COMMUNITY JUSTICE

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SECOND EDITION

Community Justice

Second edition

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Community Justice discusses concepts of community within the context of justice policy and programs, and addresses the important relationship between the criminal justice system and the community in the USA.

Taking a bold stance in the criminal justice debate, this book argues that crime management is more effective through the use of informal (as opposed to formal) social control. It demonstrates how an increasing number of criminal justice elements are beginning to understand that the development of partnerships within the community that enhance informal social control will lead to a stabilization and possibly a decline in crime, especially violent crime, and make communities more liveable. Borrowing from an eclectic toolbox of ideas and strategies – community organizing, environmental crime prevention, private–public partnerships, justice initiatives – *Community Justice* puts forward a new approach to establishing safe communities, and highlights the failure of the current American justice system in its lack of vision and misuse of resources.

Providing detailed information about how community justice fits within each area of the criminal justice system, and including relevant case studies to exemplify this philosophy in action, this book is essential reading for undergraduate and postgraduate students of subjects such as criminology, law and sociology.

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To the memory of Dennis Maloney, the heart of community justice.
Todd R. Clear, Ph.D. and Eric Cadora

To Bini, Jenifer, and Jessica your support is appreciated. Also to my colleagues Greg, Carol, Ken, and Mike for your encouragement and professionalism.
John R. Hamilton, Jr., Ph.D.

Preface

This work is an updated version of the *Community Justice* book that was originally authored in 2003 by Todd Clear and Eric Cadora. It provides updated examples of community justice in practice and continues the belief that community justice is an effective way to build healthy, viable communities.

Community justice borrows from an eclectic toolbox of ideas and strategies: community organizing, environmental crime prevention, public–private partnerships, justice initiatives, and so forth. Each of these strategies has its own rich heritage and literature and it is not our intention to provide a comprehensive literature review for any of them. We hope that readers will explore these topics more in-depth on their own and we have provided bibliographies at the end of each chapter that provide suggested readings to learn more about these strategies.

Recent news reports in the United States have told the stories of budgetary cutbacks in federal, state, and local government. With these cutbacks comes the realization that criminal justice agencies will suffer from lack of funding to assist them in achieving their mission. Often times, agencies believe that they must increase staffing to meet the demands the public places upon their organizations. Community justice offer new strategies that can assist criminal justice agencies in not only achieving their mission, but also strengthening partnerships with the community that empowers them. While additional personnel are always welcome in criminal justice agencies, community justice strategies may enable these agencies to achieve more with fewer employees and better weather the effects of the economic downturn. With increased implementation of community justice practices comes more information that can assist criminal justice agencies, academics, and other stakeholders in fine-tuning and improving the delivery of services. The message of community justice is also clear about the need for the private sector and nonprofits to join the partnership to make community justice a reality. The authors believe that community justice is an exciting concept that can make criminal justice agencies more effective and efficient, but we also believe that it is the right thing to do in helping to strengthen communities hard hit by crime, poverty, and malaise. Community justice can be successful if the criminal justice system, government at all levels, the private sector, and nonprofit organizations develop partnerships to address the variety of problems that face hard-hit communities.

In this book the reader will find examples of community justice in practice and case studies that provide more information about specific community justice efforts. In Chapter 1 the reader is introduced to the concept of community justice as well as some of the difficulties encountered by high-impact areas. Chapter 2 examines policing and community justice and how the concept is already partially in place in many police agencies. Chapter 3 provides a discussion about the role of the court system in community justice. Because of the technical nature of the court operation and the traditions that the court system is built upon, many would argue that the court system cannot be much of a player in the community justice movement. This chapter illustrates how courts have embraced this philosophy without losing their emphasis on justice being served. Chapter 4 looks at the role of the correctional system in community justice and discuses the role of community corrections in community justice. Programs in the institutional setting are also discussed, helping the reader to better understand how the entire correctional system can participate in providing community justice. Finally, Chapter 5 discusses the future of community justice and addresses some of the more common questions that are raised about the concept of community justice. At the end of each chapter the reader will be provided with a list of suggested readings as well as websites that more completely explain some of the concepts discussed in the chapter.

This book would not have been possible without the hard work, dedication, insight and enthusiasm of Todd Clear, Eric Cadora, Charles Swartz, Sarah Bryer, and Joel Copperman, who authored the first version of *Community Justice* and brought forth a challenging concept for the field of community justice.

