IS COMMUNITY JUSTICE A VIABLE ALTERNATIVE TO CRIMINAL JUSTICE AND DOES IT CONTRIBUTE TO THE LOCAL BUSINESS ECONOMY?

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ABSTRACT

Local communities are suffering extreme financial and economic hardships due to falling revenues and increased expenditures and therefore must seek alternate means to balance their budgets. A very large expenditure that must be borne by every community is the administration of the Criminal Justice System. As a result, many communities are trying to develop a more proactive approach to fighting crime by undertaking new and innovative approaches to solving their worsening crime problems and at the same time, substantially lower their costs. This new approach is called Community Justice. Criminal Justice is traditionally defined as "The apprehension, conviction and punishment of offenders." Community Justice goes beyond these three tasks and uses three innovative approaches as a way to prevent crime before the Criminal Justice system comes into play with all of its associated costs, thereby saving valuable funds that can be used elsewhere. These three innovative approaches are Community Policing, Environmental Crime Prevention and Restorative Justice. In addition, Community Justice is based on a problem solving method utilizing neighborhood-based approaches for reducing crime and increasing public safety rather than the adversarial or retributive strategies used in the Criminal Justice system At the same time, Community Justice seeks to reduce the burden that the Criminal Justice System places on local areas through taxes. This paper will explore and review the differences between the two systems, the relevant research on both systems and the cost savings to be gained.

INTRODUCTION

Every year, local, state, and federal governments spend over $185 billion on the criminal and civil justice systems in the United States. (Bureau of Justice Statistics 2006) The cost of justice is rising and it places a monumental burden on local taxes. It reduces the ability to properly fund schools, offer decent child health care for its citizens or even to maintain basic services. The criminal justice system is made up of three distinct components. (See figure 1) They are the Police who apprehend the wrongdoers who commit crimes. The Courts who decide whether those who are apprehended are legally guilty of the crimes they are charged with committing, and if found guilty, to then determine the appropriate sentence to be served by the wrongdoer. Finally, the Corrections department who is responsible for carrying out the sentence imposed by the court.

Figure 1: The Overlapping Components of the Criminal Justice System
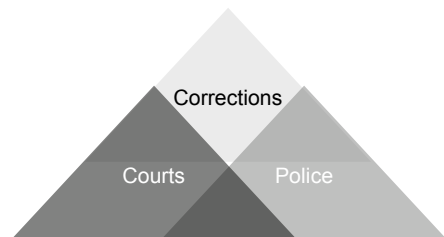
Source: Adapted from Neubauer (2008)

At first glance, the criminal justice system appears to be a well run, well-coordinated and cooperative effort between the above three components. In actuality, although the three components overlap within the criminal justice system and must interact with one another, there is not a centralized system, in fact, each component tends to work independently of the other (Walker, 1992). The Police component consists of more than 17,000 law enforcement agencies that make more than 13.5 million arrests each year. These arrests clog the Court system incurring substantial costs (Neubauer, 2008; Hakim, Rengert, and Shachmurove, 1996). There are roughly 13,500 Lower Courthouses in the United State staffed by more than 18,000 Judicial Officers who handle more than 61 Million matters a year. There are also 2000 Superior Courthouses staffed by more than 11,000 additional Judicial Officers. Each day Correctional personnel supervise over 7 million people in 1,300 state and federal correctional facilities. This figure does not even include the thousands of local jails (Neubauer, 2008).

Tensions and conflicts occur amongst the Police, Courts and Corrections components since their goals are markedly different from each other and because others evaluate all three components. Police make arrests, yet the decision of whether or not to charge a wrongdoer is made by a Prosecutor. The Courts determine whether a prosecutor's efforts were well founded (Wright, 1981). Corrections is constantly under fire due to overcrowded prisons. On the other hand, no community wants to spend the money to build a new prison and no community ever wants to build a new prison in their own backyard. Cost is among the reasons. The cost of building new prisons runs over $100,000 per cell, and as much as $30,000 per year in direct and indirect costs to process an offender through the Corrections system, and as much as $35,000 per year to maintain a prisoner (Clear, Cole, Resig, 2006). Table 1 provides constructions costs for a 1,600 bed prison.

