

Book Notes

Counting on 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.

Todd R. Clear and David R. Karp discuss a new approach to criminal justice in their book, *The Community Justice Ideal: Preventing Crime and Achieving Justice*.¹ Clear and Karp's main assertion is that an effective technique in limiting crime and achieving justice is found in having a more community-oriented criminal justice system. The heart of their argument stresses the importance of decentralizing authority, fostering community support, and allowing citizens to work together to create programs that suit their particular environment.²

Much of the information expressed in this book can be paralleled to Karp's earlier work, *Community Justice: An Emerging Field*, which contained compilations of articles based on the subject.³ As in the latter book, audiences interested in this discussion include all of the agents in the criminal justice system. Yet, the focal point of the book tends to lean toward community activism and theories on how to improve social order through improving the social self and the surrounding environment. Thus, members of the legal community are relatively ignored. Attorneys are rarely mentioned, except when a district attorney is praised by the authors for moving his central office into a high crime area of the neighborhood.⁴ Judges are discussed, but are portrayed only as administrative shepherds to the community agents and their programs.⁵ However, in a subject as complex and vast as criminal justice, not all areas can be covered, and Clear and Karp's ability to compile and express extensive amounts of information in a straightforward manner should be noted. When complicated sociological theories are described, or when numerous guideposts are listed, the reader is normally given such information both in the text and in a supplemental table. This provides easy access and comprehension to sometimes detailed and confusing ideals.

1. TODD R. CLEAR & DAVID R. KARP, *THE COMMUNITY JUSTICE IDEAL: PREVENTING CRIME AND ACHIEVING JUSTICE* (1999).

2. *See id.* at 25-26.

3. *See* DAVID R. KARP, *COMMUNITY JUSTICE: AN EMERGING FIELD* (1998).

4. *See* CLEAR & KARP, *supra* note 1, at 20.

5. *See id.* at 11, 134.

Clear and Karp admit that there is "no standard formula for a community justice program."⁶ Nevertheless, an example of what the authors view as the formula for the future of community justice is found in the introduction, where they present the reader with the fictional neighborhood of Tocqueville Heights. Tocqueville Heights contains a community justice center which provides programs that offers local residents the opportunity to meet with local police, gives community offenders with children workshops in parent/child relationships, assigns offenders to rehabilitate local buildings, provides after school care to youngsters, and allows offenders and victims to meet and discuss their situations.⁷ Numerous other programs are available, all of which stress the importance of the community tailoring solutions to their own problems, and relying heavily on involving citizens in this process.

After discussing Tocqueville Heights, the authors delve into Chapter 1 by showing current examples of community justice. This includes such practices from localized policing strategies in Denver to community reparative boards in Vermont.⁸ The remainder of the chapter is used to introduce the first of what follows to be a number of "guideposts" of criminal justice. According to Clear and Karp, the four core elements of community justice include the characteristics of operating at the neighborhood level, problem solving, decentralized authority and accountability, and involvement of citizens in the justice process.⁹ These are the key elements that the authors see as crucial to improving our current system of criminal justice.

Next, the authors discuss the relationship between crime and the community. While they admit that "little formal research" has been conducted in regard to this relationship, the authors' main assertion in Chapter 2 is that the traditional criminal justice response to crime – incarceration – is counterproductive to meeting the needs of the community.¹⁰ They see "aggressive attempts to restore order..." as a response that "damage[s] community capacity..." and "weaken[s]... community context."¹¹ In effect, incarceration affects such other important areas of the community as socialization, stability, and individual competencies. The authors support their claim by highlighting the economic and family consequences of incarceration. Mercer Sullivan's work in describing how males who offend see their neighborhood's economic activity extinguished while incarcerated is used show how economic value is lost in the community.¹² The effects of incarceration on family life include the obvious loss of parenting, coupled often with the

6. *Id.* at 2.

7. *See id.* at 2-12.

8. *See id.* at 17-18, 21-22.

9. *See id.* at 25-26.

10. *Id.* at 37-38.

11. *Id.* at 39.

12. *See id.* at 49-50.

need for additional employment, amongst other things, which leads to an overall disruption of the family.¹³ In essence, Clear and Karp demand a system that is more supportive. They encourage the criminal justice system to act more as a resource to the community than a force, and ask "in cases where offenders pose no risk of violence to their families and neighbors, why not develop strategies that hold offenders accountable for their crimes but also keep families together?"¹⁴

In Chapter 3, entitled "A Positive View of the Community," the authors speak upon the issue of modern life.¹⁵ What seems at first as an odd turn to take in a discussion of the criminal justice system actually proves beneficial. The discourse on modernity demonstrates how the authors' views of community justice will better blend with the modern citizen, and how crucial it is to understand modern man in order to overcome the obstacles he presents.

Of importance in this chapter is the converging theme of loss and anonymity among individuals.¹⁶ What follows is a discussion of the social self that stresses the importance of the community in supplying a need for social relationships, moral agents, interaction, and order.¹⁷ Once again, the discussion guides the reader to question the effectiveness of incarceration.

One can see how community-oriented programs might better address this sense of loss, but the authors wisely note citizens' desire for autonomy.¹⁸ Quite simply, most people don't want to be bothered. This presents a problem in a program that relies heavily on voluntary cooperation. Clear and Karp believe that "emotionally intelligent" members must be cultivated to be concerned for their communities, and that "such volunteerism is grounded in the capacity of individuals to develop and exercise moral competence."¹⁹ The authors, in the end, "trust that others will see the benefits of collective action" once it is displayed by community members.²⁰ A positive view of the community, indeed.