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1 Criminal justice and the community

Community justice is an emerging, innovative idea about the way criminal justice operations ought to be carried out in places where public safety is a significant problem and criminal justice is a significant fact of life. We call these locations high-impact areas because they are places where both crime and criminal justice responses to crime exist in concentrated levels. Community justice offers a way of rethinking how traditional criminal justice approaches to public safety can be reformulated to help make those high-impact locations better places to live and work.

Two assumptions are inherent within the idea of community justice. First, it is assumed that within existing jurisdictions, such as states or large cities, there are critically important differences from one community to another, and these differences suggest that criminal justice strategies need to be tailored to fit those differences. The same criminal law applies to everyone living in, say, California, but criminal justice strategies, if they are to be successful, will need to take different forms in locations as divergent as the crowded and impoverished Watts section of central Los Angeles and the pristine, wealthy neighborhoods of La Jolla. The second assumption is that formal systems of social control, such as the criminal justice system, are not the main mechanisms of public safety. Rather, informal social controls – families, neighbors, social organizations, and friendship relations – form the most important foundation for public safety. Community justice, therefore, builds varying strategies of formal social control, depending on the particular problems facing the local area, and always has as one of its main aims strengthening the capacity of informal social control within that location.

High-impact areas are the logical targets of community justice initiatives because the formal and traditional methods of criminal justice have proven so inadequate in these locations. The criminal justice system identifies offenders, apprehends them, and imposes criminal sanction on them; but in high-impact areas, this focus on processing individual criminal cases through the justice system does not take into account the cumulative impact of these individual decisions when they disproportionately concentrate in specific places. In some high-impact areas, for example, more than 10 percent of the adult males are arrested, convicted, and incarcerated in any given year (Cadora and Swartz 2000)

However, the impact of removing these active offenders is blunted by the fact that an equivalent number of males re-enter this same neighborhood each year from prisons or jails. The collective impact of all these arrests, convictions, incarcerations, and returns can be a major destabilizing force in the neighborhood, exacerbating the effects of poverty, broken families, unsupervised youth, and unemployment. Without tackling these important aspects of community life in high-impact areas, traditional criminal justice is little more than a debilitating revolving door.

Community justice targets high-impact areas for another reason: these are where the problems are and where any progress made by community justice has the most payoff. A 10 percent reduction in crime in a neighborhood that has 10 crimes a year will barely be felt; but a similar impact in a high-crime location with, say, 1,000 crimes each year, will be a major improvement in the life of the community. This is the reason these areas are called high impact – the potential for impact by purposefully tailored strategies is much, much higher in these locations than in other areas in which problems are less severe.

Thus, community justice can be thought of as a broad strategy that includes the following priorities:

1   Community justice selects high-impact locations – places where there is a concentration of crime and criminal justice activity – for special strategies designed to improve the quality of community life, especially by promoting public safety.
2   Community justice approaches its tasks in these areas by working to strengthen the capacity of informal systems of social control: families, neighborhood groups, friends, and social supports. This means that instead of adopting the usual reactive strategy of merely responding to criminal cases as they occur, community justice undertakes a proactive strategy designed to work in partnership with these informal social control sources to strengthen the foundation for public safety.
3   In order to strengthen community capacity, community justice initiatives develop partnerships with residents, businesses, and other social services to coordinate the way public safety problems are addressed.

Community justice, therefore, is both a strategy and a philosophy. As a strategy, community justice broadens the responsibility of traditional criminal justice agencies to make room for partnerships with various citizen groups and other service providers so that a more comprehensive level of activity is sustained in the high-impact areas. Strategies of community justice are directed to deal with criminal events and to address the informal social control deficits that make crime possible. As a philosophy, community justice seeks to be evaluated for the way it responds to criminal events or even problems of public safety. It also accepts responsibility for helping to improve the quality of life and building social capital in the locations where community justice is most needed. Community justice brings important notions of social justice to the criminal justice agenda.

Criminal justice and social justice

Modern philosophers make an important distinction between criminal justice and social justice. Because both involve notions of justice, they are each based on the existence of a fair set of rules for how people treat each other and how citizens are treated by their government. Criminal justice is a type of "negative" justice. It is concerned with the way a society allocates undesirable experiences to its members. The study of criminal justice is the study of the rules, procedures, and practices under which citizens experience the application of a criminal label and the imposition of a criminal sanction. Criminal labels and criminal sanctions are considered just when they are imposed upon the guilty, but only when imposed within the rules of substantive and procedural due process.

By contrast, social justice is concerned with the distribution of "good" things within a society: opportunities for advancement, personal wealth, and other assets such as health care, housing, and basic goods of life. In a socially just society these benefits are provided by a fair set of rules and are applied to everyone equally.

