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BOOK NOTE: Bringing the Tools of Justice into the Community The Community Justice Ideal: Preventing Crime and Achieving Justice. By Todd R. Clear & David R. Karp.

Boulder, Colorado: Westview Press, 1999. Pp. 195.

NAME: Robert M. **Chiappetta***

BIO: * Notes Editor, Volume 28, American Journal of Criminal Law; B.A. 1996, American University; J.D. candidate 2001, The University of Texas School of Law.

SUMMARY:

... Arguably, over the past ten years, a change has occurred in the justice system's interaction with society. ... Todd R. Clear and David R. Karp, in *The Community Justice Ideal: Preventing Crime and Achieving Justice*, present the theory that communities can, and have, taken a greater part in becoming the solution to reducing crime and reintroducing the offender back into the community. ... The opening chapters in *The Community Justice Ideal*, start with a promising list of possible community justice programs for the hypothetical neighborhood of Tocqueville Heights. ... In addition to these programs, the CJC strives to establish links between these groups in order to further support the community justice concept. ... First, CJC reestablishes credibility in the criminal justice system as a whole. ... The authors use game theory to illustrate the difficulty in motivating individuals to actively participate in the community justice process. ... *The Community Justice Ideal* moves from a promising start with a well-developed hypothetical model to yet another abstract expose on criminal social policy. ... *The Community Justice Ideal* still remains a good overview of these new concepts, as a philosophy, and how they should fit into the existing judicial structure. ...

TEXT:

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The law enforcement system has two goals: prevent crime and administer justice. Arguably, over the past ten years, a change has occurred in the justice system's interaction with society. On the one hand, there is a greater willingness to incarcerate. On the other, there is an increased willingness on the part of communities to work with the justice system at the neighborhood level. Communities using this latter approach have seen a significant decrease, or leveling off, of crime patterns. As a result of these changes in crime, several questions now face the criminal justice system. What has caused the shift in enforcement from a central fixed point of power, such as the standard police station, to the disbursement of the criminal justice organization into numerous smaller elements within the community? Perhaps the more important question is: Was this result achieved by greater community involvement?

Todd R. Clear and David R. Karp, in *The Community Justice Ideal: Preventing Crime and Achieving Justice*,ⁿ¹ present the theory that communities can, and have, taken a greater part in becoming the solution to reducing crime and reintroducing the offender back into the community. The authors place emphasis on the judicial system's return to the

community so that it can directly help crime victims and receive the community's direct influence and support. Implementing community-based judicial remedies is both physical and philosophical. The institutions of justice, such as courts, parole offices, and justice centers, must be geographically located within the neighborhood they serve (preferably within the same complex). The process of crime prevention also begins and ends in the community. This accomplishment comes by bringing the victim and the offender together within the community justice model and by supervising the offender's release back into society through the local justice complex.

Clear and Karp do not claim discovery of these new methods. Instead, they attempt to construct a theoretical framework where these methods are integrated into previous models offered in criminal science. They argue that over the past decade the community approach to crime has brought measurable success in reducing criminal behavior. However, this book is not a study proving the success of community justice. Neither, unfortunately, do the authors write a practitioner's manual on how communities can actually implement community justice ideals today. [*434] Instead they take the reader on a tour through community justice and how it is reshaping the existing criminal science formula. Though helpful in creating a framework to organize some of the more esoteric and obtuse theories underlying the community justice philosophy, the book lacks a strong practical element that seems necessary to illustrate and prove the great worth of renewing these local involvement practices.

The opening chapters in *The Community Justice Ideal*, start with a promising list of possible community justice programs for the hypothetical neighborhood of Tocqueville Heights. ⁿ² The narrative focuses on the amount of seed funding required and what programs, such as Crimestop, Victim's Awareness, and After School programs, are needed. ⁿ³ Moving chronologically through the hypothetical development of Tocqueville Heights, Clear and Karp describe the interaction between a Community Justice Center (CJC) and the traditional arms of justice, such as the police, courts, parole board, and rehabilitation programs, and how these institutions come together. ⁿ⁴ The CJC has three client groups: the community, the victims, and the offenders. ⁿ⁵ Each of these groups has programs focused specifically to its needs. ⁿ⁶ In addition to these programs, the CJC strives to establish links between these groups in order to further support the community justice concept. ⁿ⁷

A strong emphasis is placed on the post-conviction process of the neighborhood criminal. ⁿ⁸ Ironically, the CJC views the neighborhood criminal, who is traditionally depicted as an undesirable member of society, as an important element in the process of ending crime. ⁿ⁹ A central goal of the Tocqueville Center is to reintroduce the offender back into the community by first giving the offender the opportunity to compensate the community for the cost of the offender's crime. ⁿ¹⁰ This idealistic aim is tempered by the practical reality of community justice. The CJC realizes that the typical neighborhood criminal needs support in the form of work projects, counseling, and substance abuse programs to prevent a criminal relapse. ⁿ¹¹