Table 1: Hard Costs Attributed to Correctional Facilities

Example of Construction Cost Summary for Construction of 1600 Bed Prison Built In Connecticut	
Current bed need	1,600
Estimated construction cost per bed	$125,000
Estimated construction cost for 1,600 bed prison	$200,000,000
Average daily incarceration cost per inmate	$96
Annual operating cost for new 1,600 bed prison	$56,064,000
Operating costs projected over 30 years (absent inflation)	$1,681,920,000
Total construction and operating costs (absent inflation)	$1,881,920,000

Source: Connecticut, General Assembly, Legislative Program Review and Investigations Committee

Since 1973, the imprisonment rate in the United States has jumped from 100 people per 100,000 population to over 500 people per 100,000 population in 2003. (Clear, et. al 2006) For these reasons, the Community Justice system appears to be the practical alternative to the Criminal Justice system on just a cost savings basis alone.

COMMUNITY JUSTICE

Therefore, what is Community Justice and how does Community Justice differ from Criminal Justice? For one thing, Community Justice is based on a problem solving method rather than adversarial or retributive strategies. (Clear, et. al 2006) Additionally, Community Justice uses three innovative approaches as a way of preventing crime before the criminal justice system comes into play with all of its associated costs, thereby saving valuable funds that can be used elsewhere in the community. These three innovative approaches are Community Policing, Environmental Crime Prevention and Restorative Justice. (Clear, et. al 2006) (Matthews, Pitts, 2001) The authors of Understanding Crime write "restorative justice – a reconciliatory response to handling criminal cases that addresses the needs of

victims, communities and offender." (Guarino-Ghezzi, Trevino, 2005, pp. 229) Table 2 describes the main differences between Criminal Justice and Community Justice Initiatives, which are further described in this article.

Table 2: How Does Community Justice Differ From Criminal Justice?

Community Justice	Criminal Justice
Community based	State or local government jurisdiction based
Focused on preventing future criminal activity	Focused on processing cases
Work in partnership with local community and citizens	Law enforcement professionals who work independent of local community and citizens groups
Goal is reduction of future criminal activity in the community and lowered costs	Goal is apprehension, conviction and punishment of offenders

Source: Adapted Clear (2006)

COMMUNITY POLICING

Nearly all police activity is reactive in nature, responding to a report of a crime. Alternatively, Community Policing involves the police utilizing a more "proactive" approach by becoming more visible in the community especially in high crime areas. As such, it also encompasses problem-solving strategies in partnership with members of the community. Identifying ways to inhibit crimes by addressing root causes rather then relying solely on arrests is a way to respond to criminal events (See Table 3).

According to Paul Chevigny the author of Edge of the Knife, Community Policing "emphasizes the establishment of working partnerships between police and communities to reduce crime and enhance security."(Chevigny, 1995) Others have also defined community policing as having personalized partnerships and problem-solving ingredients. (Allender, 2004) According to Schafer, Community Policing is a "reform innovation" which is a paradigm shift from being viewed as a program and instead crosses over to the sphere of police organizational philosophy. (Schafer, 2001) The authors of *Community Policing in a Community Era* operationally define Community Policing as:

> *"..The guiding philosophy for the delivery of police services that rely upon positive interaction among police, other public servants, and community representatives to serve local needs regarding crime control, crime prevention, and crime related quality-of-life-issues..(Thurman, Zhao, Giacomazzi, 2001)*

