprehension efforts of private security. Now, a few years later, the entire city of Portland has been divided up into six districts, each of which has a Neighborhood District Attorney, who serves as safety counsel to the community, and only rarely gets involved in criminal prosecutions.

This model has far-reaching ramifications -- some of which are being seen here in New York City where each district attorney's office is exploring different community prosecution models. Imagine how we might structure a district attorney's office differently if we started with the idea that a district attorney is to have two functions -- to prosecute those arrested by the police (and undertake complex investigations), and to serve as counsel to communities in enhancing their safety. What if each police precinct in New York City had a district attorney assigned to it --- not for criminal prosecutions, but to build the capacity of community groups to to make their communities safer. It would be an interesting legal practice -- securing closing orders for brothels and crack houses, pursuing mortgage holders for chop shops, advising tenants on the liability of building owners for failing to maintain locks on the front door, referring a woman to the right court to secure an order of protection after her estranged husband threatened her.

A partnership with the community can have interesting ramifications for the courts as well. New York City is home to one of the leading innovations in this area, the Midtown

Community Court, but you are not alone. The National Center for State Courts recently sponsored a multi-site conference on the role of communities in the adjudication process. For starters, we should think of "community impact statements," just as we have come to think of victim impact statements as part of the sentencing process. Certainly it is appropriate for a judge to know that the behavior of a particular individual has had an adverse impact upon a broader community. Sentencing, as in the Midtown Community Court, provides an opportunity for immediate, visible, tangible repayment by the offender of his debt to the community.

The most significant ramifications for the criminal justice system come when we think of the role of community in the sentencing decision. For years, no one considered the input of the public to be important to the mission of corrections. Then recently, the Department of Corrections in the state of Vermont commissioned an independent survey of residents to ask them what they expected their corrections system to deliver. Pennsylvania, Delaware, Alabama, Minnesota, Oklahoma, and county systems in Oregon and Arizona have also conducted focus groups or surveys of their citizens to ask what they want from community corrections. From all these surveys, two things are perfectly clear -- of course the public wants to be protected from violent predators. It is also clear that the public supports community service, restitution, drug treatment and other intermediate sanctions for nonviolent offenders.

Vermont has involved the community directly in the sentencing and monitoring function. Offenders appear before a Community Reparative Board, comprising several citizens from the community where the crime was committed. After the Board deliberates, the Board and the offender sign a Reparative Agreement which stipulates how the offender will repay the community -- through restitution to the victim, community work service, victim-offender mediation, cognitive skills development sessions, decision-making exercises, or driver improvement courses. The period of supervision is over when the terms of the agreement are completed, not after a pre-determined amount of time.

Interestingly, "community corrections" has long had the word "community" in its title, but only recently is the community corrections profession thinking about this issue at a fundamental level. What does it mean for the "community" to be a full partner in the sanctioning function? For starters, it should mean that the criminal justice system -- specifically corrections, probation and parole -- should do everything it can to keep an offender's support structure intact (and preferably strengthened) so that he is less likely to reoffend. You and I know that we are far from that ideal. Typically, we think of probation and parole in terms of caseloads, with offenders assigned to officers, and offenders grouped by some sort of risk assessment, or offense, or need such as addiction.

Let's imagine a different system, one built on the concept of full community partnership. What if caseloads were defined based on community, a geographic neighborhood -- and all individuals on probation or parole or pretrial release, whether adult or juvenile, had to report to a community justice center, where the individual would be asked a series of questions, implying a realignment of traditional notions of rights and responsibilities. The first question would be:

What is your support system, and how can we strengthen it to reinforce positive behavior, so that you don't do more damage to the fabric of your community? This is the operating premise of the Children At Risk project, a multi-site demonstration project of the Center on Addiction and Substance Abuse, a highly successful program that identifies, for each at-risk young person, the obstacles to pro-social behavior and develops, with the juvenile's support system, a strategy for removing those obstacles.

For those convicted, the second question would be, How are you going to repay your debt to the victim of your crime and to your community? Restitution can take many forms -- NIJ is supporting the development in Washington D.C. of a program that uses Time Dollars, a non-cash bank account that builds transferrable service credits, as a way for offenders to repay victims and recognize that their labor can have value for their extended network of family and community. For all members of this Community Justice Center, there would be referrals to community resources depending on needs and abilities, but the emphasis would not, in the first instance, be on traditional rehabilitation, rather on accountability for past acts and support for prosocial behavior.