Criminal justice and social justice, then, are both concerned with what people "deserve." Criminal justice is a set of institutions and procedures for determining which people deserve to be sanctioned because of their wrongdoing and what kind of sanctions they deserve to receive. Social justice is the set of rules by which people get the good things they deserve as a consequence of their talents and by the fruits of their efforts.

To a degree, criminal justice and social justice can be seen as flip sides of the same coin. When a person does something wrong, criminal justice ensures that the person gets the kind of punishment that goes with wrongful behavior. When a person's actions are meritorious – working hard and contributing to society – social justice requires that the person enjoy the benefits of having lived that way. We say that criminal justice is flawed when a person can break the law without suffering the consequences. Yet we also recognize that social justice is lacking when people are unable to get ahead, no matter how hard they might work or how much they might "play by the rules," because the cards are stacked against them.

Although perfect criminal and social justice is a laudable desire, we live in a society with well-known flaws in its criminal and social justice systems. Regarding criminal justice, we are troubled that sometimes innocent people are convicted of crimes and the guilty go free. In terms of social justice, some groups face unfair disadvantages that make it hard to succeed because of an uneven playing field. Both types of injustice make us ask hard questions about the fairness of criminal and social justice. We have a very strong cultural expectation that people should realize the consequences of their actions so that both those who break the rules and those who work hard and play by the rules get what they deserve.

Recently, we have come to see that criminal justice and social justice are related. The most obvious relationship is that places where people face the toughest odds against living out the American Dream are also the places where there is the most criminality. Crime and disadvantage are mutually reinforcing aspects of community life. The existence of disadvantage, in the form of an inadequate labor

market, failing schools, and impoverished households, creates the foundation for drug markets and other criminal enterprise. At the same time, the existence of criminal activity makes neighborhoods less desirable places for people to live and for businesses to flourish, with the result that disadvantage becomes even more ingrained in these areas, and the people who try to live and work in these places find it harder to build successful lives.

The fact that social injustice and crime reinforce one another in high-impact areas has provided one of the main incentives for the development of community justice strategies with an objective of reducing crime, as well as the social injustices that accompany high rates of crime. Community justice brings together the two concepts of criminal justice and social justice to build a response to crime that takes both ideas into account. Community justice is a strategy of criminal justice because it is concerned with the problems that contribute to and result from crime. Yet the essence of community justice as a strategy is to strengthen the capacity of places that are hard-hit by crime; in that sense, community justice has a concern for broader matters of social justice.

The marriage of criminal justice and social justice is most evident in the way community justice approaches local areas with an eye toward building social capital. The aim of community justice is not merely to process criminal cases but to restore order, strengthen community cohesion, repair the damage from crime, and build partnerships that nurture a more beneficial community life. Taken together, these capacities represent social capital, which enables communities to act in defense of their interests and to pursue collective goals. The marriage of criminal justice and social justice is most evident in the way community justice approaches local areas with an eye toward building social capital. The aim of community justice is not merely to process criminal cases but to restore order, strengthen community cohesion, repair the damage from crime, and build partnerships that nurture a more beneficial community life. Taken together, these capacities represent social capital, which enable communities to act in defense of their interests and to pursue collective goals.

Social capital refers to the social networks that persons establish to solve common problems. These networks involve the development of trust and reciprocal relationships to achieve the attainment of goals. Putnam (2000) discusses the collective value of these networks which involves getting to know persons of influence. Also important in these networks is the idea of norms of reciprocity which means that persons do things for each other with the understanding that the favor will be returned sometime in the future, possibly by a different person or group. These acts create a connectedness that creates a bond and ensures that necessary acts are done to move the relationship in a positive direction.

Putnam (2000) also proposes two other important concepts in social capital networks are bonding social capital and bridging social capital. Bonding social capital binds people who are similar closer together and reinforces the norms of reciprocity and solidarity. Bridging social capital is a bit trickier because it closes the gap between groups that are not alike. It involves groups learning about the differences that separate them from other groups and making a concerted effort to

find common ground that can build trust. Once trust is established, norms of reciprocity and networks with collective value can be developed. Putnam argues that "bonding social capital constitutes a kind of sociological superglue, whereas bridging social capital provides a sociological WD-40" Putnam (2000: 23). Certainly, while bonding social capital is important in strengthening like groups living in high-impact areas, the development of bridging social capital will be the means by which meaningful resources and assistance may be brought to communities.