Furthermore, Community Policing attempts to identify crime "hot spots" and change the dynamics of those places that invite crime. Community Policing seeks to form partnerships with residents and citizens groups in the pursuit of safer communities. In order for Community Policing to be effective, there must be time allotted for community members to build up rapport with the police; as in the past most communities have had a poor relationship with the police. In addition, there may also be other "survival" issues that members of the community face, i.e. focusing on immediate family needs, childcare and employment, which may in turn keep them from having an interest in working with other residents or the police to solve community problems, which are not automatically individual problems. In essence, there needs to be a fundamental shift away from the "us versus them" mentality that has customarily characterized the relationship between the police and the community. (White 2007; Wilson 2006) In spite of the many challenges in implementing an effective Community Policing program, by the end of the 1990's over 80%

of police departments credited the Community Policing approach as being partly responsible for the dramatic drop in crime rates. (Clear, et. al, 2006)

Table 3: Comparison of Traditional Policing and Community Policing

Traditional Policing	Community Policing
Enforcing the law is the main objective of officers and agencies	Enforcing the law is one means to an end
Reactive	Proactive
Short response time is essential	Short response time is less vital
Officers spend as little time as possible handling assigned calls for service	Officers invest as much time as is reasonably necessary to handle a call for service by "getting at" the root problem
Line officers must be controlled and directed	Line officers must be given freedom and discretion
Supervisors promote obedience and conformity	Supervisors encourage resourcefulness and innovation
No capacity to allow failure	Capacity to tolerate failures made in good faith
Evaluations quantitatively driven (arrests, citations, calls handled)	Evaluations qualitatively driven (citizen satisfaction, problems addressed)
Supervisors are there to command and rule line officers	Supervisors are there to sustain efforts of line officers
Police restrict information given to the public	Police share information with the public
Police distrust the public	Police seek to work readily with the public
Police view themselves as experts on crime in the community	Police officers view themselves as community organizers, community activists, and providers of crucial community services
Police agencies are closed systems	Police agencies are open systems

Source: Adapted from Schafer (2001)

## ENVIRONMENTAL CRIME PREVENTION

In most cities, 70% of crimes occur in only 20% of the communities located in those cities, which are called hot spots. (Clear, et. al, 2006) In order to solve this phenomenon, one has to analyze why crime tends to concentrate in certain locations and not in others before attempting to fix these hot spots. A hot spot is an area that has a greater then average number of criminal events or an area where people suffer a higher then average rate of victimization.   These crimes can be mapped out using a variety of Geographical Information Systems (GIS). (See figure 2 below)

According to the Tech Encyclopedia GIS is *"an information system that deals with spatial information. Often called "mapping software, it links attributes and characteristics of an area to its geographic location."* This theory together with the concept of GIS technology has helped many communities in pinpointing "hot spots" for crime and therefore enabling more resources and better policing in those areas. (Dye, MacManus, 2007) Vehicle crimes as shown in the darkened areas of this map display the multiple crime occurrence rates in a particular neighborhood.

The US Office of Community Oriented Policing Services (COPS) released a publication featuring Crime Prevention through Environmental Design (CPTED). In this publication, the premise is that through

proper design and effective use of the built physical environment a community may benefit from a decrease in the fear of crime and the incidence of crime, which may ultimately lead to improved quality of life for a particular neighborhood. Accordingly, this is also a useful way to fight existing crime, deter new crime and support business.

Figure 2: Mapping

⬛	Greater than 15	⬛	5-10	⬜	0
⬛	10- 15	⬜	1-5		
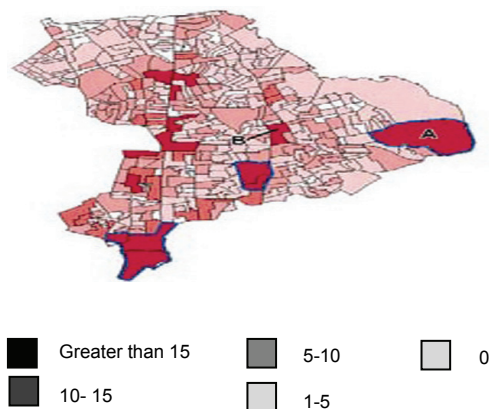
Adapted from the U.S. Department of Justice Special Report on Mapping Crime: Understanding Hot Spots