Just as in the examples of community policing and community prosecution, this proposed Community Justice Center would spend considerable time listening to residents, businesses, religious institutions, to develop a dialogue around issues of safety and justice, to reinforce the law's lessons of right and wrong, and to perform a thousand small acts of true community supervision that are far more powerful than the most effective probation officer. This community infrastructure must be seen, by the agencies of government, as the co-producer of safety and justice.

The second lesson for the criminal justice system from the development of community policing is to **focus on solving specific problems that are important to the community**. The focus in modern policing on the "problem" as the unit of analysis and the unit of work represents a fundamental and powerful shift. What does this mean? Instead of looking at a crack house and seeing criminal sellers and users who can be arrested, a problem-solving police department sees a criminogenic location, one that breeds crime and attracts criminals -- one that will not be diminished by a few or a great number of arrests. The problem-solving police department will focus more resources on closing the place down than on processing arrests. Another example -- instead of looking at an epidemic of gun violence and merely seeing criminal gun sellers, carriers, and users, a problem-solving police department will do what the New York City Police Department set out to do in 1990 -- identify the sources of guns, break up interstate gun trafficking patterns, close down federally licensed gun dealers engaged in criminal transactions, ban assault rifles, restrict ammunition sales to licensed owners, relentlessly develop intelligence about illegal gun transactions in the City, and vigorously enforce the law.

This approach holds great promise for policing and public safety. If fully pursued, problem-oriented policing brings new partners to the problem-solving table. Emergency rooms become partners in identifying the patterns of gun violence so that the police and other service

providers can intercede to reduce the likelihood of a retaliation killing. Battered women's shelters are seen as an extension of good police work as officers bring women and children there to seek safety. Guidance counselors, coaches and probation officers become partners in supporting a juvenile who is wavering on the brink of delinquency. If it is part of the mission of the modern day police department to prevent the next crime -- then the police must think differently about the dynamics of crime and about the best ways to prevent crime.

Can a problem-solving approach offer lessons to the criminal justice system? I think the answer is clearly yes -- and not just at the margins. One of the most powerful movements I have observed since arriving at NIJ is the drug court movement. There are now over eighty drug courts around the country -- courts where judges, prosecutors, and defense attorneys agree to use the coercive power of the criminal justice system to help drug addicts overcome their addiction. In essence, these are problem-solving courts -- they view the defendant not merely as someone charged with a violation of a criminal statute, but as a person with a debilitating addiction that keeps him involved in criminal activity.

Judges who sit in drug courts say that this has been the most rewarding experience of their legal careers -- just as police officers have processed hundreds and thousands of drug arrests, these judges have handled hundreds and thousands of drug cases, but they say that not until they sat in drug court, and watched how their judicial authority could be used to move people beyond addiction, and witnessed the birth of drug free babies of defendants under their supervision, have they felt that they made a positive difference in the lives of people.

What if the entire criminal justice system took this approach? What if the criminal justice system took as its objective to ensure that defendants entering the system were, on the whole, less likely to be addicted to drugs and therefore less likely to commit crimes against the public when they left the criminal justice system? There are sound public policy reasons for setting this goal -- two-thirds of all heroin and cocaine is consumed by individuals who use drugs more than once a week, and two thirds of those habitual drug users are under some form of criminal justice supervision each year, so making a reduction in drug use within this group might have significant positive effects. And there are sound research findings that support this idea -- a solid body of research shows that, not only does treatment work, but treatment under criminal justice coercion is particularly effective. At NIJ we are about to test this proposition -- we are close to selecting a site for a demonstration project called "Breaking the Cycle" under which in one jurisdiction every defendant will be tested for drugs and subjected to some form of intervention to move them toward abstinence while under criminal justice supervision.

Other courts are experimenting with the problem-solving approach -- in Dade County, a domestic violence court has set as its objective reducing the level of violence within the families before the court, and ameliorating the impact of the violence upon the children. They have brought the medical community into full partnership with the court, providing pro bono counseling for the children. Criminal and civil jurisdiction are merged within the court so that issues of orders of protection, child visitation, and common property can be resolved. A court in

Detroit has special jurisdiction over juvenile gun crimes -- the young people before this court undergo long-term group counseling about the economic and social costs to the community of sustained gun violence.