The most interesting offender activity proposed by the CJC is accepting convicted Tocqueville offenders into a correctional program within the community. ⁿ¹² In Clear and Karp's view, such a proposition allows more and better resources to be brought to the offender, and gives [*435] the CJC a unique way of raising funds. ⁿ¹³ Instead of the cost of incarcerating local citizens leaving the community, the CJC receives a percentage - about a third of the incarceration cost - for taking the offender into the program. ⁿ¹⁴ In the model, the cost of incarceration was \$ 15,000, which goes to fund the CJC and provide for community projects. ⁿ¹⁵ This is substantially less than the \$ 45,000 cost of incarceration - a fee that provides no benefit to the community, except to remove an offender that is likely to return to a community's streets within two years. ⁿ¹⁶ The authors present a very enticing formula here. In their model, only fifteen participants a year are needed to pay for the CJC. ⁿ¹⁷ Compare this limited number to statistics that show that 500 inner-city residents are sent to the state's prison system each year. ⁿ¹⁸ The ability to recoup some of this economic loss creates a significant incentive for any community to adopt community justice. ⁿ¹⁹ The screening of the offenders remains a key issue in which the community and the victim must take part. Clear and Karp emphasize that only less violent offenders will be accepted in such programs, and any relapse will return the offender to a traditional incarceration for the remainder of their sentence. ⁿ²⁰

The authors acknowledge that this opening chapter is not a blueprint. ⁿ²¹ A constant hurdle in any community will

remain the local citizens who see no benefit in the plan or fear the effects of the program.ⁿ²² The cohesion and unity needed for community justice to work presents a challenge in areas where residents are highly diverse and do not feel well established in the community.ⁿ²³ Since community organizations have a history of not living up to expectations, the authors list three reasons why a CJC model has appeal.ⁿ²⁴ First, CJC reestablishes credibility in the criminal justice system as a whole.ⁿ²⁵ Barriers to the system are reduced and bureaucracy curtailed so that residents see the effects and the improvements first hand.ⁿ²⁶ Second, the victims receive an actual benefit by the offender having to pay for the crime in the community, and the community benefits from CJC activities in the neighborhood.ⁿ²⁷ Third, communities across America are already acting to implement such models on their own.ⁿ²⁸ The CJC presents [*436] these communities with a stable forum to continue the work they have begun and to bring in new resources yet untapped in their local fight against crime.ⁿ²⁹

After the first chapter, readers will feel confident that they have grasped what "community justice" means in a practical sense. The next six chapters, however, denigrate into a criminal science interlude, with titles such as Chapter 2, "Crime, Community, and Criminal Justice,"ⁿ³⁰ and Chapter 5, "Principles of Egalitarian Community Justice."ⁿ³¹ How these subjects answer the authors' own questions of whether or not community justice can work is not readily apparent. In the last chapter, the authors themselves attempt to answer this perplexity by stating that "our purpose here is not to systematically evaluate particular programs but to make our abstract concepts of community justice more concrete and to illustrate the unique challenges of evaluating community justice initiatives."ⁿ³² This thesis, almost a postscript, lends coherence to the otherwise esoteric previous chapters. To an extent, Clear and Karp provide a guide for gauging the process and implementing the "philosophy" part of the program. Yet, the attractiveness of the program remains its "hands on" practical nature, illustrated in the original hypothetical.ⁿ³³ Deviation from practical suggestions, and a total lack of concrete examples except for three in the last chapter, does not create a stimulating read regarding the solutions for inner-city crime.

The authors present a number of good ideas and important theories in later chapters, but these theories hide between long expositions on less graspable issues. In Chapter 4, "Principles of a Democratic Community Justice,"ⁿ³⁴ the authors explore one of their most interesting themes. They argue that the impact that crime and crime fighting have on the community must be realized if a system of justice, initiated and administered at the local level, is to be productive.ⁿ³⁵ Balancing strong government intervention to curb criminal activities and the local population's need to remain in control of both their physical and political rights is difficult.ⁿ³⁶ Attempts to balance these competing interests will remain a crucial issue politically and practically.

Community justice attempts to rectify this tension by continuing the three-constituent model previously described.ⁿ³⁷ The offender, victim, and community each play a significant role at each stage of the process.ⁿ³⁸ The [*437] most important stage, the one that ties all other issues together and ultimately lies at the resolution point, is the post-conviction relationship between the victim and the offender.ⁿ³⁹ The authors use this point effectively to illustrate a current failure in the system - the lack of accountability an offender has to the victim and the community.ⁿ⁴⁰ The community justice model tries to show the offender the harm caused by his conduct and make him personally atone within the community.ⁿ⁴¹ If the program works, it creates a rehabilitation process by which the community again sees the offender's worth as a productive, reliable asset.ⁿ⁴² This remains the authors' best example of ending the criminal process.