No one wants to conduct business in a community where they are at a high risk of being burglarized or having their property vandalized and destroyed. CPTED describes three elements that need particular focus: 1) Control access; 2) Provide opportunities to see and be seen; and 3) Encourage the repair and maintenance of buildings, both public and private. (Anonymous, Oct 2007)

Access Control : Buildings that are built in accordance with the principles of CPTED may initially resemble any other building. However, upon closer examination, one may find that there is a textured walkway, properly located entrances and exits, gates, fences, fewer points of entry, all well lit areas.

See and Be Seen : Criminals do not want to be seen. To defend property, one must be able to see any illegal acts taking place, i.e. improved lighting, placement of restrooms in high traffic areas, strategically positioned landscaping, signage, parking, and outdoor amenities such as benches, or tables. (Parnaby, 2006)

The placement of each of these components has been well thought out. The rationale by CPTED is that through proper design and use of the built environment, it may be possible to both decrease the actual rate of crime and to mitigate fear amongst those who live and work in close proximity to such buildings. (Parnaby, 2006)

Repair and Maintenance: Repair broken windows, maintain yards, paint buildings, clean up graffiti and remove abandoned vehicles. At the end of the day, it is possible to foster a positive social interface amongst the users of a space.

Brownfields: A brownfield is vacant land that is abandoned, idle, or an underused industrial or commercial property. (Greenberg et. al, 2000) These deserted brownfields tend to serve as breeding grounds for criminal activity. Greenberg and colleagues suggest that there are also "spillover" effects of such neglected spaces, in particular property values may decrease, neighborhoods are in part abandoned, and typically, those left behind tend to be the poorest residents and the most vulnerable. (Greenberg et. al, 2000) If nothing is done, business will suffer, and there will be a decrease in the number of tourists and

retail sales, since no one wants to vacation or live in a perceived high crime community. (Welsh et. al, 2001) Advocates for clean up of brownfields think that it can generate new employment opportunities, revitalize neighborhoods and appeal to new business owners. (Greenberg et. al 2000) When community members become involved in cleaning up and developing brownfields, creating mini parks where children can play in safety, it can eliminate previously high crime areas. Defenders of such urban renewal programs point out that new commercial development provides jobs for the poor in such communities. (O'Sullivan, 2007) The idea is to turn "crime ridden" neighborhoods back into communities. (Anonymous, 2006)

Broken Windows: In 1982, Wilson and Kelling published an article making a crucial link connecting disorder and crime and explained how this link impacts the social fabric of a neighborhood. (Wilson, Kelling, 1982) Their argument revolves around the proverbial "Broken Windows" syndrome, which if left unrepaired, may send a message to others that no one cares about the community. (Wilson, Kelling, 1982) Metaphorically speaking, it is a symbol for disorder and may indicate that there is a breakdown of the formal social controls that act as a guide for a specific community. (Wilson, Kelling, 1982) If such broken windows are left unrepaired it may promote other signs of disorder such as unkempt yards, unpainted buildings, untended lawns and landscaping, graffiti and abandoned vehicles. Criminals look for an opportunity to commit crimes and opportunity may be perceived from such run down neighborhoods. (Stevens, 2001) Potentially, families will move away from such communities, business will not flourish and may seek to relocate. New business will be discouraged to set up shop, and residents will spend less time outside and fear is created or amplified to the extent that there is a lack of appeal to participate in community activities. (Wilson & Kelling 1982)

This phenomenon is also referred to as the butterfly effect. The *butterfly effect*, first described by Lorenz at the December 1972 meeting of the American Association for the Advancement of Science in Washington, D.C., vividly illustrates the essential idea of the chaos theory.(Lorenz, 1963) The phrase refers to the idea that a butterfly's wings might create tiny changes in the atmosphere that ultimately cause a tornado to appear (or prevent a tornado from appearing). The flapping wing represents a small change in the initial condition of the system, which causes a chain of events leading to large-scale phenomena. Had the butterfly not flapped its wings, the trajectory of the system might have been vastly different. Abandoned buildings as evidenced by the 'broken window syndrome' attracts criminal activity and is like the butterfly setting in motion a series of negative events. Participation by the community in either demolishing these buildings or repairing abandoned buildings and creating local community centers, eliminates gathering places for criminals.