In more recent research on immigrant integration, Putnam (2007) discovered that the more diverse the community, the less its members trust each other or the government, and the less they participate in collective life or believe in their ability to change their plight. A surprising finding was that more diverse communities are less trusting, less cohesive, and less participative places to live. Putnam (2007: 149) said that in these locations people tend to "hunker down" and become less trusting not only of person who are not like them, but also less trusting of people who are like them. While this research addresses the issue of immigration, there are still potential lessons to be learned in examining current high-impact communities. Putnam's finding indicate that persons in their twenties are as likely as persons in their forties to be less trusting of others. As these communities grow and evolve, diversity will more than likely be one of their defining characteristics. The implication here is that as new generations become the dominant population in communities, caution must be taken to insure that isolation within the communities does not occur. Also, it cannot be assumed that younger persons will be more open toward tolerance of those who differ from them. Putnam's belief is that isolation can be prevented by helping people better understand that ethnic diversity can occur while people still identify themselves as American and part of the greater society. Such information can be helpful for external groups who provide service or resources to high-impact areas. This would let them know that there still may be some standoffishness and they might not be welcomed with open arms.

Another lesson that may be taken from this research is that it is conceivable that those who may be different may be offenders and former offenders who return to the community. When those who are labeled as offenders come into contact with law-abiding citizens the result is often the "hunkering down" that Putnam describes in the area of immigration. This hunkering down results in isolation and lack of support for offenders who are trying to rebuild their lives. Opportunities in employment, education, and the acquisition of necessary social skills dry up when the perception is that former offenders are the individuals looking for those resources. Using the prescriptions provided by Putnam to ease tensions in communities regarding immigration may be just as applicable for communities facing the return of offenders from prison or those placed on probation or parole.

Another philosophy that may apply toward addressing the building of social capital and relationships in communities is *communitarianism*. Communitarianism holds that there are some moral duties that we are required to do even if there is no immediate benefit realized. This belief is founded on the belief that it is vital that members of a community behave in ways that benefit the greater good and not in ways that benefit only the individual. Communitarians argue that having a

community is vital for free individuals because it "backs them up against encroachment by the state and sustains morality by drawing on the gentle prodding of kin, friends, neighbors, and other community members, rather than building on government controls or fear of authorities" (Etzioni 1993: 15). This philosophy dovetails well with the idea that informal social control is the most effective method of crime prevention. Communitarianism appears to provide one roadmap for implementation of informal social control.

This philosophy encourages the development of behavioral standards that are morally grounded and based on the public interest. One concern often raised when discussing morality is who sets the moral standards. Many communities fear that those in powerful positions would push their morality and cultural standards on the less powerful. Communitarians argue that these standards must be developed by members of the community and should be agreed upon by most of the people living in the community. After these standards are communicated to members of the community it is vital that most of the people abide by the standards most of the time in order to preserve the values. For these standards to take root and become part of the fabric of the neighborhood, reinforcing actions must occur. Communities can not only encourage moral behavior but they can also help those who struggle to find their way back onto the path. The moral principles can be important because they not only censure the unacceptable behavior they also sanction behaviors that help achieve the common good.

Communitarians realize that in many communities less emphasis has been placed on developing moral values and individualism has taken over as the guiding principle. They also realize that if members of a community begin to dialog more with each other they would tend to find many items of acceptable behavior on which they agree. Encouraging members of the community to abide by these agreed-upon principles would diminish the need for formal control mechanisms to control unacceptable behavior. This type of behavior would also contribute to the building of social networks that develop the ability to self-govern.

It is obvious that some communities are capable of developing a moral compass and implementing informal social controls to reinforce acceptable behaviors and some communities are not. Communities lacking the cohesion or structure to help themselves must receive a helping hand from elements of society that can bring resources to help make the change happen. These elements can include governmental agencies, nonprofit agencies, and even criminal justice agencies. Adopting a communitarian approach can still allow for individual identity but behaviors become less self-serving and more oriented toward strengthening the common good.

Community justice, therefore, is not simply about a desire to increase public safety. It is also concerned with the quality of public life and efficacy of collective community action. Using crime as a fulcrum for leveraging social capital, community justice seeks to improve the life of the community through attacking the problems that surround public safety and ultimately undermine the capacity of entire social groups in a place to effect their well-being. Criminal justice strategies are typically individual and negative: they remove residents, one by one, from their everyday lives and impose negative, undesirable sanctions upon each.

Community justice gives attention to social justice, in that it is not merely negative and individual in its orientation. It seeks a positive, collective outcome as a response to crime: better communities. Because these aims are sought in the most disadvantaged areas of a jurisdiction, community justice is a vehicle of social justice.