In the next two chapters, the authors focus on the central barrier to the entire community justice process - a non-responsive community. Chapter 5, "Principles of Egalitarian Community Justice,"ⁿ⁴³ quickly proves the most elusive chapter. The authors use game theory to illustrate the difficulty in motivating individuals to actively participate in the community justice process.ⁿ⁴⁴ The theory is based on the economic principle that each person will act in a manner that gives them the greatest reward for the least amount of effort or risk.ⁿ⁴⁵ The authors argue that if one resident acts, then the other residents do not have to, and yet these other members of the community still gain the benefit of the one individual resident's actions.ⁿ⁴⁶ Here the authors rely on social science to answer the question: Does creating a strong sense of identity within the community and the goal of safety overcome a lack of cooperation?ⁿ⁴⁷

With this rather obvious caveat laid out for the reader, the next chapter, Chapter 6, "Realizing Community Justice,"ⁿ⁴⁸ almost brings hope that the authors have a genuine plan of implementation. "Activating the community" remains the buzzword that should lift the veil from the readers' eyes and illuminate the path.ⁿ⁴⁹ This pronouncement seems both vague and late, and the authors' own emphasis at the beginning of the chapter echoes this feeling. The authors state, "everything we have said about community justice up to this point implies that a blueprint cannot be devised."ⁿ⁵⁰ Only local solutions to local problems can effectively resolve the issues.ⁿ⁵¹ The rest of the chapter then describes a general process to follow in evaluating a community's current situation, what steps are needed [*438] to begin the process, and how to resolve conflicting issues such as individual rights, supervision of offenders, and defining organizational roles.ⁿ⁵² Though the warning against a cookie-cutter approach does need consideration when looking at another community's success, more developed examples will allow a community to make just such a determination.

The authors do a good job of presenting the philosophy and the rationale behind these methods and use discretion in not presenting any one cure for such a complex issue. Generally, greater involvement by the community will decrease crime and provide a more sophisticated and promising process of returning the offender back to the community. Unfortunately the authors intentionally stop here, looking instead to develop yet another mystical social framework that hopes to convince us that we, as a society, must look both before and after the initial steps of catching, prosecuting, and incarcerating criminals if the problem of crime is to be solved.

The Community Justice Ideal moves from a promising start with a well-developed hypothetical model to yet another abstract expose on criminal social policy. Clear and Karp's digression into theory loses the exciting promise developed in their description of Tocqueville Heights. Instead of laying out concrete examples and readily implemented cases, the theory of crime and its impact on society quickly becomes monotonous. It seems the authors could lay out a framework for building a system based on their obvious depth of knowledge. The new methods they present are too soon pressed between the old theories of criminal science that they initially reject. An enormous amount of practical information and examples hides between the obligatory recitation of crime statistics and social science discourse.

The Community Justice Ideal still remains a good overview of these new concepts, as a philosophy, and how they should fit into the existing judicial structure. Yet, the book ultimately fails by not developing its theories into a proven strategy for practical implementation.

Legal Topics:

For related research and practice materials, see the following legal topics:
 Criminal Law & Procedure Sentencing Alternatives Substance Abuse Programs Criminal Law &
 Procedure Sentencing Supervised Release Governments Courts Judges

FOOTNOTES:

n1. Todd R. Clear & David R. Karp, *The Community Justice Ideal: Preventing Crime and Achieving Justice* (1999).

n2. See *id.* at 2. Clear and Karp often make references to French philosopher Alexis de Tocqueville's work *Democracy in America*.

n3. See id. at 3.

n4. See id. at 4.

n5. See id. at 6.

n6. See id. at 7.

n7. See id. at 6.

n8. See id.

n9. See id. at 5.

n10. See id. at 5, 8.

n11. See id. at 4.

n12. See id. at 10.

n13. See id. at 11.

n14. See id.

n15. See id.

n16. See id. at 10.

n17. See id. at 11.

n18. See id.

n19. See id. at 11.

n20. See id. at 12.

n21. See id.

n22. See id. at 13, 142.

n23. See id. at 143

n24. See id. at 13

n25. See id.

n26. See id.

n27. See id.

n28. See id.

n29. See id.

n30. Id. at 37.

n31. Id. at 107.

n32. Id. at 151.

n33. See id. at 2.

n34. Id. at 83.

n35. See id.

n36. See id. at 83, 103.

n37. See id. at 92.

n38. See id.

n39. See id. at 84.

n40. See id. at 87.

n41. See id. at 97.

n42. See id. at 92.

n43. Id. at 107.

n44. See id. at 121.

n45. See id. at 141.

n46. See id. at 123.

n47. See id.

n48. Id. at 129.

n49. Id.

n50. Id.

n51. See id.

n52. See id. at 130-50.