Chapter 4 begins to explain the design of community-oriented justice. Clear and Karp argue that the state is denying certain valuable aspects to victims and offenders by acting as the final arbiter.²¹ The sketch of the overall plan is revealed by first assigning tasks to each of the parties in the criminal justice system. For the offenders, they must admit responsibility, repair harm, and demonstrate a commitment to obeying the law in the future.²² For the victim, he or she must specify the harm done to him or

13. *See id.*

14. *Id.* at 49.

15. *Id.* at 59.

16. *See id.* at 62.

17. *See id.* at 65-67.

18. *See id.* at 68.

19. *Id.* at 73-74.

20. *Id.* at 73.

21. *See id.* at 85.

22. *See id.* at 89.

her, determine restoration requirements, and identify conditions for reducing fear and resentment.²³ Community institutions, which are often not seen as part of the system, must articulate local standards, provide restorative opportunities, and safely reintegrate offenders.²⁴ Finally, justice officials must aid in risk assessment and in designing community-oriented systems.²⁵

Not only do the agents have certain tasks to complete, but Chapter 5 also lists a number of additional obligations of the community. The worthwhile obligations and ideals include equality, inclusion, mutuality, and stewardship.²⁶ A table nicely summarizes what is a rather longwinded discussion of these utopian ideals.²⁷ While many might wonder why people would *not* support these ideals, the authors admit these goals are not easily attained. They note that obtaining these ideals may be difficult to accomplish due to the trend that most efforts to enact programs ending entrenched practices, such as segregation, usually meet with great resistance.²⁸ However, as before, Clear and Karp are merely discussing the guideposts and leave the accomplishments of these goals up to whichever program can attain them.

After discussing the tasks of different agents and the social obligations of the community, the authors utilize Chapter 6 to summarize what must be done to achieve community justice. Most of these ideas were previously mentioned in Chapter 1, and include identifying communities with geographic software, clarifying legal rights, fostering community development, monitoring and supervising offenders, decentralizing authority, mobilizing the community, redirecting funds, and re-thinking organizational composition.²⁹ These ideas are the basic criterion that a community-oriented plan must possess to pass the approval test of Clear and Karp. Finding hot spots via computer programs that locate the most frequent locations of crime, and clarifying rights by focusing on the victim, seems rather easy; yet, redirecting funds, decentralizing authority, and mobilizing the community may prove to be wishful thinking. While the authors never assert that this is an easy road to travel, a discussion of how people will react to funds being taken from their program, and diverted to a community justice initiative, is missing. Furthermore, the possible damage of taking money from the prison system, as suggested, is not addressed. It seems that one must return to the ideal of emotional, intelligent individuals and collective action in order to fulfill the requirements in this chapter.

In the final chapter, the authors evaluate current community justice initiatives which they believe contain one of the many guideposts of either

23. See *id.*

24. See *id.*

25. See *id.* at 92.

26. See *id.* at 108.

27. See *id.* at 109.

28. See *id.* at 114-15.

29. See *id.* at 129.

egalitarian or community justice. Programs like those in Australia, containing conferences between victim and offender, are lauded as having achieved restoration.³⁰ Drug courts with special programs tailored to users are seen as having changed the perception of the community toward the drug addict, and are consequently viewed as injecting, in a sense, inclusiveness into the lifeblood of the community.³¹ Vermont is also mentioned as an example of community justice, due to its reparative boards and community level restoration programs.³² In fact, of all the current community justice initiatives, Vermont's tends to most closely follow Clear and Karp's "abstract theories," and bares an eerie resemblance to Tocqueville Heights, in that they both seem to subscribe to offenders contributing to the community and addressing the losses for which they are responsible.

Overall, *The Community Justice Ideal* is helpful in that it presents what may be the end result in the trend toward community-based crime fighting. Clear and Karp not only try to predict what such a program may look like, but, more importantly, they list guideposts and present questions that should be asked of every initiative in order to ensure it has a positive effect on members of a community.

One question that remains unanswered is the viability of community justice programs. For all the discussion of different programs, ideals, guideposts, and tasks, the reader is left without any clue as to how many offenders would qualify for such programs. The answer to this numerical question is important because community-oriented justice seems, on its face, to take more time and rely on more resources than our current system. Volunteer positions must be filled, offenders must be evaluated, individualized programs must be created, potential victim/offender conferences must be scheduled, and the victim's input must be sought. And, in the end, the judge must approve of the plan. A potentially timely path, indeed.

However, maybe one shouldn't look at time as a factor, and instead focus on the effects such programs would have on the community. One could, after all, view the programs mentioned and ideas presented in the book as mere additions to the justice system, instead of a re-invention of it. The programs seem to offer offenders, community members, and judges an alternative to incarceration or other forms of punishment. These programs could be viewed as just that – another form of punishment that relies on community members. In this light, these programs seem likely to flourish if they were highly organized and efficient. In the end, Clear and Karp's principle of "flexibility" best describes their book. Tasks have been assigned, principles have been created, and examples have been given.

30. See *id.* at 157-60.

31. See *id.* at 167-68.

32. See *id.* at 154-56.

The rest relies on the community. What Clear and Karp have done is develop rather broad rules to a game and cleverly left it up to each community to develop its own style of play.

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Bringing the Tools of Justice into the Community

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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*,¹ 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.

1. TODD R. CLEAR & DAVID R. KARP, *THE COMMUNITY JUSTICE IDEAL: PREVENTING CRIME AND ACHIEVING JUSTICE* (1999).