The importance of "place"

Community justice begins with an important insight about contemporary life: places matter. It is easy, in our modern society with its technological infrastructure, to think that space has constricted in size and that everything today is global. It is true that the advent of such everyday technologies as the telephone, television, and especially the Internet, has reduced the importance of distance as a constraint on daily living. Today, a person can talk to someone living thousands of miles away, see events as they are happening halfway around the globe, and chat by email with someone who is sitting at home on the other side of the country. Distance is no longer the all-encompassing limitation it was a century ago.

To recognize that space is no longer so impassable does not mean that local environments are unimportant. Where a person lives turns out to be one of the most important aspects of what that person's life is like. This is true in developing countries, where a person is born into a community that may become that person's environment for an entire lifetime, but it is just as true in a thoroughly modern society such as the United States. In this country, people commonly move from place to place precisely because where a person lives has so much to do with what a person's life is like. America, one of the wealthiest nations in history, is extremely segregated in the layout of its living areas – its neighborhoods. The poor, especially poor people of color, live in ghetto-like conditions where almost everyone shares a common dialect, dark skin, and poverty. Those with means move out to middle-class neighborhoods, where schools are better and expectations for life more optimistic. The affluent live in places where privilege dramatically expands the array of choices about how to spend their time and resources.

The place where a person lives greatly affects the schools that person's children attend, the leisure-time activities used to occupy time, the places the person eats, and so on. For the poor, who often lack easy access to transportation, there are other constraints. The neighborhood is the place that provides work opportunities (however meager) and is home to the friends that a person will have. Whatever is available in the form of recreation – and in poor areas, this is often very limited – will form the field of choices for spending free time. Shopping for groceries, clothes, and other amenities will be dominated by selections within walking distance. All this can be a bit easier in city settings, which is one reason that rural poor often migrate into dilapidated city areas.

Therefore, even though we live in the era of cell phones and Web searches, place matters. It sets the stage for how a person lives much of daily life and is especially important for those who lack the resources to leave their surroundings easily.

What is community?

In this book, we will commonly use the terms *community* and *neighborhood*. What do these words mean? Are they interchangeable? Do they have specific meanings we should keep in mind?

Much has been written in the attempt to define *community*, and there are numerous interpretations of the word *neighborhood*. In this book, we will often use the terms interchangeably. But these terms are not strictly the same, and it is useful to make some distinctions in the meanings as applied to the idea of community justice.

The term *neighborhood* is almost always used to refer to a particular geographic area within a larger jurisdictional entity. Neighborhoods of this type develop a reputation and an identity, and residents come to say, "I live in so-and-so." But the boundaries for these sorts of neighborhoods are not always concrete. People sometimes disagree about where one particular neighborhood ends and another begins. Over time, the boundaries of neighborhoods are fluid, and areas that were thought to be inside one area come to be thought of as belonging to another. Despite this definitional murkiness and spatial fuzziness – the idea of the geographical neighborhood is one of the more standard and traditional ways we understand the places where we live and work: downtown, north side, the Heights, west side, Maple Hills, the valley, Riverside, and so on – we learn to designate meaningful areas within larger jurisdictions, name them, and understand them as coherent neighborhoods, even though locating the actual boundaries of those places can be problematic. For the most part, when we say "neighborhood," we mean a coherent area within a larger jurisdiction that most people see as different in some meaningful way from the areas surrounding it.

The term *community* can be used to indicate a neighborhood, but it usually has more personal significance. Community refers to people more than places. Even when the community is a neighborhood, the term connotes people who live there, as in the Elm Avenue community or the West Atlantic community. When we hear these phrases, we think not only of location, but also of the people who live (or work) in those places. When we say "community," we also can mean more than just a location. Sometimes, the term is used to refer to a group of people who share a common personal identity, regardless of where they live: the Ukrainian community or the African-American community. Used in this way, the term *community* designates a collection of people who see themselves as belonging together because of their backgrounds rather than their addresses. Another, broader use of the term refers to a group of people who share a common goal or set of interests. In this case, we would say that the student community, or the business community, has shared interests that, despite other differences, link them in the pursuit of collective goals.

Persons lacking in connections with other persons who share common interests may find themselves unable to pursue the goals they have established. Many times *life chances* affect the ability of persons to connect with others who share their interests. The concept of life chances is discussed in the next section of this chapter, but it can be an important factor in whether or not some persons can connect socially with groups outside of their physical environment. Life chances