Restorative Justice

Seeks to restore the victim, offender, and the community to a level of functioning prior to the incidence of the crime. It calls for offenders to acknowledge what they have done and implements steps for them to make restitution. The concept relies on healing the victim, by using the offender as a vehicle when it is feasible. (Steele, date unknown) Restorative Justice has also been referred to as the "victims' movement." (Bazemore et. al) During the 2004 Restorative Justice Consortium, it was stated that the primary focal point of Restorative Justice is to repair harm and encourage dialogue between the offender and the victim. (Aertsen, et. al. 2006) The authors of Fundamental Concepts of Restorative Justice write, "Crime is a violation of people and their relationships." (Zehr, 1990) Violations in turn create a set of obligations and liabilities, and the goals of Restorative Justice aim to heal the wrongs. (Zehr, 1990) Likewise, Restorative Justice encompasses victim offender mediation, and indirect communication through a third party. Other Restorative Justice strategies are community reparative boards, family group conferencing and circle sentencing. (Lilles, 1995) Circle sentencing is based on an ancient Native American tradition, which involved the victim, the offender, and an elder who would serve as a mentor and facilitator. (Stuart, 1995, Melton, 1995) Within all of the above strategies victims and offenders are brought together to discover

steps that offenders may take to help the victim recuperate from the crime. Alternatively, the offender becomes involved in programs designed to lessen the chances of recidivism. Compared with the traditional Criminal Justice programs, Restorative Justice Programs result in greater satisfaction for both the victim and the offender (see Table 4).

Table 4: Elimination of Costs incurred by the Criminal Justice System

Elimination of the Following Costs of Crime Contribute to the Local Business Economy
Governmental costs for the operation of police, prosecution, courts, and corrections personnel by implementation of Community Justice principles
Healthcare costs associated with injuries sustained by individuals arising from criminal acts
Losses attributed to stolen or damaged property resulting from crime
Society sustains deficiency of productivity from individuals because of death, physical and mental disabilities connected with criminal acts
Victims and their families loss of work time because of criminal acts
Helps declining property values in neighborhoods with soaring crime rates
Helps alleviate pain and suffering of crime victims, their families, friends and the communities laden with crime

Source: adapted from the Legislative Analyst's Office, "Crime in California," January 1994, page 42

CONCLUSION

Community Justice is a relatively new idea and although many of the Authors cited above sing its praises, the research is limited and only time and further research will tell whether Community Justice is here to stay or just a brief aspect of today's politics. The authors of this paper suggest that a long term research project be implemented to measure the success of the three innovative approaches used by Community Justice in each of the areas discussed as to whether there is not only a cost savings to the community but also an actual reduction in local criminal activity. This can be done with close monitoring of the annually published FBI Uniformed Crime Reports. However, at this point in time, it can be justifiably said that prior to the implementation of Community Justice Principles, the economic outlook for those communities suffering from high crime rates with its associated costs, was devastating. By implementing Community Justice Principles based on problem solving methods rather than the old adversarial or retributive methods of the Criminal Justice system, previously blighted areas have become more attractive to both business and families. Instead of families escaping to safer suburbs and businesses seeking a safer environment to conduct their business as well as a safer work place for their employees, both now have the opportunity to live and work in their own communities which in turn strengthens the local economies. Therefore, pending further research suggested by the authors, it can be argued that the implementation of Community Justice Strategies is a viable alternative to the Criminal Justice System as it drastically reduces costs and makes a positive contribution to the local business economy.

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