Certainly the problem-solving approach is not limited to prosecutors and judges. In Connecticut, the Department of Correction took upon itself the responsibility for reducing gang violence and influence, both within correctional institutions and in the community at large. The Department developed a highly successful program of breaking up the gangs, breaking the hold that gang membership had over young people, requiring renunciation of gang identities, and creation of alternative, positive peer group involvement. According to a recent *New York Times* article, the power of gangs has been broken both inside and outside the prison walls.

In each of these examples, as with problem-oriented policing, we see public agencies that do not retreat to the comfortable and narrow definition of their mission. These agencies embrace difficult problems, rather than claiming that the problems are beyond their purview. These agencies have been creative and bold in using their inherent powers to leverage lawful, appropriate behavior, while reaching out to other professions and disciplines to bring their expertise and leverage to the problem-solving table.

The third, and final lesson from community policing that I want to discuss is to **send a signal by paying attention to the little things**. This concept is often captured by the metaphor of the "broken window" first developed in 1982 by James Q. Wilson and George Kelling -- that a broken window, left unattended, invites other windows to be broken, which leads to a sense of disorder and lawlessness that breeds fear and more serious crime. By ignoring the little things, we signal our indifference. Our indifference is read as tacit acceptance. And our acceptance of low levels of disorder creates a hospitable environment for more egregious violations of social norms.

The New York City Police Department is at the forefront of taking little things seriously - making a sustained and forceful effort to improve the quality of life and make public spaces comfortable again. The quality of life campaign -- the sustained attention to squeegee men, street prostitutes, graffiti, boom box cars, public urination, illegal vending -- is making a big difference in this City.

As we think about the future of the rest of the criminal justice system, we need to think carefully about the theory of broken windows. What does this mean for courts, corrections, probation? If the theory of broken windows can be restated as a belief that the enforcement of social norms, no matter how minor, creates a climate that supports pro-social behavior and discourages anti-social behavior, then we must pay much more attention to the little things. Summonses become important. Administrative tribunals become important. Misdemeanor probation, juvenile probation, fine payment, restitution orders, conditional discharges -- all become important because the failure to take them seriously undermines our ability to enforce more weighty social norms.

The experience of the Midtown Community Court sheds light on this complex issue. In planning for the design of that court, John Feinblatt consulted with community groups about their view of the traditional methods for handling quality of life offenses. Their concern was NOT that the sentences were too lenient -- rather that they were not meaningful to anyone -- the defendant, the victim, the community. So the Community Court now operates on a different principle -- that the sentence be immediate, visible, and proportionate. That court provides a setting in which justice is personalized, the outcomes are individualized, and the traditional distinction between punishment and treatment does not stand as a bar to creative sentences.

Our court systems operate in a felony culture -- we pay most attention to the most serious cases, for good reasons. But we pay a price for neglecting the minor cases -- we lose opportunities to hold offenders accountable, in a moral sense, for their acts against the community and the individual victim; we lose opportunities to show victims that sentences can be meaningful; we lose opportunities to show the wider community that these crimes -- which communities often care more about than high level felonies -- are taken seriously. This imperative to take little things seriously is more than public relations -- in my view, this goes to the core of the credibility of our system of laws and norms. Correcting for years of worship at the altar of the felony culture does not take much money, only creativity, and a belief that the cause is right.

These challenges provide remarkable opportunities for creativity and reform within the criminal justice system. But we need to remember that the emergence of community policing is really a twenty year story that starts with the shattering research finding that random preventive patrol -- the core organizing principle of modern policing -- was not effective at preventing crime or creating security, then builds slowly on small innovations in foot patrol, problem-solving exercises, beat officers, and ultimately the notion of organizational change that is transforming police departments and the police function around the country.

In the midst of the pessimism that is engendered by ever increasing prison populations, and our seeming inability to find ways to get off that escalator, I think we have reason to be optimistic as we approach the next century -- and reason to look to the community policing story for inspiration. Our success in adapting the lessons from that story to the rest of the criminal justice system depends on our willingness to take the risk of engaging the community in a difficult dialogue, our openness to fundamentally different ways of thinking about the criminal justice system, and our ability to keep the ultimate goals of safety and justice in mind while we plant and nurture the seeds of change.

I am so honored to be with you today as you launch New York State's Campaign for Effective Crime Policy. I admit to a parochial desire to see New York State take the lead in showing the rest of the nation how to envision and implement a more effective crime policy, and I pledge my support for your important work as you undertake this New Beginning.